



## **PALM BEACH COUNTY**

### **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**APRIL 28, 2021**

#### **BOARD MEMBERS**

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

**Joanne Davis (District 1)**

**Ned Kerr (District 2)**

**Ari Tokar (District 3)**

**Jim Knight (District 4)**

**Ben Morris (District 6)**

**Robert J. Harvey (District 7)**

**Donald R. Barnes (Gold Coast Builders Association)**

**Anna Yeskey (Palm Beach League of Cities)**

**Terrence Bailey (Florida Engineering Society)**

**Lucille Hinnert (American Institute of Architects)**

**Susan A. Kennedy (Environmental Organization)**

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

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

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

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

**Abraham Wien (Alternate At-Large #2)**

#### **Board of County Commissioners**

**Dave Kerner**  
**Mayor, District 3**

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

**Maria G. Marino**  
**Commissioner, District 1**

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

**Maria Sachs**  
**Commissioner, District 5**

**Melissa McKinlay**  
**Commissioner, District 6**

**Mack Bernard**  
**Commissioner, District 7**

#### **County Administrator**

**Verdenia C. Baker**



**"An Equal Opportunity – Affirmative Action Employer"**  
**2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200**

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## LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, APRIL 28, 2021 AGENDA

KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY  
(CMT)  
2:00 P.M.

### A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions
  - a. Staff
  - b. Board Member
4. Motion to Adopt Agenda
5. Adoption of Minutes – March 24, 2021 (Exhibit A)
6. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

### B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

#### PAGES

1. Exhibit B Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards 1 – 8
2. Exhibit C Art. 5, Release of Unity of Title Reference 9 – 9

### C. PRIVATELY INITIATED AMENDMENTS – INITIATION (PHASE 1)

1. Exhibit D PIA-2020-02168 – Dog Friendly Dining 10 – 15

### D. STAFF COMMENTS

1. Follow-Up on LDRAB Rules of Procedure Amendments as Required or Desired by the Board

### E. BOARD MEMBER COMMENTS

### F. ADJOURNMENT

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## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 04/15/21)

#### Minutes of March 24, 2021 LDRAB/LDRC Meeting

On Wednesday, March 24, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

#### A. CALL TO ORDER/CONVENE AS LDRAB

##### 1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

##### Members Present: 17

Joanne Davis (District 1, Commissioner Marino)\*\*\*\*

Ned Kerr (District 2, Commissioner Weiss)

Ari Tokar (District 3, Commissioner Kerner)\*

Jim Knight (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Sachs)

Ben Morris (District 6, Commissioner McKinlay)\*

Robert J. Harvey (District 7, Commissioner Bernard)\*

Donald R. Barnes (Gold Coast Builders Association)

Anna Yeskey (League of Cities)\*\*\*

Lucille Hinners (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

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

Jim Sullivan, Florida Surveying and Mapping Society

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

Wesley Blackman (PBC Planning Congress)

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

Abraham Wien (Alternate At-Large #2)\*

##### Vacancies: 0

##### Members Absent: 1

Terrence Bailey (Florida Engineering Society)\*\*\*\*\*

##### County Staff Present:

Whitney Carroll, Deputy Planning, Zoning and Building Executive Director\*\*

Jon MacGillis, Zoning Director

Wendy N. Hernández, Deputy Zoning Director

Jeff Gagnon, Principal Site Planner, Zoning

Adam Mendenhall, Senior Site Planner, Zoning

Joyce Lawrence, Senior Site Planner, Zoning\*\*

Timothy Haynes, Senior Site Planner, Zoning\*

Ryan Vandenburg, Senior Site Planner, Zoning\*

Jerome Ottey, Site Planner II, Zoning

Marie Derose, Site Planner II, Zoning\*\*

Alexander Biray, Site Planner I, Zoning

Tianna Washington, Student Paraprofessional, Zoning\*

Dorine Kelley, Customer Relations Manager, Zoning\*\*

Bob Banks, Chief Land Use County Attorney

Scott A. Stone, Assistant County Attorney I

Patricia Behn, Planning Director\*

Bryan Davis, Principal Planner, Planning

Lisa A. Amara, Principal Planner, Planning\*

Carolina Valera, Senior Planner, Planning\*

Nora G. Acord, Planning Technician, Planning\*

Jan Rodriguez, Building Division Operations Manager\*

Rafik Ibrahim, Senior Site Planner, Zoning/Building\*

Michael R. Stahl, Environmental Resources Management (ERM) Deputy Director\*\*

Bonnie Finneran, ERM (Environmental) Director\*\*

Roberta Dusky, Environmental Program Supervisor, ERM\*\*

Robert Kraus, Deputy Director Senior Site Planner, ERM

Mark Meyer, Site Planner II, ERM\*\*

Kelley A. Burke, Senior County Commission Administrative Assistant (Commissioner McKinlay)\*

Lorinda J. Goldsmith, Senior Network Administrator\*

\* Present via Webex Events.

\*\* County Staff in audience.

\*\*\* Ms. Yeskey arrived at 2:04 p.m.

\*\*\*\* Ms. Davis arrived at 2:11 p.m.

\*\*\*\*\* Mr. Bailey left at 3:04 p.m. less than three-fourths of the meeting.

##### 2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Tokar, Mr. Morris, Mr. Harvey, Mr. Gulisano, and Mr. Wien, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (11-0).

##### 3. Introductions – Ned Kerr, Ben Morris, Donald R. Barnes, and Lucille Hinners as New Board Members

Mr. Kerr, Mr. Morris, Mr. Barnes, and Ms. Hinners introduced themselves, their backgrounds, and who they represent.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 04/15/21)

#### Minutes of March 24, 2021 LDRAB/LDRC Meeting

\*\*\* Ms. Yeskey arrived at 2:04 p.m.

#### 4. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance, amending Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities and Exhibit C, Art. 1, 2, 7, and 14, Vegetation Preservation and Protection; moving Exhibit B, Community Residences, Congregate Living, and Nursing & Treatment Facilities to Exhibit E and re-lettering the Agenda; and, adding the Consistency Determination for Exhibit B (re-lettered as Exhibit E).

#### 5. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Dr. Vinikoor, seconded by Ms. Kennedy. The Motion passed unanimously (16-0).

A moment of silence was observed for the passing of Ms. Darlene Perez, Code Revision Zoning Technician.

#### 6. Adoption of Minutes – December 16, 2020 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (16-0).

#### 7. Public Comments

Mr. Blackman noted public comment cards received for specific items and will be acknowledged when the items are open for discussion. There were no public comments for items not on the Agenda.

### B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

#### 1. Exhibit B (Formerly C) – Art. 1, 2, 7, and 14, Vegetation Preservation and Protection

Mr. Kraus explained the amendment and changes made to address Board, Industry, and Staff concerns since it was tabled by the Board at the December 16, 2020 meeting.

\*\*\*\* Ms. Davis arrived at 2:11 p.m.

#### a. Discussion

Mr. Kraus addressed questions of the Board.

Mr. Nicholas Mihelich and Ms. Collene Walter of Urban Design Studio, Mr. Steve Pickett of JMorton Planning & Landscape Architecture, and Mr. George Gentile and Ms. Emily O'Mahoney of Gentile Glas Holloway O'Mahoney & Associates spoke in support of the amendment.

Motion to approve as amended, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (16-0).

#### 2. Exhibit C (Formerly D) – Art. 2, Administrative Development Order Appeals to Hearing Officers

Mr. Gagnon explained the amendment.

#### a. Discussion

Mr. Gagnon addressed questions of the Board.

Motion to approve, by Mr. Bailey, seconded by Mr. Drawdy. The Motion passed unanimously (16-0).

#### 3. Exhibit D (Formerly E) – Art. 5, Dumpster Setbacks

Mr. Gagnon explained the amendment and noted a typographical error to be corrected in a new Figure to add reference specifically to residential setbacks.

#### a. Discussion

Mr. Gagnon and Mr. MacGillis addressed questions of the Board.

Motion to approve, by Ms. Kennedy, seconded by Mr. Kerr. The Motion passed unanimously (16-0).

#### 4. Exhibit E (Formerly B) – Community Residences, Congregate Living, and Nursing & Treatment Facilities

Dr. Vinikoor noted a Subcommittee met several times to review the amendment drafts, in coordination with Mr. Daniel Lauber, the Consultant hired by the County, and Interested Parties including Assistant State Attorney Mr. Al Johnson who also chairs the Sober Homes Task Force.

Ms. Hernandez introduced Mr. Lauber on CMT, and explained the amendment and noted Add/Delete where applicable. She further noted references, terminology, and other inconsistencies will be corrected.

\*\*\*\*\* Mr. Bailey left at 3:04 p.m. less than three-fourths of the meeting.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 04/15/21)

#### Minutes of March 24, 2021 LDRAB/LDRC Meeting

##### a. Discussion

Staff and Mr. Lauber answered questions from the Board during Mrs. Hernandez's presentation of the amendment on a page-by-page basis. Staff and Board members noted several corrections and clarification to be made, and discussion ensued on various topics.

Ms. Joni Brinkman of Urban Design Studio expressed concern about Congregate Living Facility (formerly Type 3 CLF) distance requirements and recommended a Waiver. Mrs. Hernandez clarified the distance requirement and that prior approvals not meeting it will be legally conforming. She further expressed concern about the definition of "dwelling unit" specifying Congregate Living "quarters" being inconsistent with the terminology for parking requirements. Mrs. Hernandez responded that Staff will look into resolving Ms. Brinkman's concerns.

Motion to approve as amended, by Dr. Vinikoor, seconded by Ms. Kennedy. The Motion passed unanimously (16-0).

##### C. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 4:48 p.m.

##### 1. Proof of Publication

Motion to accept Proof of Publication, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (16-0).

##### 2. Consistency Determination for Exhibit B

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memorandum. Mr. Davis stated the proposed amendment Exhibit E (formerly B) is consistent with the Comprehensive Plan as amended and recommended by the Board.

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

##### D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 4:50 p.m.

##### E. ANNUAL ORGANIZATIONAL DISCUSSION

##### 1. Election of Chair and Vice-Chair

Motion on the nomination of Mr. Blackman for Chair, by Ms. Kennedy, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

Motion on the nomination of Dr. Vinikoor for Vice-Chair by, Ms. Kennedy, seconded by Mr. Knight. The Motion passed unanimously (16-0).

Mr. Gagnon noted the Attachments provided in the Agenda packet as a resource for Board members. Mr. MacGillis noted the Board Rules of Procedure attached, which had not been amended since 2013, and for any suggested changes be addressed for the next meeting. He also asked the Board to confirm attendance in the attached attendance matrix.

##### F. STAFF COMMENTS

None.

##### G. BOARD MEMBER COMMENTS

Mr. Knight asked where the Consultant's Community Residential Housing Study can be found. Mr. MacGillis responded that the News Release hyperlink can be sent to the Board members.

##### H. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 4:58 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.

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# EXHIBIT B

## ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

**CR-2021-0026**  
**(Updated 04/16/2021)**

Part 1. ULDC Art 3.B.14.E, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations (pages 45 and 46 of 213, Supplement 29), is hereby amended as follows:

<b>Reason for amendments:</b> [Westgate Community Redevelopment Agency]
1. Rename and update references of Table 3.B.14.E, WCRAO Mixed Use to Table 3.B.14.E, Minimum/Maximum Residential and Non-Residential Uses, to clarify that the function of the Table is to determine, specific to Sub-areas, where mixed use is generally permitted or prohibited. The current name of the Table is somewhat misleading since it does serve a broader purpose, which is also to make clear where and by required percentage of gross floor area, residential-only and/or non-residential projects are allowed across WCRAO Sub-areas.
2. Relocate Note #4 in Table 3.B.14.E, WCRAO Mixed Use to Table 3.B.14.E, WCRAO Sub-area Use Regulations. Language specific to where Multifamily and Townhome housing types are permitted by number of units by Sub-area is better suited to be located within the Sub-area use regulations table rather than Table 3.B.14.E, Mixed Use.
3. Amend Table 3.B.14.E, WCRAO Sub-area Use Regulations to introduce an alternative Single Family housing type which allows smaller Single Family dwellings to be built on lots with a 25-foot width or frontage. This alternative Single Family model will only be allowed in the NRM Sub-area which encompasses South Westgate Estates; an area of the Overlay that historically platted on 25-foot-wide by 115-foot-deep lots. The NRM Sub-area is intended to encourage low intensity neighborhood mixed use, Single Family, Townhouse, and low density Multifamily. By allowing Single Family dwellings on 25-foot-wide lots, workforce housing unit production is anticipated to increase by providing developers with a viable “for-sale” alternative, while also stabilizing the community through home ownership, and de-incentivizing the proliferation of duplex and triplex rental development.
4. Amend Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify that the Gas and Fuel Sales, Retail use in the UI Sub-area is subject to the use regulations of the zoning district, correcting a scrivener's error as the corresponding cell is currently left blank, therefore forcing the Code to remain silent.

1 **CHAPTER B OVERLAYS**

2 ....

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

4 ....

5 **E. Use Regulations**

6 **1. Mixed Use**

7 In the WCRAO, mixed use means the combination of residential and one or more non-  
8 residential uses that are functionally integrated. Mixed use may be required or permitted in  
9 commercial districts that have a commercial with underlying residential FLU designation, as  
10 indicated in Table 3.B.14.E, WCRAO ~~Mixed Use~~Minimum/Maximum Residential and Non-  
11 Residential Uses. [Ord. 2006-004]

12

**Table 3.B.14.E – WCRAO ~~Mixed Use~~Minimum/Maximum Residential and Non-Residential Uses**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)(4)	Permitted(4)	Permitted(4)	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]							
<b>Notes:</b>							
1.	Non-residential uses on parcels that have a commercial FLU with underlying residential designation, approved as part of Plan Amendment Round 2005-01, Ord. No. 2005-032, shall be permitted in 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 meeting the requirements of FLUE Table 2.2.1-g.1, and other related Policies of the Plan. [Ord. 2006-004] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]						

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**Notes:**

Underlined indicates **new** text.

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

## EXHIBIT B

# ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

**CR-2021-0026**  
**(Updated 04/16/2021)**

2.	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). Projects that vertically integrate a minimum of 20 percent of the 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. <b>[Ord. 2006-004] [Ord. 2020-001]</b>
3.	Residential-only developments are permitted within the NC, NRM, and NG Sub-areas. <b>[Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]</b>
4.	<del>Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted. [Ord. 2020-001]</del> <b>[Relocated to: Table 3.B.14.E, WCRAO Sub-area Use Regulations]</b>

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### 2. Sub-area Use Regulations

#### a. Use Regulations

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
<b>Residential Uses</b>								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
<del>South Westgate Estates Single Family Alternative</del>	<del>X</del>	<del>P</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>4.B.1.C.5</del>
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.4
Townhouse	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.6
<b>Commercial Uses</b>								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	- (7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7
Electric Vehicle Charging Station Facility	X	- (8)	- (8)	- (8)	- (8)	- (8)	-	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	-	-	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.16
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	X	X	X	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, Multi-Access	X	X	X	X	X	X	-	4.B.2.C.37
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	(4)	(4)	(4)	(4)	(4)	X	4.B.2.C.44
<b>Industrial Uses</b>								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	-	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2021-006]								
<b>Notes:</b>								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. <b>[Ord. 2006-004] [Ord. 2018-002]</b>							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. <b>[Ord. 2006-004] [Ord. 2020-001]</b>							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. <b>[Ord. 2007-013]</b>							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. <b>[Ord. 2007-013] [Ord. 2020-001]</b>							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO <del>Mixed Use</del> <b>Minimum/Maximum Residential and Non-Residential Uses. Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted; residential-only developments with under five units shall not be permitted. [Relocated from: Table 3.B.14.E, WCRAO Mixed Use] [Ord. 2017-002] [Ord. 2020-001]</b>							
6.	Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. <b>[Ord. 2017-007]</b>							
7.	Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots. <b>[Ord. 2021-006]</b>							
8.	Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use. <b>[Ord. 2021-006]</b>							

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**EXHIBIT B**

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT  
REGULATIONS, AND SUPPLEMENTARY STANDARDS**

**CR-2021-0026  
(Updated 04/16/2021)**

9.	Commercial Parking use on surface lots is prohibited in all Sub-areas. Commercial Parking use in structured parking garages is permitted in the UG, UH, and UI Sub-areas subject to Class A Conditional Use approval. [Ord. 2021-006]
<b>Key:</b>	
<b>X</b>	Prohibited in Sub-area
<b>-</b>	Subject to Use Regulations of zoning district
<b>P</b>	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]
<b>D</b>	Permitted by DRO approval [Ord. 2021-006]
<b>A</b>	Class A Conditional Use [Ord. 2017-007]

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....

**Part 2. Art 3.B.14.F, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Property Development Regulations (PDRs) (pages 47-55 of 213, Supplement 29), is hereby amended as follows:**

<b>Reason for amendments:</b> [Westgate Community Redevelopment Agency]
1. Restate the intent and applicability of Art. 3.B.14.F, Property Development Regulations (PDRs), where development in the WCRAO shall be in compliance with the Standard Zoning District, unless otherwise stated in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs which applies to all non-residential uses and mixed use developments according Sub-area, and/or Table 3.B.14.F, WCRAO Residential Sub-area PDRs which applies to residential-only uses across Sub-areas, as permitted.
2. Clarify in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs that PDRs for Single Family development in the NR Sub-area do not apply in this Table, rather to reiterate Note #1, PDRs for Single Family in the NR Sub-area are located in and must comply with Table 3.B.14.F, WCRAO Residential Sub-area PDRs.
3. Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs by striking out “Build-to-Line” in the row Header for front setbacks/build-to-line for internal consistency since not all Sub-areas require a front or side street build-to-line.
4. Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs for the UG Sub-area for front or side street build-to-line standards by striking out applicability to only commercial and mixed use projects. The provision is intended to be applied to all development in the UG Sub-area including residential or industrial, where allowed.
5. Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs for the UH Sub-area front or side street build-to-line. ULDC Amendment Round 2020-02 introduced a 10 to 25-foot front/side street build-to-line in the UH Sub-area where previously the cell contents defaulted by way of a “-” to standard Code for the zoning district. The provision was meant to alleviate non-conformities on sub-standard shallow sites along Okeechobee Boulevard between Suwanee Drive and Indian Road that back on to Shawnee Avenue, and to allow those sites to redevelop without the need for multiple Variances. The unintended consequence is that the provision now creates non-conformities on sites that were developed to CG Zoning District PDRs with a minimum 50-foot front setback. This amendment deletes “Build-to-Line” and includes “Min. 10” to allow better front and side street setback flexibility for those sub-standard Okeechobee Blvd. sites, while ensuring existing larger scale development in the Sub-area remains conforming.
6. Clarify in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs that minimum frontage/lot width, minimum lot depth, minimum rear setback, and minimum building frontage for the NR Sub-area are not applicable, as this Table is to be utilized for non-residential and mixed use development. PDRs for Single Family dwellings are found in Table 3.B.14.F, WCRAO Residential Sub-area PDRs.
7. Amend Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs to add an applicability and clarification Note to maximum allowable stories/height. Provisions allowing for added height were adopted into the WCRAO in 2006, along with other form-based code standards, with the intent of encouraging an urban built form, building presence and massing where the building footprint remains on the front build-to-line, as well as on side and rear setback lines. Building heights are permitted to reach up to 240 feet in the UG Sub-area, and up to 120 feet in the UH Sub-area. Functionally and practically, most sites in the WCRAO could not accommodate utilizing the ULDC over 35 feet one foot to one foot height standard due to a typical lot size that is smaller, especially if applied alongside provisions allowing greater intensities and densities. The utilization of this height standard would conflict with and confound applicability of WCRAO requirements for front and side street build lines and frontage.

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## EXHIBIT B

# ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

**CR-2021-0026**  
**(Updated 04/16/2021)**

Reason for amendments:	[Westgate Community Redevelopment Agency]
8.	Rename and update references of Table 3.B.14.F, WCRAO Residential Sub-area PDRs to Table 3.B.14.F, WCRAO Residential PDRs, removing “Sub-area” from the Title, since the former is confusing and implicates residential PDRs are by Sub-area when in fact they are by residential use type.
9.	Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs by adding “Build-to-Line” to the Table Sub-Heading and within the Table cells where a build-to-line applies to Townhouse, MF less than five units, and MF more than five units, for consistency with Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs.
10.	Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs to add property development regulations for the South Westgate Estates Single Family Alternative housing type. The intent is to allow a smaller Single Family Home to be built on 25-foot-wide lots in the NRM Sub-area of the WCRAO which otherwise could not be achieved utilizing the minimum lot width standard for Single Family in the WCRAO or the provisions for Cottage Homes – Single Unit on a Single Lot since the Cottage Home use type is restricted to a dwelling size of 1,000 square feet. PDRs closely mirror those for Cottage Homes – Single Unit on a Single Lot by providing for reduced front, side street, and side setbacks, but differ in minimum lot depth and a larger building coverage maximum.
11.	Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs Cottage Home – Single Unit on a Single Lot residential use type PDRs for maximum building coverage, minimum side, and rear setbacks to better conform to the intent of cottage homes defined by the Article 4 use type. Add a Table Note to reiterate that Cottage Homes must conform to the maximum size limitation of 1,000 square feet per Art. 4.B.1.C.2, Cottage Home.
12.	Clarify in Table 3.B.14.F, WCRAO Residential Sub-area PDRs that accessory structures are not permitted to exceed two stories in height by adding “Max.,” not be two stories in height.
13.	Amend Table 3.B.14.F, WCRAO Residential Sub-area PDRs for South Westgate Estates Single Family Alternative to add a Note allowing maximum building coverage to increase up to 10 percent for the construction of covered or solid roof porches and patios consistent with other provisions in the Planned Development District (PDD) Code allowing a 10 percent increase in building coverage for SF and ZLL homes, and, to allow single car attached garages to be constructed within the maximum building coverage, not to exceed 15 percent of the maximum.

1 **CHAPTER B OVERLAYS**

2 ....

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

4 ....

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

6 **1. Sub-area PDRs**

7 In order to implement the form based code outlined in the WCRA Plan, additional PDRs are  
8 established for the seven Sub-areas. Development in the WCRAO shall be in compliance with  
9 all Standard Zoning District, PDD, or TDD PDRs, unless specified otherwise in Table 3.B.14.F,  
10 WCRAO Non-Residential and Mixed Use Sub-area PDRs ~~and~~ **Residential-only development**  
11 **in the WCRAO shall comply with** Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ **PDRs for the**  
12 **applicable residential use type.** Accessory uses and structures shall be in accordance with Art.  
13 5.B.1, Accessory Uses and Structures, unless stated otherwise. **[Ord. 2006-004] [Ord. 2008-**  
14 **003] [Ord. 2017-007] [Ord. 2019-005] [Ord. 2020-001]**

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

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
<b>Lot Dimensions (2)</b>							
<b>Min. Frontage/Lot Width</b>	-	-	75' (4)	75' (4)	100'	100' (5)	-
<b>Min. Lot Depth</b>	-	-	100'	100'	100'	100'	-
<b>Max. Building Coverage</b>	N/A	40%	40%	40% (3)	40% (3)	40% (3)	45% (3)
<b>Build-to-Line/Setbacks</b>							
<b>Front or Side Street Build-to-Line (10)</b>	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line – C/MU 10-25'	Build-to- LineMin. 10- 25'	Build-to-Line – C/IND: 10-25'
<b>Min. Side</b>	N/A	10' (6)	10' (6)	10' (6)	15'	15'	15'
<b>Min. Rear</b>		25'	25'	25'	25'	25'	25'

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## EXHIBIT B

# ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

**CR-2021-0026**  
**(Updated 04/16/2021)**

Min. Building Frontage							
Min. Frontage (10)	-N/A	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of Building Frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (8)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (8)	N/A	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (7)(9)	N/A	300'	300'	300'	300'	-	-
[Ord. 2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006]							
<b>Key:</b>							
-	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.						
<b>Notes:</b>							
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential <del>Sub-area</del> PDRs. [Ord. 2020-001]						
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations shall not apply. [Ord. 2021-006]						
3.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001] [Ord. 2021-006]						
4.	May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]						
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property. [Ord. 2021-006]						
6.	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]						
7.	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]						
8.	Minor increases in <u>the</u> maximum height, <u>allowed by this Table</u> may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions. <u>Buildings over 35 feet shall not be subject to the requirements of Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs.</u> [Ord. 2010-022]						
9.	Buildings shall be articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
10.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

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**Table 3.B.14.F– WCRAO Residential ~~Sub-area~~ PDRs**

Residential Use Type	Single Family	<u>South Westgate Estates Single Family Alternative</u>	Cottage Homes – Single Unit on a Single Lot <u>(8)</u>	Cottage Homes – Multiple Units on a Single Lot or Site <u>(8)</u>	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)
Lot Dimensions							
Min. Frontage/Lot Width	50'	<u>25'</u>	25'	75'	16'	75'	100'
Min. Lot Depth	90'	<u>90'</u>	70'	100'	50'	100'	100'
Max. Building Coverage	50%	<u>45% (9)</u>	<u>50</u> 40%	80%	80%	40% (2)	40% (2)
Build-to-Line/Setbacks							
Front/Build-to-Line	25' min.	<u>20' min.</u>	20' min.	10' min.	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>
Min. Side (3)	5'	<u>3'</u>	<u>2-5</u> 3'	5'	5' – End unit; 0' – Interior unit	5'	10'
Min. Side Street	7.5'	<u>7.5'</u>	7.5'	7.5'	10' – End unit	10'	10'
Min. Rear	10'	<u>10'</u>	<u>5</u> 10'	15'	7.5'	10'	25'
Height/Stories							
Max. Stories	2	<u>2</u>	2	2	3	3	2 min. (6)
Max. Height (4)	N/A	<u>N/A</u>	N/A	N/A	36'	36'	(5)
Accessory Structures	<u>Max. 2 stories</u>						
Building Frontage							

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**EXHIBIT B**

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT  
REGULATIONS, AND SUPPLEMENTARY STANDARDS**

**CR-2021-0026  
(Updated 04/16/2021)**

<b>Min. Building Frontage</b>	N/A	<del>N/A</del>	N/A	N/A	60% (7)	60% (7)	60% (7)
<b>[Ord. 2020-001]</b>							
<b>Notes:</b>							
1.	Unless provided for herein, Townhouse developments shall comply with Table. 3.D.2.A, Townhouse Property Development Regulations.						
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure.						
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction.						
4.	Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a-c and as exempted by Art. 3.D.1.E.4, Height Exceptions, and as defined by Art. 1, General Provisions.						
5.	Maximum height of Multifamily projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Development Sub-area PDRs.						
6.	Multifamily developments with five units or more shall be required to be a minimum of two stories in the NC, UG, and UH Sub-areas.						
7.	Minimum building frontage of 80 percent is required for all Townhome and all Multifamily developments in the NC Sub-area.						
<del>8.</del>	<del>Per Art. 4.B.1.C.2, Cottage Home, the maximum size for Cottage Homes is limited to 1,000 square feet per dwelling unit.</del>						
<del>9.</del>	<del>Maximum building coverage may be allowed to increase by up to ten percent to accommodate solid roof porches and/or patios. Attached garages shall not exceed 15 percent of the maximum building coverage.</del>						

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**2. Build-to-Line and Frontages**

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**b. Minimum Building Frontage**

- 1) The minimum building frontage shall be in accordance with the requirements of Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs or Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ PDRs. The portion of the structure required to meet the building frontage shall be located on the build-to-line unless otherwise stated. **[Ord. 2006-004] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2017-025] [Ord. 2020-001]**

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**H. Density Bonus Programs**

**1. Density Bonus Pool**

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**a. WCRA Recommendation**

In accordance with Plan FLUE Sub-Objective 1.2.3 and Policy 1.2.3-b, any proposed project that includes a request from the Density Bonus Pool must obtain a recommendation of approval from the WCRA in accordance with the standards of Art. 3.B.14.D, Development Review Procedures consistent with the provisions below: **[Ord. 2021-006]**

....

- 2) Meets the requirements of Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses, Table 3.B.14.E, WCRAO Sub-area Use Regulations, Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs, and Table 3.B.14.F, WCRAO Residential ~~Sub-area~~ PDRs, as applicable; **[Ord. 2021-006]**

....

**Part 3. ULDC Art 3.B.14.G, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Supplementary Standards (page 52 of 213, Supplement 29), is hereby amended as follows:**

<b>Reason for amendments:</b> [Westgate Community Redevelopment Agency]
1. Correct scrivener's error to revert back to standard Code for minimum 1st floor height in the NR Sub-area as the corresponding cells are currently left blank, therefore forcing the Code to remain silent.
2. Correct scrivener's error to revert back to standard Code for minimum number of floors in the NR, NRM, and NG Sub-areas as the corresponding cells are currently left blank, therefore forcing the Code to remain silent.
3. Correct scrivener's error to include the same minimum/maximum balcony depth and length dimensions in the UG and UH Sub-areas as is required in the NR, NRM, NG, and NC Sub-areas, as the corresponding cells are currently left blank, therefore forcing the Code to remain silent. Correct a typographical error: "Mini" should read "Min."
4. Amend reference to Note #10 in Porches, Balconies, and Entryways Row to be #9. Note #10 references applicability of required Arcades and Galleries in the NC Sub-area when a lot is 100 feet in width or less. Note #9 appropriately and accurately references applicability of Porches, Balconies, and Entryways standards to residential development with five units or more.

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## EXHIBIT B

# ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

**CR-2021-0026**  
**(Updated 04/16/2021)**

1 **CHAPTER B OVERLAYS**

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

4 ....

5 **G. Supplementary Standards**

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

8

**Table 3.B.14.G – WCRAO Supplementary Standards by Sub-area**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
<b>Minimum Enclosed Living Area</b>							
<b>Single Family Dwelling Unit</b>	1,000 sq. ft.	1,000 sq. ft.	-	-	-	-	-
<b>Accessory Quarters</b>	300 sq. ft.	300 sq. ft.	300 sq. ft.	-	-	-	-
<b>Fences and Walls</b>							
<b>Prohibited Materials (6)</b>	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
<b>Architectural Features</b>							
<b>Arcades and Galleries (1)</b>	-	-	-	Required – Westgate Avenue (10)	-	-	-
<b>Min. Building Depth</b>	-	20'	20'	20'	30'	-	30'
<b>Min. 1st Floor Height</b>	-	-	-	12'	-	-	-
<b>Min. Number of Floors</b>	-	-	-	2 (2)	-	-	-
<b>Windows and Doors</b>							
<b>Min. Glazing of Frontage (3)</b>	-	(3)	(3)	(3)	-	-	-
<b>Porches, Balconies, and Entryways (8)(109)</b>							
<b>Front Setback Max. Encroachment (7)</b>	8'	6'	6'	-	-	-	-
<b>Min./Max. Porch Depth (4)</b>	6'/10'				-	-	-
<b>Min./Max. Porch Length (4)</b>	8'/50% of building façade				-	-	-
<b>Min./Max. Balcony Depth (4)</b>	3'/3'				-	-	-
<b>Min./Max. Balcony Length (4)</b>	6'/50% total of building façade				-	-	-
<b>Parking:</b>							
<b>Location of Surface Parking (9)</b>	-	Rear	Rear	Rear	-	-	-
<b>Driveways (5)(9)</b>	-	Rear	Rear	Rear	-	-	-
<b>Location of Accessory Quarters and Garages:</b>							
<b>Detached</b>	Back of rear façade of primary structures			-	-	-	-
<b>Landscaping</b>							
See Art. 3.B.14.J, WCRAO Landscape Modifications allowing for reduction in Perimeter and foundation planting requirements.							
<b>Min. Pervious Surface</b>	-	20%	20%	20%	-	-	-
<b>Key:</b>							
-	Subject to the supplementary standards of the lot's zoning district						
<b>[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001]</b>							
<b>Notes:</b>							
1.	See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. <b>[Ord. 2006-004]</b>						
2.	Required second floor shall meet minimum frontage and depth requirements. <b>[Ord. 2006-004]</b>						
3.	See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. Residential- <u>only</u> development in the NG and NRM Sub-areas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors. <b>[Ord. 2006-004] [Ord. 2020-001]</b>						
4.	Excludes stoops. <b>[Ord. 2006-004]</b>						
5.	Access from the front or side may be permitted for lots with no rear street frontage. <b>[Ord. 2006-004]</b>						
6.	Chain link fences may be installed for the following: <b>[Ord. 2009-040]</b> 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; <b>[Ord. 2009-040]</b> b. Non-residential uses within the UI Sub-area if the chain link fence is black or green vinyl coated; or, c. When a landscape barrier is required pursuant to Art. 4.B.2.C.17.d, Accessory Uses – Green Market. <b>[Ord. 2019-005]</b>						
7.	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. <b>[Ord. 2011-001]</b>						
8.	Single Family dwellings and Cottage Homes – Single Unit on a Single Lot are not required to provide porches, balconies, and entryways, but may elect to utilize setback exceptions provided encroachment complies with other applicable maximum dimensions. <b>[Ord. 2015-031] [Ord. 2020-001]</b>						
9.	Shall not apply to residential uses, except Multifamily developments with five units or more. <b>[Ord. 2015-031] [Ord. 2020-001]</b>						

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### ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

CR-2021-0026  
(Updated 04/16/2021)

10.	Lots with 100 feet or less of frontage and residential development may be exempt. [Ord. 2017-002] [Ord. 2020-001]
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*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.

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



# EXHIBIT C

## ARTICLE 5 – SUPPLEMENTARY STANDARDS RELEASE OF UNITY OF TITLE REFERENCE UPDATE

CR-2020-0010  
(Updated 04/15/2021)

Part 1. ULDC Art. 5.F.1.F.4., Supplementary Standards, Legal Documents, Maintenance and Use Documents, Content Requirement for Documents, Unity of Title (page 71 of 114, Supplement 29), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning]
1. Policies and Procedures Memorandum (PPM) #ZO-O-015, Release of Unity of Title (ROU) has been codified in Article 2 by Ordinance No. 2021-006. This amendment proposes to strike the reference to the PPM in Article 5 and replace it with the codified reference.

1 **CHAPTER F LEGAL DOCUMENTS**

2  
3 Any legal documents requiring PBC approval shall be reviewed prior to submission by a licensed attorney.  
4 This shall include documents required by Code or as a condition of any land use approval. For the purposes  
5 of the provisions, "legal documents" shall include, but not be limited to, the following types of documents:  
6 restrictive covenants, easements, agreements, access agreements, removal agreements, Unity of Control,  
7 and Unity of Title. Any document that follows exactly the language of a PBC-approved form is exempt from  
8 this requirement.

9 **Section 1 Maintenance and Use Documents**

10 **F. Content Requirement for Documents**

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

13 ....

14 **4. Unity of Title**

15 The Unity of Title process has been replaced with subdivision and platting requirements  
16 pursuant to Art. 11, Subdivision, Platting, and Required Improvements. A Release of Unity of  
17 Title shall be pursuant to ~~PPM #ZO-O-015~~Art. 2.C.8.D, Release of Unity of Title (ROU). [**Ord.**  
18 **2021-006**]

19 ....

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**Notes:**

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

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## EXHIBIT D

### PIA-2021-02168 – DOG FRIENDLY DINING

CR-2021-0001  
(Updated 04/19/2021)

**Application No.:** PIA-2020-02168 / CR-2021-0001  
**Application Name:** Dog Friendly Dining  
**Applicant:** Lazy Dog Restaurants, LLC  
**Agent:** Jared Taylor  
**Telephone No.:** (805) 440-7537  
**Project Manager:** Jeff Gagnon, AICP, Principal Site Planner

**TITLE:** Unified Land Development Code (ULDC) Privately Initiated Amendment (PIA), Phase 1, “Dog Friendly Dining.”

**REQUEST:** Phase 1 PIA, to initiate Phase 2 of a ULDC amendment to Articles 1, 2, 4, and 5, in order to allow Dog Friendly Dining within designated outdoor dining areas for Type 1 and Type 2 Restaurants pursuant to F.S. 509.233.

#### LDRAB OPTIONS:

1. To recommend denial of the proposed ULDC amendments.
2. To recommend approval of Phase 1 and initiate Phase 2 as a standalone ordinance with an independent review schedule and with no subcommittee.
3. To recommend approval of Phase 1 and initiate Phase 2 with no subcommittee, and include this proposed amendment into the 2021-02 Round of ULDC Code Amendments (January 2022 adoption).

**STAFF RECOMMENDATION:** Staff recommends option 2, “To approve PIA Phase 1 and initiate Phase 2 as a standalone ordinance with an independent review schedule and with no subcommittee.”

Staff supports this Phase 1 PIA request, as this amendment would follow the guidance provided within F.S. 509.233, and incorporate required ULDC provisions, in order to allow dog friendly dining within designated outdoor dining areas of Type 1 and Type 2 Restaurants.

**APPLICATION SUMMARY:** The Applicant is requesting that Article 1, 2, 4 and 5 be amended to incorporate regulations for dog friendly dining, per F.S. 509.233, “Public food service establishment requirements; local exemption for dogs in designated outdoor portions.” The ULDC currently does not address dog friendly dining. This amendment would provide the opportunity for dog friendly dining as a supplemental use to a primary Type 1 or Type 2 Restaurant use.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 1	General Provisions	1.H.2, Definitions <i>To include new definitions as required to facilitate dog friendly dining.</i>
Article 2	Application Processes and Procedures	2.C.5 Types of Applications <i>To incorporate a new dog friendly dining permit application process.</i>
Article 4	Use Regulations	4.B.2.C Definitions and Supplementary Use Standards for Specific Uses: Restaurant, Type 1 / Restaurant, Type 2 <i>To add dog friendly dining as an accessory use.</i>
Article 5	Supplementary Standards	5.B.1.A, Accessory Uses and Structures <i>To provide guidance on dog friendly dining processes and procedures of operation.</i>

#### BACKGROUND AND SUMMARY:

The Applicant, Lazy Dog Restaurants, LLC, utilizes a unique business model where guests are encouraged to bring their dog to the restaurant for a shared dining experience; including a separate “Pup Menu” (which notes patio rules for dogs). The Applicant currently has restaurants located throughout the U.S., (California, Colorado, Georgia, Illinois, Nevada, Texas, Virginia), but primarily in California and Texas. They are looking to expand business operations to Palm Beach County, FL, with a site currently under construction within the Johns Glades West MXP, (PCN: 00424718240010000), on the southwest corner of Glades Road and 95<sup>th</sup> Avenue South, (east of U.S. Route 441).

The United States Food and Drug Administration Food Code, as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, (F.A.C. Rule 61C-4.010, Sanitation and Safety Requirements), prohibits non-service dogs in restaurants, however, F.S. 509.233 provides the ability for local jurisdictions to permit an exemption for designated outdoor patio areas, as long as certain conditions are met. Jurisdictions throughout Florida have successfully incorporated regulations per F.S. 509.233 in order to provide restaurants with the option to offer Dog

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## EXHIBIT D

### PIA-2021-02168 – DOG FRIENDLY DINING

CR-2021-0001  
(Updated 04/19/2021)

Friendly Dining to their patrons. This list includes, but is not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

According to F.S. 509.233, dogs are only allowed within designated outdoor dining areas and additional rules and procedures must be adhered to in order to ensure a safe and sanitary dining experience for all. If this proposed ULDC amendment is approved, issuance of a Dog Friendly Dining Permit by Palm Beach County is required, including a permit fee and inspection fee, and the following information must be provided by the applicant per F.S. 509.233:

- a) *The name, location, and mailing address of the subject public food service establishment.*
- b) *The name, mailing location, and telephone contact information of the permit Applicant.*
- c) *A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public R-O-Ws, including sidewalks and common pathways; and, such other information reasonably required by the Zoning Director, of designee. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*
- d) *A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.*

The following operating procedures must be adhered to at all times by a Dog Friendly Dining permit holder according to F.S. 509.233:

- a) *All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.*
- b) *Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.*
- c) *Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.*
- d) *Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.*
- e) *Dogs shall not be allowed on chairs, tables, or other furnishings.*
- f) *All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.*
- g) *Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.*
- h) *At least one sign reminding employees of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Director, or designee, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.*
- i) *At least one sign reminding patrons of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Director, or designee, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.*
- j) *At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than twenty 20-point font size.*
- k) *Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food*

## EXHIBIT D

### PIA-2021-02168 – DOG FRIENDLY DINING

CR-2021-0001  
(Updated 04/19/2021)

*service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.*

#### **STAFF ANALYSIS OF STANDARDS (Art. 2.D.3):**

- A. Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives;**  
County staff met with the Agent for the Applicant on November 16, 2020, for the mandatory Pre-Application Appointment for a PIA request. Staff reviewed the ULDC and confirmed that it is silent on the proposed Dog Friendly Dining amendment. A Pre-Application Appointment Summary Letter was issued to the Agent on November 19, 2020, indicating no Staff concerns associated with submittal of a Phase I PIA Application for the subject Dog Friendly Dining ULDC Amendment.
- B. Does not violate State, Federal, or other local government laws;**  
The proposed amendment would not violate any existing laws and would incorporate the requirements provided within F.S. 509.233.
- C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;**  
The proposed amendment would be consistent with the Plan. No Plan amendment is required.
- D. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;**  
The proposed amendment would not be in conflict with any other ULDC provisions.
- E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC;**  
Although F.S. 509.233 was originally adopted in 2006, jurisdictions throughout Florida have established local exemption ordinances from time to time as desired by constitutes. The exemption process provided by F.S. 509.233 is considered a new trend not originally anticipated by the Plan or ULDC.
- F. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations;**  
As previously described, other jurisdictions that have implemented Dog Friendly Dining Regulations include, but are not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

#### **CONCLUSION:**

Staff has evaluated the standards listed under **Article 2.D.3 and determined that the Applicant has satisfied** the required standards. Staff is recommending to approve initiation of Phase 2 of the subject PIA.

The Phase 1 PIA request for initiation is anticipated to be scheduled for the May 27, 2021 BCC Hearing. The Phase 2 schedule would be contingent on the BCC's direction on initiation.

# ATTACHMENT A

PALM BEACH COUNTY - ZONING DIVISION

FORM # 80



Palm Beach County Zoning Division  
2300 N. Jog Road  
West Palm Beach, Florida 33411  
Phone: (561) 233-5200  
Fax: (561) 233-5185

## ULDC PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION

Pursuant to the Unified Land Development Code (ULDC) Article 2.D, ULDC Privately Initiated Amendment (PIA), a PIA application may be submitted upon completion of the mandatory Pre-Application Appointment (PAA) and favorable decision by the responsible PBC Official. Refer to Article 2.D for all applicable standards and requirements. Submit Form #80a, PIA Supplemental Table in addition to this form.

### 1. APPLICANT INFORMATION

Agent: Jared Taylor Name of Firm: Lazy Dog Restaurants LLC C/O GPD LLC  
Address: 5847 Brace Road City: Loomis State: CA Zip: 95650  
Phone: 805 440 7537 Email: jared@goldenpropertydevelopment.com  
\* If Applicable

Applicant, if other than agent: Lazy Dog Restaurants LLC  
Address: 3337 Susan St. Suite 100 City: Costa Mesa State: CA Zip: 92626  
Phone: (714)596-9960 Email: jhodge@lazydogrestaurants.com

### 2. REQUEST

Pre-Application Appointment Date: November 16, 2020  
Description of PIA: (enter a brief description of the PIA request here and attach Form #80a - PIA Submental Table)  
Creation of a Palm Beach County code/ordinance to allow "doggie dining" within Palm Beach County in response to State of Florida Department of Business and Professional Regulation (DBPR) code section F.S 509.233

### 3. GENERAL INFORMATION

The proposed amendment is:  
 Countywide  Area Specific (Tier, Overlay, Zoning District, FLU)  
A. Control No. (if applicable): Control Name (if applicable):  
B. Application Name: Lazy Dog Restaurant Doggie Dining  
C. Property Control Number (PCN): (Attach separate sheet if needed, for additional PCNs)  
PCNs: 00424718240010000  
D. Is the PIA concurrent with a Comprehensive Plan FLUA or Text Amendment Application?  
 YES  NO If Yes, Zoning Application No.:  
E. Is the PIA concurrent with another Zoning Application?  YES  NO  
If Yes, Zoning Application No.:  
F. Was the proposed PIA reviewed by the Palm Beach County Official that interprets the subject Article(s) in a Pre-Application Appointment?  YES  NO

**This application is not complete without the submittal of the following documents:**

- Justification Statement: to address the purpose, project history, intent and objectives of this request, and responses to the Standards for a PIA, pursuant to the requirements of Art. 2.A and 2.D for the required information;
- Text changes to the Comprehensive Plan: If the proposed ULDC is a concurrent with or as a result of changes to the Plan the Applicant shall provide all documentation associated with the proposed changes, submitted by the Applicant and any direction received from Staff;
- Letter of support or non-support of the PIA from the Palm Beach County Official who interprets the Article(s) for the PIA;
- Payment of all applicable fees.

# ATTACHMENT B

## The Florida Senate 2018 Florida Statutes

<u>Title XXXIII</u> REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	<u>Chapter 509</u> LODGING AND FOOD SERVICE ESTABLISHMENTS; MEMBERSHIP CAMPGROUNDS  <u>Entire Chapter</u>	<b>SECTION 233</b> Public food service establishment requirements; local exemption for dogs in designated outdoor portions.
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**509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions. —**

(1) **LOCAL EXEMPTION AUTHORIZED.**—Notwithstanding s. [509.032\(7\)](#), the governing body of a local government may establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) **LOCAL DISCRETION; CODIFICATION.**—

(a) The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government. Nothing in this section shall be construed to require or compel a local governing body to adopt an ordinance pursuant to this section.

(b) Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating local government.

(3) **LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.**—

(a) Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons' dogs on their premises. The local government shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. The name, location, and mailing address of the public food service establishment.
2. The name, mailing address, and telephone contact information of the permit applicant.
3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(c) In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include, but not be limited to, the following requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while

## ATTACHMENT B

serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

5. Dogs shall not be allowed on chairs, tables, or other furnishings.

6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

11. Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(d) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(4) **POWERS; ENFORCEMENT.**—Participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of this section.

(5) **STATE AND LOCAL COOPERATION.**—The division shall provide reasonable assistance to participating local governments in the development of enforcement procedures and regulations, and participating local governments shall monitor permitholders for compliance in cooperation with the division. At a minimum, participating local governments shall establish a procedure to accept, document, and respond to complaints and to timely report to the division all such complaints and the participating local governments' enforcement responses to such complaints. A participating local government shall provide the division with a copy of all approved applications and permits issued, and the participating local government shall require that all applications, permits, and other related materials contain the appropriate division-issued license number for each public food service establishment.

*History.*—s. 3, ch. 2006-72; s. 127, ch. 2007-5; s. 46, ch. 2009-195.