LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) MAY 26, 2021 MEETING

AMENDMENTS TO THE AGENDA (Updated 05/25/2021)

Amend – Exhibit C, Art. 1-5, Non-Residential, Part 4, page 14, line 47, Art. 3.E.3.B.2.b.2, Vertical Integration [Reason: Clarify buffer type].

	J	•	, , , , , , , , , , , , , , , , , , ,
36		b.	Landscape Buffers
37			A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD,
38			where mixed use and non-residential uses are adjacent to a residential use type or
39			undeveloped land with a residential FLU designation. The Applicant may request for an
40			alternative buffer subject to a Type 2 Waiver process, unless exempted below. [Ord. 2018-
41			002] [Ord. 2019-005]
42			1) Mixed Use
43			No buffer shall be required between residential and non-residential uses within a mixed
44			use development. Internal vegetation shall be planted to promote integration of uses
45			within the development.
46			2) Vertical Integration
47			A Type 2 perimeter incompatibility Bouffer shall be permitted along the perimeter
48			between a structure with vertical integration of residential and non-residential uses and
49			adjacent properties with residential structures greater than 35 feet in height.

Amend – Exhibit C, Art. 1-5, Non-Residential, Part 7, page 26, line 17, Art. 4.B.2.C.21.h.6)c), Other Zoning Districts [Reason: Remove missed reference to MXPD.].

- 5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers
 a) Shall be on a minimum of three acres; and [Ord. 2019-039]
 b) Approval Process Class A Conditional Use

 (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]
- 6) Location Access
 - c) Other Zoning Districts Minimum access in the RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tier Zoning Districts shall be in accordance with Art 11.E.2.A.2, Minimum Legal Access Requirement, unless a Subdivision Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance. [Ord. 2020-007]

Remove – Exhibit B, Art. 2, 7, 10, and 14, South Florida Water Management District Irrigation Guidelines and Exhibit D, Art. 7, Landscape Buffers/Walls

Replace – Consistency Determination for Exhibits B-I, page 52 with Consistency Determination for Exhibits C and E-I

 $\begin{tabular}{ll} U:$\Draft Minutes, Agendas and Other\\$0 - Amendments $$$ to the Agenda.docx $$$

Notes:

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> <u>Underlined</u> indicates <u>new</u> text. <u>Double underlined</u> indicates <u>new</u> text or previously stricken text to remain. <u>Stricken</u> indicates text to be <u>deleted</u>. <u>Double stricken</u> indicates <u>new</u> or previously-existing text to be <u>deleted</u>. <u>Stricken and italicized</u> means text to be totally or partially relocated.

If being relocated destination is noted in bolded brackets [Relocated to:].

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Department of Planning, Zoning & Building

2300 North Jog Road West Palm Beach, FL 33411-2741 (561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
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Palm Beach County Board of County Commissioners

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

Official Electronic Letterhead

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

TO: Wesley Blackman, AICP, Chairman, and Members of the Land Development Regulation Advisory Board (LDRAB)

sblackman@gmail.com

FROM Bryan Davis, Principal Planner Planning Division

DATE: May 26, 2021

RE: Comprehensive Plan Consistency Determination for proposed

Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendments, Exhibits C, and E-I of the packet provided by the Zoning Division, and scheduled for the May 26, 2021 LDRAB/LDRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

CC:

Patricia Behn, Planning Director Jon MacGillis, Zoning Director Kevin Fischer, Deputy Planning Director Wendy Hernandez, Deputy Zoning Director Jeff Gagnon, Principal Site Planner Carolina Valera, Senior Planner

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PALM BEACH COUNTY

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

MAY 26, 2021

BOARD MEMBERS

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

Charles Millar (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 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 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

Commissioner, District

Maria Sachs Commissioner, District 5

Mack Bernard Commissioner, District 7 Gregg K. Weiss

Commissioner, District 2

Melissa McKinlay

Commissioner, District 6

County Administrator

Verdenia C. Baker







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

WEDNESDAY, MAY 26, 2021 AGENDA

KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY (CMT)

2:00 P.M.

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Α.	C_{AII}		ER/CON	VENIE AC	
A.	CALL	TO ORD	ER/GUN	VENE AS	LURAD

- 1. Roll Call
- 2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
- 3. Introductions Charles Millar as New Board Member
- 4. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
- 5. Motion to Adopt Agenda
- 6. Adoption of Minutes April 28, 2021 (Exhibit A)
- 7. 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.

В.	UN	NIFIED LAND	D DEVELOPMENT CODE (ULDC) AMENDMENTS	<u>PAGES</u>
	1.	Exhibit B Guidelines	Art. 2, 7, 10, and 14, South Florida Water Management District Irrigation	1 – 5
	2.	_	Art. 1-5, Non-Residential	6 – 48
			Art. 7, Landscape Buffer/Walls	49 – 51
C.	Co	ONVENE AS	LDRC	
	1.	Proof of P	ublication	
	2.	Consisten	cy Determination for Exhibits B-I	52 – 52
	3.	Exhibit E	Art. 1, 2, 7, and 14, Vegetation Preservation and Protection	53 – 63
	4.	Exhibit F	Art. 2, Administrative Development Order Appeals to Hearing Officers	64 – 65
	5.	Exhibit G	Art. 3, WCRAO Use Regulations, Property Development Regulations,	66 – 73
		and Suppl	lementary Standards	
	6.	Exhibit H	Art. 5, Dumpster Setbacks	74 – 75
	7.	Exhibit I	Art. 5, Release of Unity of Title Reference	76 – 76

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

- E. STAFF COMMENTS
- F. BOARD MEMBER COMMENTS
- G. ADJOURNMENT



EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

On Wednesday, April 28, 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: 15	Members Absent: 3
Joanne Davis (District 1, Commissioner Marino)	Robert J. Harvey (District 7, Commissioner Bernard)
Ned Kerr (District 2, Commissioner Weiss)	Charles D. Drawdy (Assoc. General Contractors of America)
Ari Tokar (District 3, Commissioner Kerner)* ***	Abraham Wien (Alternate At-Large #2)
Jim Knight (District 4, Commissioner Weinroth)	·
Dr. Lori Vinikoor (District 5, Commissioner Sachs)	County Staff Present: 26
Ben Morris (District 6, Commissioner McKinlay)* ****	Whitney Carroll, Deputy Planning, Zoning and Building Executive Director*
Donald R. Barnes (Gold Coast Builders Association)	Jon MacGillis, Zoning Director*
Anna Yeskey (League of Cities)	Wendy N. Hernández, Deputy Zoning Director
Terrence Bailey (Florida Engineering Society)	Jeff Gagnon, Principal Site Planner, Zoning
Lucille Hinners (American Institute of Architects)	Monica Cantor, Principal Site Planner, Zoning*
Susan A. Kennedy (Environmental Organization)	Barbara Pinkston, Principal Site Planner, Zoning*
Frank Gulisano (Realtors Association of the Palm	Adam Mendenhall, Senior Site Planner, Zoning
Beaches)	
Jim Sullivan, Florida Surveying and Mapping Society	Imene Haddad, Senior Site Planner, Zoning*
Wesley Blackman (PBC Planning Congress)	Timothy Haynes, Senior Site Planner, Zoning*
Tommy B. Strowd (Alternate At-Large #1)	Rafik Ibrahim, Senior Site Planner, Zoning/Building*
	Albert Jacob, Senior Site Planner, Zoning*
<u>Vacancies:</u> 0	Joyce Lawrence, Senior Site Planner, Zoning*
	Carlos Torres, Senior Site Planner, Zoning*
	Ryan Vandenburg, Interim Principal Site Planner, Zoning*
	Jerome Ottey, Site Planner II, Zoning
	Alexander Biray, Site Planner I, Zoning
	Dorine Kelley, Customer Relations Manager, Zoning**
	Elizee Michel, Westgate Community Redevelopment Agency Executive Director
	Denise Pennell, Senior Planner, Westgate Community Redevelopment Agency**
	Scott A. Stone, Assistant County Attorney I
	Bryan Davis, Principal Planner, Planning
	Carolina Valera, Senior Planner, Planning*
	Nora G. Acord, Planning Technician, Planning*
	Roberta Dusky, Environmental Program Supervisor,
	ERM*
	Mark Meyer, Site Planner II, ERM*
	Lorinda J. Goldsmith, Senior Network Administrator*

^{*} Present via Webex Events.

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. Morris, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (13-0).

3. Additions, Substitutions, and Deletions None.

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (13-0).

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^{**} County Staff in audience.

^{***} Mr. Tokar arrived at 2:08 p.m.

^{****} Mr. Morris could not be heard until Exhibit B.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

5. Adoption of Minutes - March 24, 2021 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (13-0).

6. Public Comments

None

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards

Ms. Pennell introduced Mr. Josh Nichols, consultant for the WCRA, and Mr. Michel present, and explained the amendment renames Tables, relocates text, and corrects scrivener's errors for clarification and consistency, and introduces a new Single Family housing type based on lot configuration in the NRM Sub-area.

*** Mr. Tokar arrived at 2:08 p.m.

a. Discussion

Ms. Pennell and other Staff answered questions from the Board regarding the acronyms used, workforce housing, density, and property development regulations.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (15-0).

2. Exhibit C - Art. 5, Release of Unity of Title Reference

Mr. Gagnon explained the amendment is to correct a repealed Policies and Procedures Memorandum (PPM) reference to the applicable ULDC Section where it was codified.

a. Discussion

None.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (15-0).

C. PRIVATELY INITIATED AMENDMENTS - INITIATION (PHASE 1)

1. Exhibit D - PIA-2020-02168, Dog Friendly Dining

Mr. Gagnon explained the PIA process to the Board. Mr. Jared Taylor, Agent for the Applicant Lazy Dog Restaurants, LLC, explained the business model of allowing customers to dine with their dogs outdoors, and compliance with the Florida Statutes for Local Governments to establish an official process for all outdoor dog-friendly dining establishments.

a. Discussion

Mr. Taylor and Staff answered questions from the Board regarding the establishment layout and access without entering indoors, pets allowed beyond dogs, approval/permitting process, food service and sanitation, controlling dangerous dogs, existing related County regulations, creating non-conformities, municipal jurisdiction applicability, and allowance for additional regulations the County may require beyond State law. Mr. Gagnon also noted the Applicant met the six standards for initiation.

Motion to recommend approval of Phase 1 and initiate Phase 2 as a standalone Ordinance with an independent review schedule and with no Subcommittee (LDRAB Option 2), by Ms. Kennedy, seconded by Mr. Gulisano. The Motion passed unanimously (15-0).

D. STAFF COMMENTS

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

Mr. Gagnon explained the item is a follow-up on any modifications to the Rules of Procedure required by an Ordinance adopted by the Board of County Commissioners (BCC) allowing an in-person quorum of 25 percent of appointed members, or as requested by the Board. Mr. Stone added the Ordinance only changes the in-person requirement and supersedes anything in conflict. He recommended changing Article IV, Meetings, subparagraph B.1 from "That the quorum necessary to take action and transact business is physically present at the meeting..." to "25 percent of the appointed members are physically present at the meeting..." and subparagraph B.2 from "...by a majority vote of the quorum present..." to "...by a majority vote of the members physically present..."

a. Discussion

Ms. Yeskey asked if the rule could change and how it relates to State law. Mr. Stone responded the Ordinance was the result of quorum issues with the Planning Commission, applicable to all County-created boards, and not addressed by the State.

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 05/13/21)

Minutes of April 28, 2021 LDRAB Meeting

Motion to approve, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (15-0).

E. BOARD MEMBER COMMENTS

Dr. Vinikoor asked for clarification about an email invitation received from Mr. Biray for a Community Residential Housing meeting on Tuesday, May 4th from 6:00-7:30 p.m. Mr. Gagnon responded, per request from the Board of County Commissioners during the Request for Permission to Advertise hearing for the amendment, it is a virtual informational meeting open to the public for discussion before the First Reading.

Ms. Davis informed the Board it is her last meeting as the District Commissioner intends to appoint someone else, and thanked Staff and the Board.

F. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 2:47 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.

LDRAB/LDRC Meeting May 26, 2021 Page iii



ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015 (Updated 05/12/21)

Part 1. ULDC Art. 2.G.3.F.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Groundwater and Natural Resources Protection Board, Powers and Duties (page 83 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

1. Ordinance No. 2006-004, Part 11 added references to Art. 17, Decision Making Bodies, before being relocated to this Article by Ordinance No. 2011-016, the following non-Unified Land Development Code (ULDC) Ordinances as codified in the Code of Laws and Ordinances Relating to Palm Beach County Government (PBC Code): "Palm Beach County Petroleum Storage Systems Ordinance" (Ordinance No. 2003-020); "Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance" (Ordinance No. 2003-021); "Palm Beach County Stormwater Pollution and Prevention Ordinance" (Ordinance No. 2004-050); and, "Palm Beach County Water and Irrigation Conservation ordinance" (Ordinance No. 93-3). Ordinance No. 2010-022, Part 2 added reference to the "Palm Beach County Natural Areas Ordinance" (Ordinance No. 94-13). Ordinance No. 2017-007 changed the reference to Art. 4.D, Excavation Standards to Art. 4.B.10, Excavation Uses per the Use Regulations Project (URP). Ordinance No. 2006-004, Part 7 also added the Ordinance references in Article 17 to Art. 10, Enforcement, but inadvertently was never codified, and doesn't include the addition in Article 17 by Ordinance No. 2010-022.

To correct the error of Ordinance No. 2006-004 never being fully codified and Ordinance No. 2010-022 also applicable to Article 10, and as part of a parallel update repealing and replacing the "Palm Beach County Water and Irrigation Conservation ordinance" (Ordinance No. 93-3) and Ordinance No. 85-11 per the South Florida Water Management District's (SFWMD) "Model Ordinance and Model Code Language for the District's Mandatory Year-Round Landscape Irrigation Conservation Measures," this amendment proposes to update the Ordinance references to the "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" and "Palm Beach County Water Shortage Ordinance," Ordinance Nos. 2003-020 and 2003-021 which are superseded by Ordinance Nos. 2015-008 and 2009-018 respectively, and refer to Art. 10.C, Groundwater and Natural Resources Protection Resources Board.

CHAPTER G DECISION MAKING BODIES

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Section 3 Appointed Bodies

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F. Groundwater and Natural Resources Protection Board

1. Establishment

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

2. Powers and Duties

The GNRPB shall have the following powers and duties:

- ary to enforce Art. 14, Environmental Standards pursuant to Art. to hold hearings as nec 10.C, Groundwater and Natural Resources Protection Board. ERM may refer to the GNRPB alleged violations of Art. 14, Environmental Standards, and applicable Art. 4.B.10, Excavation Uses, Ord. No. 2003-020, Petroleum Storage Systems, Ord. No. 2003-021, Petroleum Contamination Cleanup Criteria, Ord. No. 2004-050, Stormwater Pollution Prevention, Ord. No. 94-13, Natural Areas, and Ord. No. 93-3, Water and Irrigation Conservation as amended to the GNRPBas well as the "Palm Beach County Natural Areas Ordinance" (Ordinance No. 94-13), "Palm Beach County Stormwater Pollution Prevention Ordinance" (Ordinance No. 2004-050), "Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance" (Ordinance No. 2009-018), "Palm Beach County Pollutant Storage Tank System Compliance Ordinance" (Ordinance No. 2015-008), "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance. No. 2021-), and "Palm Beach County Water Shortage Ordinance" (Ordinance No. 2021-), as amended or replaced, if there has been a failure to correct a violation within the time specified by the Code Inspector, if thea violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022] [Ord. 2017-
- to adopt rules of procedure for the conduct of hearings;

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Notes:

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015 (Updated 05/12/21)

1	C.	to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas
2		may be served by the PBC Sheriff's Department, or other authorized persons consistent
3		with Florida Law;
4	d.	to issue subpoenas compelling the provision of evidence at GNRPB hearings;
5	e.	to take testimony under oath;
6	f.	to issue orders having the force of law commanding whatever steps are necessary to
7		achieve compliance with the violation of Art. 14, Environmental Standards;
8	g.	to lien property; and,
9	ĥ.	to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.
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Part 2. ULDC Art. 2.G.3.G.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Hearing Officers, Duties (page 84 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

1. Clarify that Hearing Officers cannot administer oaths unless they are notaries.

11 CHAPTER G DECISION MAKING BODIES

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Section 3 Appointed Bodies

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G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]

2. Duties

A hearing officer shall have the following duties:

- a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
- b. to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing as provided by law; and,
- c. to perform such other tasks and duties as the BCC may assign.

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Part 3. ULDC Art. 7.F.5, Landscaping, Installation and Maintenance, Irrigation (page 51 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

- 1. Reorder Section paragraph sentences to flow better into listing Zoning irrigation standards
- 2. Add the Property Owner may be responsible for installing the irrigation system as the owner-builder, and may be responsible for maintaining it after it is installed whether by themselves or a professional.
- 3. Add reference to the proposed "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" and "Palm Beach County Water Shortage Ordinance."

33 CHAPTER F INSTALLATION AND MAINTENANCE

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35 Section 5 Irrigation

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015 (Updated 05/12/21)

The licensed professional or irrigation contractor responsible for the installation of irrigation shall demonstrate compliance with the irrigation standards. Landscaped areas shall be irrigated to maintain required plant materials in good and healthy condition. The licensed professional, irrigation contractor, or Property Owner responsible for the installation and maintenance of irrigation systems shall comply with the "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance No. 2021-), "Palm Beach County Water Shortage Ordinance" (Ordinance No. 2021-), and-Irrigation systems shall comply with the following standards:

- A. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip irrigation.
- B. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic controllers.
- C. Irrigation systems shall be designed as not to overspray water-impervious areas. All irrigation systems shall be continuously maintained in working order.
- D. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public street which causes water from the system to spray onto the roadway or strike passing pedestrian or vehicular traffic.
- E. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:
 - 1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
 - 2. Where irrigation quality or re-used water is available and where such reuse is approved by the regulatory agencies.
- F. Permanent irrigation systems are not required for areas set aside on approved site development plans for preservation of existing native vegetation.
- G. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to meet the standards of this Section, upon approval of the Zoning Division.

Part 4. ULDC Art. 10.B, Enforcement, Enforcement by Code Enforcement Special Masters (pages 3 and 5 of 12, Supplement 21), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

1. Add that Code Enforcement Special Masters has the jurisdiction and authority to hold hearings for

 Add that Code Enforcement Special Masters has the jurisdiction and authority to hold hearings for violations of the proposed irrigation Ordinances, and clarify a broader scope of cases Special Masters hear.

CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS

The Code Enforcement Special Master, (herein after also referred to as Special Masters) shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning, irrigation, and any other-similar type codes which may be passed by PBC in the future which regulate aesthetics, construction, safety, or location of any structure on real property in PBCthat afford the Special Master jurisdiction and authority to hear and make decisions concerning the alleged violation(s). Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

Section 2 Hearings

G. Powers

Special Master shall have the power to:

- 1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.
- 2. Subpoena records, surveys, plats, and other documentary materials.
- 3. Take testimony under oath.
- 4. Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.

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Notes:

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015 (Updated 05/12/21)

5. Assess fines, Lien Property and assessment costs pursuant to Art. 10.B.3, Administrative Fines, Costs, Liens; Costs; Liens of this Article, including costs relating to the prosecution of cases before the Special Master in those cases where the governing body prevails.

Part 5. ULDC Art. 10.C, Enforcement, Groundwater and Natural Resources Protection Resources Board (page 7 of 12, Supplement 21), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

1. Ordinance No. 2006-004, Part 7 added language consistent with Part 11 to Article 17, now Article 2, but was inadvertently never codified in this Article. Ordinance No. 2010-022, Part 2 also added reference to non-ULDC "Palm Beach County Natural Areas Ordinance" (Ordinance No. 94-13) to Article 17 regarding the Groundwater and Natural Resources Protection Board (GNRPB), and should have been reflected in this Article. This amendment proposes to fix these errors by adding and updating the Ordinance references consistent with Part 1.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Art. 14, Environmental Standards, or Art. 4.B.10, Excavation Uses, of this Code; or the "Palm Beach County Natural Areas Ordinance" (Ordinance No. 94-13), "Palm Beach County Stormwater Pollution Prevention Ordinance" (Ordinance No. 2004-050), "Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance" (Ordinance No. 2009-018), "Palm Beach County Pollutant Storage Tank System Compliance Ordinance" (Ordinance No. 2015-008), "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance. No. 2021-), or "Palm Beach County Water Shortage Ordinance" (Ordinance No. 2021-), as amended or replaced, to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the fellowing standards and procedures in this Chapter. [Ord. 2006-004] [Ord. 2017-007]

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Part 6. ULDC Art. 14.C.7.B.7, Environmental Standards, Vegetation Preservation and Protection, Application, Process, and General Standards, Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater (pages 38 and 40 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/County Administration/Environmental Resources Management]

1. Add reference to the proposed "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" and "Palm Beach County Water Shortage Ordinance" concerning landscape irrigation.

16 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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18 Section 7 Application, Process, and General Standards

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B. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater

7. Mitigation or Restoration

c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation in accordance with the "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance No. 2021-) and "Palm Beach County Water Shortage Ordinance" (Ordinance No. 2021-), and required maintenance to ensure survival. [Ord. 2009-040] [Ord. 2019-034]

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ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015 (Updated 05/12/21)

1 Section 8 Exemptions

The following activities do not require an approval under this Chapter: [Ord. 2008-040]

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O. Minor Vegetation Relocation

Relocation of up to ten native palm trees, providing that the trees are relocated using best industry standards and provided with mulch, irrigation in accordance with the "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance No. 2021-) and "Palm Beach County Water Shortage Ordinance" (Ordinance No. 2021-), and required maintenance to ensure survival. The planting location must be depicted on a scite pPlan, survey, or other document format acceptable to ERM. [Ord. 2012-027]

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 1. ULDC Art. 1.H.2.P, General Provisions, Definitions and Acronyms, Definitions (pages 75 and 77 of 111, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Art. 1.H.2.P.9, Park, Neighborhood and Art. 1.H.2.P.42, Planned Development, District (PDD) – Remove Mixed Use Planned Development (MXPD) reference from the language as the Policy that governs MXPD in the Comprehensive Plan ("the Plan") was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that Multiple Use Planned Development (MUPD) allows residential uses, therefore it is not necessary to maintain the MXPD provisions in the Unified Land Development Code ("the Code"). The MXPD encouraged mixed-use developments that had a trip capture requirement that often could not be met by the developer so the zoning district was not used.

CHAPTER H DEFINITIONS AND ACRONYMS

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Section 2 Definitions

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

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22 23 9. Park, Neighborhood – for the purposes of Art. 5, Supplementary Standards, facilities generally less than five acres in size. Neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints, and are developed according to the demands and character of the specific neighborhoods that they serve. In addition to the above-mentioned characteristics, for the purposes of Art. 3.E.3, Multiple Use Planned Development (MUPD), Art. 3.E.4, Mixed Use Planned Development (MXPD), and Art. 3.F.3, Traditional Neighborhood Development (TND), neighborhood parks shall consist of usable open space within walking distance of housing.

42. Planned Development, District (PDD) – a zoning district which is approved pursuant to the policies and procedures of Art. 3.E, Planned Development Districts (PDDs) of this Code including: PUD, Residential Planned Unit Development District; MXPD, Mixed Use Planned Development District; MUPD, Multiple Use Planned Development District; PIPD, Planned Industrial Park Development District; MHPD, Mobile Home Park Planned Development District; and, RVPD, Recreational Vehicle Park Planned Development District. [Ord. 2010-005] [Ord. 2017-025]

Part 2. ULDC Art. 2.A.6.B, Application Processes and Procedures, General, Zoning Application Procedures, Plan Requirements (pages 18 and 19 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Art. 2.A.6.B.3.a, Preliminary Master Plan (PMP) for Public Hearing Approval and Art. 2.A.6.B.4.a, Preliminary Site Plan (PSP) – Remove MXPD reference from the language as the Policy that governs MXPD in the Plan was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that MUPD allows residential uses, it is not necessary to maintain the MXPD provisions in the Code.

24 CHAPTER A GENERAL

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26 Section 6 Zoning Application Procedures

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B. Plan Requirements

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3. Master Plan

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Preliminary Master Plan (PMP) for Public Hearing Approval
The BCC shall approve a PMP for the following PDDs: PUD; PIPD; MHPD; RVPD; PDDs with an MLU or EDC Future Land Use designation; and, a PUD within the Lion Country Safari (LCS) where the transfer of density from other PDDs within the LCS is proposed. The BCC may approve a PMP for an MUPD—and MXPD that utilizes more than one FLU

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

designation in order to define location of uses and property development regulations. [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002] [Ord. 2019-005]

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4. Site Plan

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The Site Plan shall be the controlling plan for Conditional Uses or PDDs listed below. All development site elements including, but not limited to: ingress and egress; density; and intensity in the proposed application, shall be consistent with the Site Plan. All plats shall be consistent with the Site Plan. In cases of conflict between plans, the most recently approved BCC Preliminary Plan(s) for those DOs that have no Final Plan(s) shall prevail. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

a. Preliminary Site Plan (PSP)

The BCC shall approve a PSP for the following applications: Class A Conditional Use, MXPD, MUPD and equivalent previously approved planned developments. The ZC shall approve a PSP for a Class B Conditional Use request. [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

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Part 3. ULDC Art. 3.A.1.B.3, Overlays and Zoning Districts, General, Districts, Overlays and Zoning Districts, Planned Development Districts; and ULDC Art. 3.A.3, Overlays and Zoning Districts, General, Zoning District Consistency with Future Land Use Atlas (FLUA) (pages 16-19 of 213, Supplement 29), are hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Art. 3.A.1.B.3, Planned Development Districts Remove MXPD reference from the list of Planned Development Districts (PDD) in the language as the Policy that governs MXPD in the Plan was deleted July 2020 pursuant to Planning Ordinance No. 2020-011. Now that MUPD allows residential uses, it is not necessary to maintain the MXPD provisions in the Code.
- 2. Art. 3.A.3.B, Standard Districts Update Standard Zoning District Future Land Use (FLU) Table to show Agricultural (AR) and Public Ownership (PO) Zoning Districts as compatible with all FLU designations, except Conservation (CON).
- 3. Art. 3.A.3.B.1, Standard District Exceptions and Limitations Relocate all exceptions and limitations to Notes 2-13 of Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts so they could be numbered. The numbers are included with the corresponding zoning district or FLU designation within the Table to clarify when each provision should be applied.
 - Add the word "Zoning" in front of "district" in several notes to make the note clearer when reading since some FLU designations and zoning districts use the same acronym.
 - Add Note 3 per Planning Ordinance No. 2020-011 that states the Agricultural Production (AP) and AR Zoning Districts are compatible with all FLU designations in the Glades Tier.
 - Add Note 4 per Planning Ordinance No. 2020-011 that states the AR Zoning District is compatible with all non-residential FLU designations.
 - Add Note 9 per Planning Ordinance No. 2020-011 that allows existing Commercial Low (CL)
 FLU designations to be compatible with existing Commercial General (CG) Zoning Districts. Per
 direction from the Zoning Director, the approval process for these sites to be established based
 on lot sizes.
- 4. Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts Add Note 5 to the Table that identifies that MUPDs are consistent with residential FLU designations when a portion of the MUPD is non-residential. This was added per Planning Ordinance No. 2020-011.
 - Remove the original Note 4 from the Table as MXPD Policy in the Plan was deleted pursuant to Planning Ordinance No. 2020-011.
 - Clarify Note 5 identifies uses within the Congregate Living Residential (CLR) FLU designation
 are allowed utilizing the approval process identified within the associated districts. This means
 that if the use was a Class A approval in the Residential Multifamily (RM) Zoning District or a
 Development Review Officer (DRO) approval in the CG Zoning District, those would be the
 associated approval processes with those districts.
 - Remove Multiple Land Use (MLU) as a FLU designation as it is not a FLU; it only represents the allowance of multiple FLU designations of which are the designations that determine consistency with specified zoning districts or uses allowed.
- Table 3.A.3.D, TDD Corresponding Land Use Remove MLU as a FLU designation as it is not a FLU; it only represents the allowance of multiple FLU designations of which are the designations that determine consistency with specified zoning districts or uses allowed.

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Reason for amendments: [Zoning]

 Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals – Add new language to subparagraph b. to identify existing MXPD districts are now to be considered MUPD districts as MXPD Policies were deleted from the Plan pursuant to Planning Ordinance No 2020-011.

1 CHAPTER A GENERAL

2 Section 1 Districts

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B. Overlays and Zoning Districts

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Planned Development Districts (PDDs)
 MHPD, Mobile Home Planned Development
 MUPD, Multiple Use Planned Development
 MXPD, Mixed Use Planned Development

PIPD, Planned Industrial Park Development

PUD, Planned Unit Development

RVPD, Recreational Vehicle Planned Development

4. Traditional Development Districts (TDDs)

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Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

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B. Standard Zoning Districts

Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the Table below.

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(2)(3)(4)(6)

FLU Designation				Z	oning Distric	ct			
			Agr	iculture/Con					
AP	AP	AR	PO						
AGR	AGR	AR	PO	<u>AP</u>					
CON	PC <u>(12)</u>	PO							
SA	AR	AGR <u>(7)</u>	<u>PO</u>	<u>AP</u>					
				Resident	ial				
RR-20	AR	<u>PO</u>	<u>AP</u>						
RR-10	AR	PO	AP						
RR-5	AR	<u>PO</u>	<u>AP</u>						
RR-2.5	AR	RE	<u>PO</u>	<u>AP</u>					
LR-1	AR (2)	RE	RT	RS	<u>PO</u>	<u>AP</u>			
LR-2	AR (2)	RE	RT	RS	<u>PO</u>	<u>AP</u>			
LR-3	AR (2)	RE	RT	RS	<u>PO</u>	<u>AP</u>			
MR-5	AR- (2)	RE	RT	RS	RM <u>(5)</u>	<u>PO</u>	<u>AP</u>		
HR-8	AR -(2)	RE	RT	RS	RM	<u>PO</u>	<u>AP</u>		
HR-12	AR -(2)	RE	RT	RS	RM	<u>PO</u>	<u>AP</u>		
HR-18	AR (2)	RE	RT	RS	RM	<u>PO</u>	<u>AP</u>		
CLR					RM	<u>PO</u>	<u>AP</u>		
WCR	AR (<u>1</u> 4)	<u>PO</u>	<u>AP</u>						
				Commerc	ial				
CL-O	CLO	IR	<u>AR</u>	<u>PO</u>	<u>AP</u>				
CL	CN	CC	CLO	#RCG (9)	IR	<u>AR</u>	<u>PO</u>	<u>AP</u>	
CH-O	CLO	CHO	IR	<u>AR</u>	<u>AP</u>				
CH	CN	CC	CLO	CHO	CG	IR	<u>AR</u>	<u>PO</u>	<u>AP</u>
CR	CRE	<u>AR</u>	<u>PO</u>	<u>AP</u>					
UI	UI <u>(11)</u>								
UC	UC <u>(11)</u>								
				Industri	al				-
IND	IL	IG	CRE	<u>AR</u>	<u>PO</u>	<u>AP</u>			
			Institu	ıtional/Publi	c and Civic				
INST <u>(8)</u>	IPF	<u>AR</u>	<u>RE</u>	<u>RT</u>	<u>RS</u>	<u>RM</u>	<u>P0</u>	<u>AP</u>	
PARK	IPF	AR	<u>PO</u>	AP					
U/T	PO	IPF <u>(10)</u>	<u>AR</u>	<u>PO</u>	<u>AP</u>				
								•	•

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] Typical example of a "shaded district." [Relocated from: below] Notes Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district A district that is not xisting zoning districts by FLU designation that may quality for SFD exemption in accordance with the exceptions Typical example of a "shaded district." [Relocated to: above] A rezoning shall not be required for an existing <u>Legal Lot of Record for the development of a</u> with accessory uses, provide existing zoning is identified in this Table. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.a] nt with all FLU de ations <u>w</u>ithin the Glades Tier, excluding C<u>ON</u>. **[Ord. 2011-**016] [Ord. 2016-042] [Relocated from: Art. 3.A.3.B.1.f] ntial FLU designations, excluding CON. [Ord. 2011-016] [Partially *onsistent with all* non-re relocated from: Art. 3.A.3.B.1.c] The RM Zoning District is consistent with the MR-5 FLU designation only for those properties that were zoned RM prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016] [Ord. 2017-025] [Partially relocated from: Art. 3.A.3.B.1.g] Coning District is consistent with all FLU designations. [Relocated from: Art. 3.A.3.B.1.d] The AGRZoning District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.e] Existing institutional or civic uses in the RE, RT, RS, or RM Zoning Districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority. [Ord. 2011-016] [Partially relocated from: Art. 3.A.3.B.1.j] The CG Zoning District is consistent with the CL FLU designation on sites located within the U/S Tier which have existing CC coning with a CL FLU designation prior to the adoption of Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one <u>acre in size shall utilize the CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning Distric</u> The IPF Zoning District shall only be consistent with the U/T FLU designation for the purposes of accommodating privately owned or operated utility uses, including those considered publically-held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. [Ord. 2017-007] [Relocated from: Art. 3.A.3.B.1.n] 10. The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and <u>11.</u> Coning. [Ord. 2017-002] [Relocated from: Art. 3.A.3.B.1.m] A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC Zoning District. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.k] A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. [Ord. 2014-025] [Relocated from: Art. 3.A.3.B.1.I] The zoning district is consistent as described in the Plan. [Ord. 2019-005]

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

- A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.A.3.B, Future tandard Zoning Districts. [Ord. 2011-016] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 2]
- The AR district is consistent with the SA FLU designation in the Rural and Exurban Tiers
- The AR district may be considered consistent with all FLU designations in the U/S Tier for existing agricultural uses or the purpose of permitting new agricultural uses, where in with Art. 3.C.1.C.1.c, Agricultural Uses in the U/S Tier. [Ord. 2011-016] [Partially relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 4]
- The PO district is consistent with all FLU designations. [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 6]
- district is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2011-016] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 7]
- Within the Glades Tier, the AP district is consistent with all FLU designations, excluding Conservation. [Ord. 2011-016] [Ord. 2016-042] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 3]
- The RM district is consistent with the MR-5 designation only for those areas already zoned RM or RH, prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016] [Ord. 2017-025] [Partially relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 5]

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

- The RS district is consistent with the LR-1 designation only for those areas already zoned RS, RTU, RM, or RH on the Plan's August 31, 1989 adoption. [Ord. 2016-042]
- i. Certain uses in the CRE district over three acres require rezoning to IL. See Supplementary Use Standards. [Ord. 2011-016]
- j. Existing institutional or civic uses in the AR, RE, RT, RS, or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority. [Ord. 2011-016] [Partially relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 8]
- k. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. [Ord. 2011-016] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 12]
- I. A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. [Ord. 2014-025] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 13]
- m. The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. [Ord. 2017-002] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 11]
- n. The IPF district shall only be consistent with the U/T FLU designation for the purposes of accommodating privately-owned or operated utility uses, including those considered publically-held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. [Ord. 2017-007] [Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 10]
- C. Planned Development Districts (PDDs)
 - Any application for a rezoning to a PDD shall correspond to a FLU designation indicated in the Table below. **[Ord. 2011-016]**

Table 3.A.3.C – FLU Designation and Corresponding Planned Development Districts (45)

	AGR (<mark>21</mark>)	RR	WCR	AGE	LR <u>-</u> 1	LR <u>-</u> 2	LR <u>-</u> 3	MR <u>-</u> 5	HR <u>-</u> 8	HR <u>-</u> 12	HR <u>-</u> 18	MLU	CLR
PUD	✓	✓	✓	(3 2)	✓	✓	✓	✓	✓	✓	✓	4	✓
MHPD		✓			✓	✓	✓	√	✓	✓	✓		
	AGR (1)	RR	AGE	CL	CH	CL <u>-</u> O	CH <u>-</u> O	IND	INST	CRE	MLU	EDC	CLR (5)
MUPD <u>(4)</u>			(3 2)	✓	✓	✓	✓	✓	✓	✓	4	√ <u>(6)</u>	√ <u>(3)</u>
MXPD					4		4				(4)		✓
PIPD								✓			4	✓	
RVPD		√								√			

[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017-025] [Ord. 2019-

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Indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that

corresponds to a FLU designation. [Ord. 2008-037] [Relocated from: below]

Notes:

- 1. Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037] [Relocated to: above]
- 1. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
- A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations. [Ord. 2014-031]
- An MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only. [Ord. 2017-025]
- The CLR designation MUPD Zoning District is consistent with MUPDthe CLR FLU designation and MXPD when applied as an underlying designation for a mixed or multiple use project. The uses allowed in the CLR FLU designation, as associated approval processes, are the same as the uses allowed in RM or PUD Zoning Districts with the limitation that any residential uses are limited to CLFs. [Ord. 2019-005]
- 4. An MUPD Zoning District is only consistent with residential FLU designations within the U/S Tier for sites that have a non-residential FLU designation on at least a portion of the MUPD.
- 5. For Multiple Land Use (MLU), the consistent zoning districts are those that are consistent with the FLU designations affixed in the MLU's adopting Ordinance.
- See Art. 3.E.3.B.4, EDC FLU Use Limitations

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D. Traditional Development Districts (TDDs)

Any application for a rezoning to a TDD shall correspond to a FLU designation indicated in the Table below. [Ord. 2011-016]

Table 3.A.3.D - TDD Corresponding Land Use

	AGE	AGR	RR	LR-1	LR-2	LR ₋ 3	MR <u>-</u> 5	HR ₋ 8	HR <u>-</u> 12	HR <u>-</u> 18	MLU	EDC
TND	(1)			✓	✓	✓	✓	✓	✓	✓	4	
TTD	✓			✓	✓	✓	✓	✓	✓	✓	4	
	AGE	AGR	RR	CL	CH	CL <u>-</u> O	CH <u>-</u> O	IND	INST	CRE	MLU	EDC
TMD	(1)			✓	✓					✓	4	

[Ord. 2010-022] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2017-025]

Kev:

Legend: Check (v') iIndicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]

Notes:

1. A TND or TMD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations.

E. Exemptions/Applicability for Prior Approvals

2. Planned Development Districts

The following previous approvals shall correspond to the current districts indicated: **[Ord. 2011-016]**

- a. Special Exceptions for PUDs shall correspond to a PUD. [Ord. 2011-016]
- b. Special Exceptions for Large Scale Community or Regional Shopping Centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs), Mixed Use Planned Developments (MXPDs), and Planned Office Business Parks (POBPs) shall correspond to an MUPD. [Ord. 2011-016] [Ord. 2018-018]
- Special Exceptions for Planned Industrial Developments (PIDs) shall correspond to IL or IG Zoning District of the subdivision. [Ord. 2018-018]
- d. Special Exceptions for PIPDs shall correspond to a PIPD. [Ord. 2011-016]
- e. Special Exceptions for MHPDs shall correspond to an MHPD. [Ord. 2011-016]
- f. Special Exceptions for RVPDs shall correspond to an RVPD. [Ord. 2011-016]
- g. Any of the above where approved as a Conditional Use approval as opposed to a Special Exception. [Ord. 2011-016]

Part 4. ULDC Art. 3.E, Overlays and Zoning Districts, Planned Development Districts (PDDs) (pages 136, 147, 148, and 161-163 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Art. 3.E.1.B.2.b. Update reference to FLU Element (FLUE) Floor Area Ratio (FAR) Table in the Plan Policy pursuant to Planning Ordinance No. 2020-011.
- Art. 3.E.2.E.2.d.2), Mixed Use Remove language that referenced MXPD and renumbered list as residential uses are now permitted in MUPDs. The MXPD Policy was deleted from the Plan in accordance with Planning Ordinance No. 2020-011.
- 3. Art. 3.E.3.A.d-f. Relocate purpose and intent language from MXPD provisions to the existing MUPD purpose and intent. This was done to address the missing residential element that is now allowed within MUPD developments and provide direction on how this element should be incorporated into MUPDs.
- 4. Art. 3.E.3.B.1.a. Modify language under objectives to clarify when an industrial MUPD is proposed that a residential element is not required to be integrated into the development.
- 5. Art. 3.E.3.B.2.b.1), Mixed Use Add new language to landscaping requirement between residential and non-residential uses within the same development. The intent of the MUPD is to create a development that seamlessly integrates a mix of uses. The previous provisions were segregating the non-residential and residential uses and created a disconnect between them, ultimately forcing the development to appear to function as separate entities.
- 6. Art. 3.E.3.B.2.d.1)c)-d) Add language to clarify how location criteria percentage for parking would be applied if a parking structure was used. Also add language, per interpretation meeting that identified *public entrance* only applied to non-residential, that identifies how distance criteria should be applied to residential development within an MUPD.

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Reason for amendments: [Zoning]

- 7. Art. 3.E.3.B.2.e.3), Compatibility Modify some language to clarify residential compatibility within an MUPD. Since MXPD is being combined with MUPD, greater consideration is needed to be given to how the residential element will function within a development.
- 8. Art. 3.E.3.B.2.e.3)a), Architectural Add new language to connect the dots between Article 3 and Article 5 for architectural requirements of mixed-use projects.
- 9. Art. 3.E.3.B.2.e.4), Usable Open Space Modify language for usable open space to increase flexibility for existing MXPDs and MUPDs that want to provide infill with residential elements.
- 10. Table 3.E.3.D, MUPD Property Development Regulations Relocate maximum lot coverage for Commercial High (CH), and Commercial High Office (CHO) FLU designations from Table 3.E.4.D, MXPD Property Development Regulations to be consistent with MXPD. With the deletion of the MXPD Policy language form the Plan, this district is now considered an MUPD. To maintain consistency with existing MXPD developments, the increased lot coverage allowances was transferred to the MUPD standards. Add Note 3 to allow 60 percent lot coverage for MUPDs that utilize both non-residential and residential elements. This will allow additional infill opportunities to existing MUPDs that want to provide residential elements. Add Note 4 to clarify when two FLU designations are used in a split or MLU orientation which minimum acreage requirement would take precedent.
- 11. Art. 3.E.3.D.1, Setbacks, Commercial Districts Relocate language from MXPD provisions specific to setback allowances to maintain consistency with existing MXPDs and increase flexibility for new and existing MUPDs; this will provide greater infill opportunities to the development.
- 12. Art. 3.E.3.E.2, Integration Relocate language from MXPD provisions to clarify integration of how to apply vertical residential land uses.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

.... B.

B. FAR, Density, and Use Standards

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2. PDDs with Underlying FLU Designations

- a. PDDs that have a non-residential FLU designation and an underlying residential FLU designation may utilize density and/or intensity for either or both FLU designations. [Ord. 2019-005]
- b. PDDs that have two non-residential FLU designations may utilize either or both FLU designations. If the Development Order utilizes both FLU designations, a Preliminary Master Plan shall be approved by the BCC depicting the locations of each FLU designation as a pod. Each pod will be limited to the allowable uses, for the applicable FLU designation, pursuant to Art. 4.B, Use Classification and the property development regulations pursuant to Table 3.E.3.D, MUPD Property Development Regulations. The FAR shall be in accordance with FLUE Table III.C.22.2-e.1 for each pod and the applicable FLU designation. Double counting of intensity is prohibited. [Ord. 2019-005]

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Section 2 Planned Unit Development (PUD)

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D. Property Development Regulations (PDRs)

Table 3.E.2.D - PUD Property Development Regulations

	Lo	t Dimensio	ns					Setb	acks	
Pod	Size	Width and Frontage	Depth	Density	FAR (2)	Building Coverage	Front	Side	Side Street	Rear
	Residential									
SF (4)	Apply the I	RS Zoning	District rec	gulations in	Table 3.D.	1.A, Propert	y Developn	nent Regula	itions.	
Cottage Home	Refer to Ta	able 3.D.2.D), Cottage I	Home Prope	erty Develo	pment Regi	ulations. [O	rd. 2018-01	[8]	
ZLL (4)	Refer to Ar	t. 3.D.2.B, 2	Zero Lot Lir	ne (ZLL).						
TH	Refer to Ar	t. 3.D.2.A,	Townhouse) .						
MF	Apply the I	RM Zoning	d <u>D</u> istrict re	gulations in	Table 3.D.	1.A, Propert	ty Developr	nent Regula	ations.	
	Civic									
Private	0.5 ac.	100'	100'	-		200/	0.5	202	0.5	20,
Public	1.5 ac.	100'	200'	-	-	30%	25'	20'	25'	20'

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	Commercial											
Com	Apply the CC Zoning dDistrict regulations in Table 3.D.1.A, Property Development Regulations.											
					Reci	reation						
Recr (5)	eation Pod	(3)	(3)	(3)	-	-	30%	25'	15'	25'	15'	
Neig Park	hborhood	0.1 ac.	45'	75'	-	-	15%	15'	15'	15'	15'	
					Preser	vation (1)						
Pres	Apply the AGR Zoning dDistrict regulations in Table 3.D.1.A, Property Development Regulations.											
	Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-											
Note	lotes:											
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.											
2	The maximum otherwise note			ordance wi	th FLUE Ta	ble III.C.2 2	<u>.2-e.1</u> of th	e Plan, an	d other rela	ted provision	ons, unless	
	Recreation Po [Ord. 2020-00		d for Multifa	mily units,	CLFs, or Co	ttage Home	es in an MF	Pod or lot i	may be exe	mpt from th	e following:	
3.	Minimum lot frontage may be reduced or eliminated where the pod does not front on a street, and is located within the MF a. or CLF structures, surrounded by the MF, CLF, or Cottage Homes, or located on a shared driveway. A sidewalk shall be provided from the Recreation Tract to the internal pedestrian network; and [Ord. 2016-042] [Ord. 2020-001] Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]											
	SF and ZLL residential units may be allowed to increase building coverage by ten percent subject to the following: [Ord. 2020-001]											
4.		building co			conjunction	with other r	eductions,	Waivers, o	r Variances	for building	g coverage.	
5.	Setbacks for 0		creation A	menities sha	all be in acc	ordance wi	th Art. 5.B.1	I.A.10.b, Se	etbacks. [O	rd. 2021-00	06]	

E. Pods

2. Commercial Pod

• • • •

d. Property Development Regulations (PDRs)

The PDRs for a Commercial Pod are in Table 3.E.2.D, PUD Property Development Regulations.

1) Multiple Uses

A Commercial Pod meeting the requirements for an MUPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.3.D, MUPD Property Development Regulations.

2) Mixed Use

A Commercial Pod meeting the requirements for an MXPD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPD Property Development Regulations.

32) Market Place

A Commercial Pod meeting the requirements for TMD or a TMD with a CL FLU designation may be developed in accordance with the PDRs in Table 3.D.1.A, Property Development Regulations.

Section 3 Multiple Use Planned Development (MUPD)

A. General

1. Purpose and Intent

The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design by: [Ord. 2014-025]

- a. allowing flexibility from standard PDRs;
- b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and,
- c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses—
- d. <u>allowing</u> the use of vertical or horizontal integration with residential and non-residential uses; [Relocated from: Art. 3.E.4.A.1.a]
- e. promoting the design of a Site Plan which provides for the integration of residential and non-residential uses; and, [Relocated from: Art. 3.E.3.4.1.c]

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 <u>promoting</u> the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles. [Relocated from: Art. 3.E.4.A.1.d]

2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previous approvals specified in Art. 3.E, Planned Development Districts (PDDs) unless otherwise stated. **[Ord. 2009-040] [Ord. 2011-016]**

3. Conflicts

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60 61 If a conflict exists between this Section and other Sections of this Code, the provisions of this Section shall apply to the extent of the conflict.

B. Objectives and Standards

1. Design Objectives

An MUPD shall comply with the following objectives:

- a. Allow for both residential and non-residential uses within a project, that is designed in a mannerto incorporate vertical or horizontal integration of residential uses, to foster compatibility within and adjacent to the project; [Ord. 2019-005]
- b. Provide innovative building location and orientation;
- c. Protect adjacent residential uses from potential adverse impacts;
- d. Provide interconnection between uses in and adjacent to the projecta continuous, non-vehicular and pedestrian circulation system which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the MUPD;
- e. Allow for landscape design that enhances the appearance of the project; and, [Ord. 2014-025]
- f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution, and storage of products. [Ord. 2014-025]

2. Performance Standards

An MUPD shall comply with the following standards:

a. Non-Vehicular Circulation

An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation system throughout the development. **[Ord. 2021-006]**

1) Sidewalks

<u>Internal sidewalks shall connect to sidewalks located along adjacent streets.</u> Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

b. Landscape Buffers

A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD, where mixed use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation. The Applicant may request for an alternative buffer subject to a Type 2 Waiver process, unless exempted below. [Ord. 2018-002] [Ord. 2019-005]

1) Mixed Use

No buffer shall be required between residential and non-residential uses within a mixed use development. Internal vegetation shall be planted to promote integration of uses within the development.

2) Vertical Integration

A Type 2 perimeter buffer shall be permitted between a structure with vertical integration of residential and non-residential uses and adjacent properties with residential structures greater than 35 feet in height.

c. Cross Access

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

d. Parking

On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7, Landscaping, and the following:

1) Parking Areas

a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians. [Ord. 2018-002]

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- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment. [Ord. 2018-002]
- <u>c</u>) 20 percent of the required parking shall be located <u>at</u> the side or rear of non-residential uses, <u>unless all spaces are provided within a parking structure per Art.</u>
 <u>6.B.2.E. Parking Structures.</u> [Relocated from: Art. 3.E.4.D.4.a]
- d) All required on-site parking shall be located within 400 feet of a public entrance to any non-residential or individual access points of a residential building within the development. [Relocated from: Art. 3.E.4.D.4.b]

2) Loading Area Screening

Internally oriented loading areas, or loading areas between a building and an adjacent residential use, shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

e. Residential

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An MUPD with residential uses shall comply with the following additional performance standards: [Ord. 2019-005]

1) Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a recreation use or usable open space. [Ord. 2019-005]

2) Pedestrian Circulation

Internal sidewalks shall connect residential to both the non-residential use(s), and the usable open space(s). Elements of human scale shall be incorporated along these systems including but not limited to light fixtures, seating, gathering spaces, water features, statuary, and landscaping. **[Ord. 2019-005]**

3) Compatibility

The MUPD shall be designed to create a transition between integration of non-residential and residential land uses within the project and between. The uses within the MUPD shall be designed to transition to less intensive residential housing located on abutting property to the MUPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations. The elements of transition between the use types may include but is not limited to changes in housing types, variations in buildings heights, increases in building setbacks and separations, orientation of buildings, and placement of open spaces. [Ord. 2019-005]

a) Architectura

Within an MUPD, buildings that face a residential use(s), within or adjacent to the development, shall comply with Art 5.C.1.B.2, Mixed Use.

4) Usable Open Space

In addition to the requirements of Art. 5.D, Parks and Recreation – Rules and Recreation Standards for the residential use, a minimum of five percent of the total Development Area shall be usable, open space. This open space is encouraged to be located between, or in the common area of, the non-residential and residential uses as a central gathering area in order to integrate the two uses. Trees shall be installed within this area at one tree for each 1,000 square feet of usable open space. [Ord. 2019-005]

3. Civic Dedication

The BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel. **[Ord. 2006-004]**

4. EDC FLU - Use Limitations

All permitted commercial, public and civic, agricultural, utility, or industrial uses shall comply with the following: **[Ord. 2014-025]**

- a. Shall be clustered within the overall project so as to minimize any adverse impacts, including heavy truck traffic, on office and research portions of the project; and [Ord. 2014-025]
- b. Outdoor storage or activity areas shall be buffered and screened from view of office or research areas, or operate completely in enclosed buildings. [Ord. 2014-025]

C. Thresholds

Projects that meet or exceed the requirements of Table 3.E.3.D, MUPD Property Development Regulations, in addition to all other minimum MUPD requirements, may be submitted and reviewed as an MUPD. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031] [Ord. 2019-005]

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

D. Property Development Regulations

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

Table 3.E.3.D - MUPD Property Development Regulations

		Min	Lat Dimana	000			Min. Setbacks (1)				
FLU Desig	nations	Size <u>(4)</u>	Lot Dimens Width and Frontage	Depth	Max. FAR (2)	Max. Building Coverage	Front	Side	Side Street	Rear	
CL		3 ac.	200'	200'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'	
СН		5 ac.	300'	300'	-	3040% <u>(3)</u>	30'	C – 15' R – 30'	30'	C – 20' R – 30'	
CLO		3 ac.	200'	250'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'	
СНО		5 ac.	200'	200'	-	<u>2540% (3)</u>	30'	C – 15' R – 30'	30'	C – 20' R – 30'	
IND		5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'	
EDC		5 ac.	300'	300'	-	45%	30'	C – 15' R – 40'	30'	C – 20' R – 40'	
CR		5 ac.	300'	300'	-	30%	30'	C – 15' R – 40'	30'	C – 20' R – 40'	
INST		5 ac.	300'	300'	-	30%	30'	C – 15' R – 30'	30'	C – 20' R – 30'	
Resid	ential Use	es and Recre	eation								
ZLL				R		.D.2.B, Zero l		.).			
TH						rt. 3.D.2.A, To					
MF		Ap	ply the RM <u>Z</u>	<u>oning d</u> Distri	ct regulations	s in Table 3.D	0.1.A, Proper	ty Developm	ent Regulatior	IS.	
Recre Pod	ation				,	ecreation Po	Ü				
Neigh Park	borhood	Apply PU	ID neighborhd	ood park regi		ocated from Regulations]		I.D, MXPD P	roperty Deve	lopment	
		[Ord. 2014-	025] [Ord. 20	15-031] [Or	d. 2019-005]						
Notes											
С	support a	residential u	se. [Ord. 201	5-031]				strict or FLU	designation, tl	nat does not	
R			from an adjac				d. 2 <mark>015-031]</mark>		·	<u> </u>	
1.		etbacks are measured in linear feet from the boundary of the MUPD.									
2.		ximum FAR shall be in accordance with FLUE Table III.C.22.2-e.1 of the Plan, and other related provisions, unless se noted, and shall include all residential and non-residential buildings. [Ord. 2019-005]									
3	The maxi	mum building	g coverage fo	r CH and Cl					ent for develo	pments with	
<u>3.</u>			on-residential								
<u>4.</u>	An MUPE) with split or	multiple FLU	designations	<u>s shall apply</u>	<u>the minimum</u>	acreage of t	<u>he more rest</u>	rictive FLU de	<u>signation.</u>	

1. Setbacks, Commercial Districts

The front and side street setbacks in Table 3.E.3.D, MUPD 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 Multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.4, Type 1 Waiver for Landscaping. [Relocated from: Art. 3.E.4.D.1.a, Commercial Districts]

2. Integration

Vertically and horizontally integrated residential uses shall comply with Table 3.<u>E.3.D</u>, <u>MUPD</u> Property Development Regulations, for the applicable <u>non-residential designation</u>, Art. 4, Use Regulations and Art. 3.B, Overlays, <u>or as otherwise allowed within this Code</u>. [Partially relocated from: Art. 3.E.4.D.3, Integration]

Part 5. ULDC 3.E, Overlays and Zoning Districts, Planned Development Districts (PDDs) (page 164-169 of 213, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Art. 3.E.4, Mixed Use Planned Development (MXPD) – Planning Ordinance No. 2020-011 approved in July 2020 deleted supporting language for MXPD (Policy 4.4.6). MXPD and MUPD are being combined to maintain consistency with the Plan and reduce confusion with what zoning district to apply when proposing development with both residential and non-residential uses. In 2016, the County added language to the Plan to allow residential uses in MUPD zoning.

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Reason for amendments: [Zoning]

- Table 3.E.5.D, PIPD Property Development Regulations and Art. 3.E.5.E.2.b.2), Development Regulations – Change MXPD references to MUPD; MXPD Policy has been deleted from the Plan and is now being removed from the Code since MUPD now allows residential uses.
- 3. Art. 3.E.5, Planned Industrial Park Development District (PIPD), Art. 3.E.6, Mobile Home Planned Development District (MHPD), and Art. 3.E.7. Recreational Vehicle Planned Development District (RVPD) Renumbering Section 5, 6, and 7 with the deletion of MXPD pursuant to Planning Ordinance No. 2020-011.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

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Section 4 Mixed Use Planned Development (MXPD)

A. General

1. Purpose and Intent

The purpose and intent of the MXPD district is to provide for the compatible development and integration of residential and non-residential uses into a unified development with enlightened and imaginative approaches to community planning, including: [Ord. 2007-001]

- a. the use of vertical or horizontal integration with residential and non-residential uses; [Relocated to: Art. 3.E.3.B.1.d]
- the selection of land uses which allows for compatibility with residential uses; [Ord. 2017-025]
- c. the design of a Site Plan which provides for the integration of residential and non-residential uses; [Relocated to: Art. 3.E.3.B.1.e]
- d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and, [Relocated to: Art. 3.E.3.B.1.f]
- e. the utilization of Multifamily homes to provide a transition area between non-residential uses and adjacent residential development.

2. Applicability

The requirements of this Section shall apply to all MXPDs, whether new or amended.

3. Conflict

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.

B. Objectives and Standards

1. Design Objectives

An MXPD shall comply with the following objectives:

- a. Provide vertical or horizontal integration of residential and non-residential 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 MXPD. [Ord. 2017-025]

2. Performance Standards

An MXPD shall comply with the following standards:

a. Proximity of Uses

All dwelling units shall be located within 1,320 linear feet of a non-residential 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 MXPD shall be designed to create a transition between non-residential and residential land uses within the project, and between less intensive residential housing located outside the MXPD. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

1) Detached Housing

Buildings within an MXPD 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 Compatibility Buffer is required between land uses within the interior of the MXPD.

e. Neighborhood Parks

In addition to the requirements of Art. 5.D, Parks and Recreation – Rules and Recreation Standards, an MXPD 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, MXPD Property Development Regulations, in addition to all other minimum MXPD requirements, may be submitted and reviewed as an MXPD. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031]

1. Land Use Mix

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

Table 3.E.4.C - MXPD Land Use Mix

Use 1	T ype	Min.	Max.							
Resid	dential	75%								
Non-	Residential	25 %	50%							
Notes	otes:									
1.	uses are calculated by	Im land use percentages for by dividing the total GFA of non-residential) by the total PD.	the specific land use type							

2. Density

The maximum density for an MXPD 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 MXPD.

D. Property Development Regulations (PDRs)

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

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

	WITT.	Lot Dimen	JUNIJ	May EAD	Wax.		WIIII. O	tbacks	
FLU	Acres	Width	Depth	Max. FAR (1)	Building Coverage	Front	Side	Side Street	Rear
CL	3	200'	200'		30%	25'	C – 15' R – 40'	25'	C-20' R-40'
СН	5	300'	300'		40%	25'	C – 15' R – 40'	25'	C - 20' R - 40'
CLO	3	200'	200'		30%	25'	C – 15' R – 40'	25'	C - 20' R - 40'
СНО	5	300'	300'		40%	25'	C – 15' R – 40'	25'	C - 20' R - 40'
Residential				Apply	/ RM district re	gulations.			
Recreation Pod				Apply PUE	Recreation Po	od regulatior	IS.		
Neighborhood Park	Apply Pl	JD neighbol	rhood park	regulations.	[Relocated to: Regulations		B.D, MUPD P	roperty Dev	elopment
[Ord. 2007-001] [O	rd. 2015-03	I]							
Notes:									
c Indicates the residential us			nt parcel wi	th a non-res	idential zoning	district or FL	U designatio	n that does r	not support a
Indicates the	setback from	n an adiace	nt narcel wi	ith residentia	l zonina [Ord	2015-0311			

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

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

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44 45 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.A.D, MXPD 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 Multifamily dwelling units. The required landscape buffer may be relocated subject to approval of an ALP in accordance with Art. 7.B.4, Type 1 Waiver for Landscaping.

[Relocated to: Art. 3.E.3.D.1, Setbacks, Commercial Districts]

2. FAR

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

3. Integration

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

[Partially relocated to: Art. 3.E.3.D.2, Integration]

4. Parking

Within an MXPD, parking shall meet the following:

- a. 20 percent of the required parking shall be located on the side or rear of non-residential uses; and [Relocated to: Art. 3.E.3.B.2.d.1)c)]
- b. All required parking shall be located within 400 feet of a public entrance to a non-residential building. [Relocated to: Art. 3.E.3.B.2.d.1)d)]

E. Use Regulations

1. Residential Use

Residential uses in an MXPD shall be regulated by maximum density and maximum residential GEA.

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.

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.

Section 54 Planned Industrial Park Development (PIPD)

D. Property Development Regulations

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Table 3.E.54.D - PIPD Property Development Regulations

	1	t Dimension	•				Cat	haaka	
	L	ot Dimension	S	Max. FAR	Max.		Seti	backs	
Pods	Size	Width and Frontage	Depth	(1)	Building Coverage	Front	Side (2)	Street	Rear (2)
Light Industrial	1 ac.	100'	200'	(1)	45%	25'	C – 15' R – 40'	25'	C – 15' R – 40'
General Industrial	2 ac.	200'	200'	(1)	45%	25	C – 20' R – 40'	25'	C – 20' R – 40'
Commercial			Α	pply MUPD,	MXPD, or TMD	regulation	ns.		
Residential				Apply	PUD regulatio	ns.			
Neighborhood Recreation		Ар	oly PUD	Recreation Po	d and neighbo	rhood pa	rk regulatior	ns.	
Regional Recreation	1 ac.	100'	200'	(1)	30%	25'	C – 20' R – 40'	25'	C – 20' R – 4'0
Civic				Apply Pl	JD civic regula	tions.			
[Ord. 2004-040] [Ord. 2014	I-001] [Or	d. 2017-032]	•			•		•	

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Note	s:
С	Indicates the required building setback for land uses abutting a non-residential zoning district, a Civic, Mixed Use Commercial or Industrial Pod, or a recreation area.
R	Indicates the required building setback for land uses abutting a residential zoning district or a Residential Pod.
1.	The maximum FAR shall be in accordance with FLUE Table ##.C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]
2.	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] [Ord. 2017-032]

2 3 4 E. Pods 2. Commercial Pod 5 6 7 b. Mixed Use Mixed use development is intended to provide residential and commercial land uses 8 integrated vertically into one building or horizontally into groups of buildings. A PIPD with 9 a BCC approval for a Commercial Pod may apply to the DRO to re-designate the pod as a 10 Mixed Use Pod on the Master Plan. A mixed use development in a PIPD shall comply with 11 the following: 1) Thresholds 12 A mixed use development shall have a minimum land area equal to or larger than five 13 acres or a minimum GFA of 50,000 square feet. 14 2) Development Regulations 15 16 A Mixed Use Pod shall comply with the requirements for an MXUPD or TMD. 17 **Mobile Home Planned Development District (MHPD)** 18 Section 65 19 Recreational Vehicle Planned Development District (RVPD) 20 Section 76 21

Part 6. ULDC Art. 4.B.1.A, Use Regulations, Use Classification, Residential Uses, Residential Use Matrix (page 13 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- Table 4.B.1.A, Residential Use Matrix In compliance with Planning Ordinance No. 2020-011, MXPD is being deleted from the Code. Update Note 3 to specifically identify the residential uses that are permitted within an MUPD to provide clarity as to when those uses can be applied to an MUPD development. The uses listed in MXPD that are being removed are consistent with existing MUPD allowed uses.
- 22 CHAPTER B USE CLASSIFICATION
- 23 Section 1 Residential Uses

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

A. Residential Use Matrix
 1. Residential related accessory uses are identified in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use.

																			TAE	TABLE 4.B.1.A – RESIDENTIAL USE MATRIX	TIAL USE I	MATR	×																		
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Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column. Sea allowed in the RM or the PUD Zoning Districts, that has a CLR FLU designation, is a Type 3 Congregate Living Facility (CLF). [Ord. 2019-005] Inhouse, and Cottage Home residential uses within an MUPD may only begree permitted within an MUPD when density is available throughthat has an underlying or splij. Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-006]	[Ord.	2017-0	004] [Ord. 20	17-007] [Ord.	2017-	025] [C)rd. 20	118-00	12] [01	'd. 20	19-00	3] [Orc	d. 201	9-034	_																								
Permitted by Right Subject to DRO Approval Subject to DRO Approval By Subject to Zoning Commission Approval (Class B Conditional Use) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column. The only residential use allowed in the RM or the PUD Zoning Districts, that has a CLR FLU designation, is a Type 3 Congregate Living Facility (CLF). Iord. 2019-005 OLF. Multifamily. Townhouse, and Cottage Home rResidential uses within an MUPD when density is available throughthat has an underlying or split Residential or Agricultural Reserve Future Land Use designation. Iord. 2019-006 Uses may require a higher level of approval pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary of the specific use.	nse '	Approv	val Pro	ocess k	Key:																																				
Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column. The only residential use allowed in the RM or the PUD Zoning Districts, that has a CLR FLU designation, is a Type 3 Congregate Living Facility (CLF). [Ord. 2019-005] CLF. Multifamily. Townhouse, and Cottage Home rResidential uses within an MUPD may only begre permitted within an MUPD when density is available throughthat has an underlying or split Residential or Agricultural Reserve Future Land Use designation. [Ord. 2019-005] Uses may require a higher level of approval pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary of the specific use.		2	4100	2.0														О		ubject to DRO Approval					A		bject to	BCC	Appro	val (Cl	ass A (Condition	onal Us	(əs							
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May 26, 2021

ARTICLES 1-5 NON-RESIDENTIAL

(Updated 05/17/2021)

ULDC Art. 4.B.2, Use Regulations, Use Classification, Commercial Uses, (pages 25-28, 44.1, and 44.2 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Table 4.B.2.A, Commercial Use Matrix - Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

Table 4.B.2.A, Commercial Use Matrix – In compliance with the adopted Planning Ordinance No. 2020-011, the Use Matrix is updated to show a Class A approval for Self-Service Storage, Limited. This use was identified as a use that could be allowed within the Commercial Low Office (CLO) and Commercial High Office (CHO) Zoning Districts and FLU designations of MUPD.
 Art. 4.B.2.C.21.h.5), AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers – Remove reference to MXPD.

CHAPTER B USE CLASSIFICATION

Commercial Uses Section 2 က

A. Commercial Use Matrix

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May 26, 2021

ARTICLES 1-5 NON-RESIDENTIAL CR-2020-0024 (Updated 05/17/2021)

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ARTICLES 1-5 NON-RESIDENTIAL CR-2020-0024 (Updated 05/17/2021)

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

1 2	C. Definitions and Supplementary Use Standards for Specific Uses
3 4	 21. Landscape Service
5	h. Collocated Use
7 8	Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses shall be operated under the same ownership, subject to the following: [Ord. 2019-039]
9	
10 11	 AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tiers
12	a) Shall be on a minimum of three acres; and [Ord. 2019-039]
13 14	 b) Approval Process – Class A Conditional Use (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a
15 16	maximum of 30 percent of the Growing Area or one acre, whichever is less. [Ord. 2019-039]
17	

Part 8. ULDC Art. 4.B.3, Use Regulations, Use Classification, Recreation Uses (page 61 and 65 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- Table 4.B.3.A, Recreation Use Matrix Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
- 2. Art. 4.B.3.C.3.c, Approval Process CC, CG, MUPD, MXPD and PIPD Zoning Districts Remove reference to MXPD as it was deleted from the Plan pursuant to Planning Ordinance No. 2020-011.
- 18 CHAPTER B USE CLASSIFICATION

19

- 20 Section 3 Recreation Uses
- 21 A. Recreation Use Matrix

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

TABLE 4.B.3.A - RECREATION USE MATRIX

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∩ (c)	ses may rec	tuire a higher I	level of app	proval pu	ırsuant	t to Ta	ble 4.4	4.9.A.	Thresi	holds i	for Pro	ojects	Redu	iring L	Uses may require a higher level of approval pursuant to Table 4.A.9.A. Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B. Thres	Thresholds for Projects Requiring Board of	jects R	Reguiri	ng Bo	ard of	Coun	ty Cor	nmiss	oners	Approv	/al, un	less of	therwi	se spe	ecified	within	the Sur	County Commissioners Approval, unless otherwise specified within the Supplementary Standard	ntary S	tanda	ırds
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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

2 C. Definitions and Supplementary Use Standards for Specific Uses 3 4 **Entertainment, Indoor** 5 a. Definition 6 An establishment offering recreational opportunities or games of skill to the general public 7 for a fee in a wholly enclosed building. 8 **Typical Uses** 9 Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors, banquet and reception facilities, and video game arcades. 10 Approval Process - CC, CG, MUPD, MXPD and PIPD Zoning Districts 11 An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may 12 13 be Permitted by Right. 14

Part 9. ULDC Art. 4.B.4.A, Use Regulations, Use Classification, Institutional, Public, and Civic Uses, Institutional, Public, and Civic Use Matrix (pages 69 and 70 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- Table 4.B.4.A, Institutional, Public, and Civic Use Matrix Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
- 15 CHAPTER B USE CLASSIFICATION

16

17 Section 4 Institutional, Public, and Civic Uses

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

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(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.		Jse Standards column.			
Uses may require a higher level of approval pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Standards of the specific use.	.9.A, Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects R	iring Board of County Commiss	sioners Approval, unless otherwise spe	ecified within the Supplementar	/ Standards

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 10. ULDC Art. 4.B.5, Use Regulations, Use Classification, Industrial Uses (page 81, 82, 84, 86, and 89 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Table 4.B.5.A, Industrial Use Matrix Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
- Table 4.B.5.A, Industrial Use Matrix In compliance with the adopted Planning Ordinance No. 2020-011, the Use Matrix is updated to show a Class A approval for Data and Information Processing, Medical or Dental Laboratory, and Multi-Media Production. These uses were identified as uses that could be allowed within the CLO and Community Commercial (CC) Zooming Districts and FLU designations of MUPD.
- 3. Art. 4.B.5.C.3.c., Art. 4.B.5.C.8.c., Art. 4.B.5.C.17.d., and Art. 4.B.5.C.18.b, Zoning Districts with a CH FLU Designation Remove MXPD reference as it was deleted pursuant to Planning Ordinance No. 2020-011. MUPD is currently identified for existing MXPDs.
- 1 CHAPTER B USE CLASSIFICATION
- 2
- 3 Section 5 Industrial Uses
- 4 A. Industrial Use Matrix

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Notes:

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Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

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ARTICLES 1-5 NON-RESIDENTIAL

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RIAL USE MATRIX PLANNED DEVELOPMENT DISTRICTS (PDDs) TRADITIONAL DEV. DISTRICTS (TDDs) (TDDs)	PUD MUPD MXPD N R TND TMD	PODS FLU FLU PODS H V TIER TIER	R C R C A C C C C C I E I C C I P P W O N D D W RURAL S X			Δ Δ Δ Δ	ш	3 3 T	<u>(3)</u>	10 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	11	12 · · · · · · · · · · · · · · · · · · ·	13			16 · · · · · · · · · · · · · · · · · · ·					A Subject to BCC Approval (Class A Conditional Use)	oroval (Class B Conditional Use) - Prohibited Use, unless stated otherwise within Supplementary Use Standards	ibers in the Supplementary Use Standards column.	3.B.16.E.1, Right to Continue or Change Uses.	Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Standards
TABLE 4.B.5.A – INDUSTRIAL USE MATRIX	Long		P I Use Type	ш.					Industrial Uses (3)	P A Multi-Media Production	P - Recycling Center	P - Recycling Plant	- Research and Development	- Salvage and Junk Yard	- Towing Service and Storage	- Truck Stop	Warehouse	Wholesaling			D Subject to DRO Approval	B Subject to Zoning Commission Approval (Class B Conditional Use)	et forth in the Use Matrix. Refer to the numb	in compliance with Art. 3.B.16.E.1, Right to	and Table 4.A.9.B,
STANDARD DISTRICTS	IN COMMANDO		C C C C C C URAO IRO I O I O O O O O O O O O O O O O O	О О О О О	1 2 3 1 2 L L H H	0							- A D D D - D D A A A D D P P	· · · · · · · · · · · · · · · · · · ·		- · · · · · · · · · · · · · · · · · · ·	а	- C	Ord. 2018-002] [Ord. 2020-001]				Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.	The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art.	Uses may require a higher level of approval pursuant to Table 4.A.9.A, Thresholds for Projects Requiring DRO Approval, of the specific use.
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2 C. Definitions and Supplementary Use Standards for Specific Uses 3 4 3. Distribution Facility 5 c. Zoning Districts with a CH FLU Designation 6 7 A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of 8 a PIPD shall comply with the following additional requirements: [Ord. 2020-001] 9 1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001] When this use is proposed to replace a previously approved use, the Net Trips and 10 Net Peak Hour Trips must be equal to or less than the approved use. [Ord. 2020-001] 11 12 13 8. Manufacturing and Processing 14 c. Zoning Districts with a CH FLU Designation 15 A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of 16 a PIPD shall comply with the following additional requirements: [Ord. 2020-001] 17 1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001] 18 19 17. Warehouse 20 21 d. Zoning Districts with a CH FLU Designation 22 23 A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of 24 a PIPD shall comply with the following additional requirements: [Ord. 2020-001] 25 1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001] 26 27 18. Wholesaling 28 b. Zoning Districts with a CH FLU Designation 29 A facility located in these zoning districts: CG, IRO, MUPD, MXPD, or Commercial Pod of 30 a PIPD shall comply with the following additional requirements: [Ord. 2020-001] 31 32 1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001] 33

Part 11. ULDC Art. 4.B.6, Use Regulations, Use Classification, Agricultural Uses (page 91, 92, and 106 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Table 4.B.6.A, Agricultural Use Matrix Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.
- 2. Art. 4.B.6.C.17.c.1), DRO Approval Update reference to FLU Element (FLUE) Floor Area Ratio (FAR) Table in the Plan Policy pursuant to Planning Ordinance No. 2020-011.

34 CHAPTER B USE CLASSIFICATION

35

36 Section 6 Agricultural Uses

37 A. Agricultural Use Matrix

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ARTICLES 1-5 NON-RESIDENTIAL

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	Perintied by Right Building Permit and Zoning Applications Policy and Procedures Manual (PPM) # Multiple Department (MD)-RI-002, Processing Building Permit and Zoning Applications	B Subject to Zoning Commission Approval (Class B Conditional Use) - Prohibited Use, unless stated otherwise within Supplementary Use Standards tand Zoning Applications for Farms, guides PZB staff in determining the preemptive effect of State law. This PPM is available upon request at Planning, Zoning and Building Department.	B Conditional Use) n determining the preem	- Prohibit	Prohibited Use, unless stated otherwise within Supplementary Use Standards of State law. This PPM is available upon request at Planning, Zoning and Buildir	ated otherwise	within Sup equest at	plementary Planning, Zo	Use Standards ning and Buildir	g Departmer
	fultiple Department (MD)-RI-002, Processing Building Permi se must be reviewed recardless of the approval process se	t and Zoning Applications for Farms, guides PZB staff i t forth in the Use Matrix. Refer to the numbers in the	n determining the preem	ptive effect of State	law. This PPM is	available upon	equestat	Planning, Zo	ning and Buildir	g Departmer
	Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix.	at forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.	Supplementary Use Star	dards column.						
(3) The change in use for a previously approve	The change in use for a previously approved non-residential structure shall be Permitted by Right, if in compliance with Art. 3.		or Change Uses.							
(4) Uses may require a higher level of approve of the specific use.	Uses may require a higher level of approval pursuant to Table 4,A.9.A. Thresholds for Projects Requiring DRO Approval, and of the specific use.	uiring DRO Approval, and Table 4,A.9.B. Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Standards	or Projects Requiring Bo	ard of County Com	missioners Appro	<u>val, unless oth</u>	erwise spe	cified within	the Supplemen	ary Standar

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May 26, 2021

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2 C. Definitions and Supplementary Use Standards for Specific Uses 3 4 17. Shade House 5 c. Commercial Greenhouse 6 7 Commercial greenhouses having roofs and walls made of rolled plastic or other similar 8 materials, used for the indoor cultivation of plants, including hydroponic farming using water 9 containing dissolved inorganic nutrients, may be permitted in the AGR Zoning Districts, 10 subject to the following: 1) DRO Approval 11 Commercial greenhouses that exceed the FAR limitations of FLU-Element Table 12

approved by the DRO.

Part 12. ULDC Art. 4.B.7.A, Use Regulations, Use Classification, Utility Uses, Utility Use Matrix (page 109 of 199, Supplement 29), is hereby amended as follows:

III.C.22.2-e.1 of the Plan, or with five or more acres of building coverage must be

Reason for amendments: [Zoning]

 Table 4.B.7.A, Utility Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

16 CHAPTER B USE CLASSIFICATION

17

13

14 15

18 Section 7 Utility Uses

19 A. Utility Use Matrix

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ARTICLES 1-5 NON-RESIDENTIAL

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 13. ULDC Art. 4.B.8.A, Use Regulations, Use Classification, Transportation Uses, Transportation Use Matrix (page 125 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.8.A, Transportation Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

CHAPTER B USE CLASSIFICATION

Transportation Uses Section 8 က

A. Transportation Use Matrix

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TABLE 4.B.8.A - TRANSPORTATION USE MATRIX

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Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 14. ULDC Art. 4.B.9, Use Regulations, Use Classification, Commercial Communication Towers (pages 131, 132, 136, 137, and 139 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Table 4.B.9.A, Commercial Communication Towers Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

2. Table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts – Remove MXPD reference.

3. Table 4.B.9.B, Distance between Towers – Remove MXPD reference.

CHAPTER B USE CLASSIFICATION

Commercial Communication Towers Section 9

A. Commercial Communication Towers Matrix

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ARTICLES 1-5 NON-RESIDENTIAL CR-2020-0024 (Updated 05/17/2021)

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TABLE 4.B.9.A - COMMERCIAL COMMUNICATION TOWERS MATRIX

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ARTICLES 1-5 NON-RESIDENTIAL CR-2020-0024 (Updated 05/17/2021)

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[Ord. 2017-016] [Ord. 2018-002]	117-01	16] [C	Ord. 2	3018-C	102]																																														
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(2)	Use of th	ss ms	Uses may require of the specific use	quire a	a highe	er leve	el of ¿	appro	val pu	ırsua	nt to	Tabl	e 4.A	.9.A.	Thre	shok	ds fo	r Pro	jects	, Rec	uirin	ig Di	RO A	USES may require a higher level of approval pursuant to Table 4.A.9.A., Thresholds for Projects Requiring DRO Approval, and Table 4.A.9.B. Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Standards of the specific use.	for Proje	ects [Redn	iiring	Boa	rd of	Coun	ty Co	mmik	ssion	ers /	Appro	oval,	nnle	ss ot	therw	vise s	sbec	zified	with	in the	e Sur	pplen	<u>nenta</u>	ary S	tand,	ards

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May 26, 2021

ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

B. General Standards

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2. Separation and Setbacks

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b. Towers Located in Non-Residential Zoning Districts

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

_					_				_	_		_						_	
Tower Type	Adjacent to	РС	AP	CN	CL O	СС	сно	CG	CR E	UC	UI	IR O	IL I	G	PF	РО	MUP D	MXPD	PIP D
	Residential Existing (1)	150	% of	tower	heig	ht for	sepa	ration	, and	100%	6 of to	ower	heigh	nt fo	or se	etbac	k from	propert	y line
Stealth Towers	Residential Vacant (2)					100	% of t	ower	heigh	t for	setba	ck fro	om pr	оре	erty	line			
200' Max.	Non-Residential and Public R-O-W			20)% of	towe	er heig	ht or	zonin	ıg dist	trict s	etba	cks w	hich	heve	er is (greate	r	
	Residential Existing (1)	150	% of	tower	heig	ht for	sepa	ration	, and	100%	6 of to	ower	heigl	nt fo	or se	etbac	k from	propert	y line
Camouflage Towers	Residential Vacant (2)					100	% of t	ower	heigh	t for	setba	ck fro	om pr	оре	erty	line			
150' Max. (1)	Non-Residential and Public R-O-W			20)% of	towe	er heig	ht or	zonin	ıg dist	trict s	etba	cks w	hich	heve	er is (greate	ſ	
	Residential Existing (1)	600	% of	tower	heig	ht for	sepa	ration	, and	150%	6 of to	ower	heigh	nt fo	or se	etbac	k from	propert	y line
Monopole Tower (2)	Residential Vacant (2)					150	% of t	ower	heigh	t for	setba	ck fro	om pr	ope	erty	line			
TOWER (2)	Non-Residential and Public R-O-W			20)% of	towe	er heig	ht or	zonin	ıg dist	trict s	etba	cks w	hich	heve	er is (greate	r	
	Residential Existing (1)	600	% of	tower	heig	ht for	sepa	ration	, and	150%	6 of to	ower	heigh	nt fo	or se	etbac	k from	propert	y line
Self-Support/ Lattice Tower (2)	Residential Vacant (2)					150	% of t	ower	heigh	t for	setba	ck fro	om pr	ope	erty	line			
Lattice Tower (2)	Non-Residential and Public R-O-W		Lesse	er of 1	100%	of to	wer h	eight		ning o			back	sub	star	ntiate	d by b	reakpoii	nt
	Residential Existing (1)	Le	sser	of 600)% of	towe	er heig	ht or		i' sepa n prop			nd 15	0%	of to	ower	height	for sett	ack
Guyed Tower (2)	Residential Vacant (2)					150	% of t	ower	heigh	t for	setba	ck fro	om pr	оре	erty	line			
	Non-Residential and Public R-O-W		Lesse	er of 1	100%	of to	wer h	eight		ning o			back	sub	star	ntiate	d by b	reakpoii	nt
FDOT	Residential					150)' setb	ack fr	om a	buttin	g res	ident	ial pr	ope	rty I	ine			
FDOT	Non-Residential						etback												
[Ord. 2017-016]																			
Notes:																			
	eight subject to the		cific re	quire	ment	s cor	ntaine	d in th	ne Su	pplen	nenta	ry Us	se Sta	anda	ards	S			
	o any tower height						-												
% Separation of	or setback as a pe	rcenta	age of	f towe	er hei	ght.													

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, Cont'd.

								icis,												
Towe	r Type	Adjacent to	РС	AP	CN	CLO	СС	сно	CG	CRE	UC	II IF	₹	IL IG	IPF	РО	MUP D	MXP D	PIPD	១ ភ
				Elec	trica	I Tran	smis	sion	Line	s and	Subs	tati	ons	<u> </u>						
Stealt	th (3)	Residential Existing (1) or Vacant (2)	150)% o	f tow	er hei	ght fo	or sep	aratio	on, and	d 100	% of	f to	wer h	eight	for se	etback	from pr	operty	line
		Non-Residential				20%	of to	wer he	eight	or zon	ing d	stric	t se	etback	whic	cheve	er is gre	eater		
Full A ≤ 80' (rray Urban (3)	Residential Existing (1) or Vacant (2)	150)% o	f tow	er hei	ght fo	or sep	aratio	on, and	d 100	% of	f to	wer h	eight	for se	etback	from pr	operty	line
		Non-Residential				20%	of to	wer he	eight	or zon	ing d	stric	t se	etback	whic	cheve	er is gre	eater		
	rray Urban	Residential Existing (1) or Vacant (2)	600)% o	f tow	er hei	ght fo	or sep	aratio	on, and	d 100	% of	f to	wer h	eight	for se	etback	from pr	operty	line
≤ 80' ·	` ,	Non-Residential and Public R-O-W				20%	of to	wer he	eight	or zon	ing d	stric	t se	etback	whic	cheve	er is gre	eater		
Full A		Residential Existing (1) or Vacant (2)	600)% o	f tow	er hei	ght fo	or sep	aratio	on, and	d 150	% of	f to	wer h	eight	for se	etback	from pr	operty	line
(3)		Non-Residential and Public R-O-W				20%	of to	wer he	eight	or zon	ing d	stric	t se	etback	whic	cheve	er is gre	eater		
[Ord.	2017-016]																			
Notes																				
		eight subject to the	_	cific	requi	iremer	nts co	ontain	ed in	the S	upple	men	tar	y Use	Stan	dards	S.			
		any tower height																		
ა.		o minimum setbac Requirements.	ks o	sep	aratio	ons m	ay be	allow	ed ir	accoi	rdanc	e wi	th A	4rt. 4.I	3.9.D	.1.f, E	xcepti	ons to S	Separa	itíons
%	Separation o	or setback as a pe	rcent	age	of to	wer he	eight.													

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4. Distance between Towers

Towers shall be subject to the following minimum distances between towers:

Table 4.B.9.B - Distance between Towers

				Zoning	District			
Tower Type	AGR, PC, and parcels < 10 ac. in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, and TND – NC	PUD: COM and REC Pods, UC, UI, CG, RE, MUPD: CL and CH FLU, MXPD, and TND OSREC	Parcels < 10 ac. in: AP, IG, IL, and PIPD	Parcels ≥ 10 ac. in: AP, AR, IG, IL, and PIPD	PO	PUD: CIV Pod, MUPD: INST FLU, and IPF	Electrical Transmissio n Lines and Substations, and FDOT R-O-Ws
Stealth	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Camouflage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Monopole								
≤ 60' in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
> 60' ≤ 100' in height	500'	660'	500'	N/A	N/A	N/A	300'	N/A
> 100' ≤ 150' in height	660'	660'	660'	N/A	N/A	N/A	600'	N/A
> 150' ≤ 200' in height	1,320'	1,320'	1,320'	1,320'	660'	660'	660'	660'
> 200' ≤ 250' in height	2,640'	2,640'	2,640'	2,640'	1,320'	1,320'	1,320'	1,320'
> 250' in height	3,960'	5,280'	5,280'	2,640'	1,320'	2,640'	2,640'	2,640'
Self-Support/Lattice	5,280'	Not permitted	5,280'	1,320'	N/A	N/A	5,280'	5,280'
Guyed	5,280'	Not permitted	5,280'	2,640'	N/A	N/A	5,280'	5,280'
[Ord. 2017-016]		-	_					

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 15. ULDC Art. 4.B.10.A, Use Regulations, Use Classification, Excavation Uses, Excavation Use Matrix (page 159 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Table 4.B.10.A, Excavation Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

CHAPTER B USE CLASSIFICATION

Excavation Uses Section 10 က

A. Excavation Use Matrix 4

EXCAVATION LISE MATRIX TARIFAR 10 A

		I ABLE 4.B.10	3.10.A - EXCAVATION USE MATRIX		D GHINA	CVEI ODMEN	Claraid	ממי מ			TRADIT	TRADITIONAL DEV. DISTRICTS	. DISTRIC	CTS
		STANDARD DISTRICTS		•	-ANNED D	PLANNED DEVELOPMENT DISTRICTS (PDDS)	DISTRIC	S (PDDS		-		(TDDs)		
NOOVO	PECIDENTIA	LANG CANADA		PUD		MUPD	*	MXPD	PIPD	Z Z	-	TND	TMD	٥
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O O	R U E T S M	N L C H G R U U U U U FLU L G O P	Use Type	E 0 E	G L H	H R N	z	z I	2 0	0 0	S C	RURAL	×	AGK
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			Use Standards								O	O	_	
			Excavation Uses (2)											
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[Ord.2017.	Ord.2017-007] [Ord. 2017-025] [Ord. 2018-002]	. 2018-002]												
Use Appro	Use Approval Process Key:													
	1	D Subject to DR	Subject to DRO Approval		∢	Subject to BCC Approval (Class A Conditional Use)	Approval (Class A	Conditions	l Use)				
r L	remilled by Right	B Subject to Zoi	Subject to Zoning Commission Approval (Class B Conditional Use)	itional Use)	-	Prohibited Use, unless stated otherwise within Supplementary Use Standards	unless sta	ed other	wise withi	Supp	ementary U	Jse Standard	s	
(1) Su	upplementary Use Standar	Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standards column.	Matrix. Refer to the numbers in the Supplem	entary Use Star	dards colur	ın.								
(S)	Uses may require a higher le of the specific use.	Uses may require a higher level of approval pursuant to Table 4, A, 9, A, Thresholds for Projects Requiring DRO Approval, and Table 4, A, 9, B, Thresholds for Projects Requiring Board of County Commissioners Approval, unless otherwise specified within the Supplementary Standards of the specifie use.	val, and Table 4.A.9.B, Thresholds for Project	ts Requiring Bo	ard of Cour	ty Commission	ers Approv	al, unless	otherwis	sbec	fied within th	he Suppleme	entary Sta	ndards

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CR-2020-0024 (Updated 05/17/2021)

Part 16. ULDC Art. 4.B.11.A, Use Regulations, Use Classification, Temporary Uses, Temporary Use Matrix (page 189 of 199, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Table 4.B.11.A, Temporary Use Matrix – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

- 1 CHAPTER B USE CLASSIFICATION
- 2
- 3 Section 11 Temporary Uses
- 4 A. Temporary Use Matrix

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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

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(2)	lses ma	Uses may require a higher level of approval pursuant to Table 4.A.9.A.	a highe.	ır level	of appr	oval p	ursua	int to	Table	4.A.S		Thresholds for Projects Requiring DRO	10lds	for Pr	<u>ojects</u>	s Red	uiring	g DR	Approval, and Table 4.A.9.B.	Thresholds for Projects Requiring Board of	cts Re	aduiring	g Boa	rd of (Count	v Com	ımissic	oners /	Appro√	/al, un	ess ot	herwis	se spec	County Commissioners Approval, unless otherwise specified within the Supplementary Standards	ithin th	ddnS e	lement	ary Sta	ındards	(O)
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ARTICLES 1-5 NON-RESIDENTIAL

CR-2020-0024 (Updated 05/17/2021)

Part 17. ULDC Art. 5.E.5.A, Supplementary Standards, Performance Standards, Hours of Operation, Proximity to Residential (page 66 of 113, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

 Art. 5.E.5.A, Proximity to Residential – Planning Ordinance No. 2020-011 deleted the MXPD Policy language. Now that residential uses are permitted within the MUPD district, it is no longer necessary to maintain the MXPD district. All reference to the MXPD is being removed.

1 CHAPTER E PERFORMANCE STANDARDS

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Section 5 Hours of Operation

Hours of operation relate to the time during which the use is open to the public for business. For uses not open to the public, hours of operation shall be the time in which the use has employees working. [Ord. 2017-007]

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours of Operation, when located within 250 feet of a parcel of land with a residential FLU designation or use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC), and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXUPD, and TMD. [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-018]

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Notes:

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EXHIBIT D

ARTICLE 7 - LANDSCAPING LANDSCAPE BUFFERS/WALLS

CR-2020-0027 (Updated 05/18/21)

Part 1. ULDC Art. 7.C.2.B, Landscaping, Landscape Buffer and Interior Landscape Requirements, Types of Landscape Buffer, Compatibility Buffer (pages 19 and 20 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

- Change instances of "lineal" to "linear" feet for consistency in Table 7.C.2.B, Compatibility Buffer Landscape Requirements, format Table contents to Code style, and correct a glitch in Note 5 changing "R-O-W" to "Compatibility" Buffer.
- Clarify the minimum requirements for Type 1 and Type 2 Incompatibility Buffer landscape barriers and minimum height requirements, as a six-foot hedge only in Table 7.C.2.C, Incompatibility Buffer Landscape Requirements. If a fence is introduced, then then the requirements would follow Note 7 for its placement under Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer.
- Clarify the Type 2 Incompatibility Buffer landscape barrier and minimum height requirement that a fence or hedge be opaque for consistency with Type 1 and 3 Incompatibility Buffers.

LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

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Section 2 Types of Landscape Buffers

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B. Compatibility Buffer

4. Landscape Requirements

Planting for a Compatibility Buffer shall be pursuant to Table 7.C.2.B, Compatibility Buffer Landscape Requirements, as follows: [Ord. 2018-002]

Table 7.C.2.B - Compatibility Buffer Landscape Requirements (4)

- Min <mark>ir</mark>	num <u>.</u> Width	Quantity of Canopy Trees per Linear Foot (1)(2)(3)	Quantity of Shrubs per Linear Foot (1)(2)	Landscape Barrier and Min <mark>imum</mark> . Height (5)
8 fee	e	1 Canopy tree per 25 lineal feet.	1 row of medium shrubs at 1 per 4 lineal feet.	No
[Ord.	2018-002]			
Note	s:			
1.	Linear feet is based on the	property line where the landscap	e buffer is located. [Ord. 2018-00	02]
2.	Width of pedestrian walkw quantity of plant materials.	vay and access points shall be di [Ord. 2018-002]	educted from the length of the pr	roperty line when calculating the
3.	Palms or pines may substi	tute a Canopy tree pursuant to Ar	t. 7.D.2.B.1 or Art. 7.D.2.C.1, Can	opy Tree Substitute. [Ord. 2018-
4.	Any areas of the buffer no Ground Treatment. [Ord. 2	ot planted with trees and shrubs s 2018-002]	shall be landscaped with ground	treatment pursuant to Art. 7.D.7,
5.	If walls or fences are provi	ded in the R-O-WCompatibility B	uffer, the requirements shall be p	ursuant to Art. 7.D.4, Landscape

C. Incompatibility Buffer

3. Landscape Requirements

Landscaping for an Incompatibility Buffer shall be pursuant to Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements, as follows: [Ord. 2018-002]

Table 7.C.2.C.3 − Incompatibility Buffer Landscape Requirements (6)

Buffer Type	Min <mark>imum.</mark> Width	Quantity of Canopy Trees per Linear Foot (1)(2)(3)	Quantity of Palms or Pines per Linear Foot (1)(2)	Quantity of Shrubs per Linear Foot (1)(2)	Landscape Barrier and Min <mark>imum</mark> . Height
Type 1 Incompatibility	10 -feet '	1 Canopy tree per 20 linear feet'	-	1 row of each: Small shrubs – 1 per 2 -linear feet. '	6-feet' high opaque fence or hedge (7)
Type 2 Incompatibility	15- feet '	1 Canopy tree per 20 linear feet	1 palm or pine per 30 linear feet	1 row of each: Small shrubs – 1 per 2-linear feet; and Medium shrubs – 1 per 4-linear feet.'	6-feet' high opaque fence or hedge (7)

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Notes:

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EXHIBIT D

ARTICLE 7 – LANDSCAPING LANDSCAPE BUFFERS/WALLS

CR-2020-0027 (Updated 05/18/21)

Туре	3 Incompatibility	20 feet '	1 Canopy tree per 20 linear feet	1 palm or pine per 30 linear feet '	1 row of each: Small shrubs – 1 per 2-linear feet'; and Medium shrubs – 1 per 4-linear feet.' and 1 small shrub on inside of the wall	6- <mark>feet'</mark> high opaque wall (4)(5)
[Ord.	2018-002]					
Notes	s:					
1.			e where the landscape			
2.			ess points shall be ded nrubs and groundcover			ne when calculating the
	Palms or pines may 002]	y substitute a Canop	y tree pursuant to Art.	7.D.2.B.1 or Art. 7.	D.2.C.1, Canopy Tree	Substitute. [Ord. 2018-
4.	Substitute of the re	quired wall may be r	requested through a Ty	pe 2 Waiver. [Ord	. 2018-002]	
5.			ed for a Type 3 Incomp 08-003] [Ord. 2018-00		n AGR-PUD in accorda	ance with Art. 7.C.2.C.4,
6.	Any areas of the books Ground Treatment.		h trees and shrubs sh	all be landscaped	with ground treatment	pursuant to Art. 7.D.7,
7.	If walls or fences a Landscape Barriers		pe 1 or Type 2 Incomp	atibility Buffer, the	requirements shall be	pursuant to Art. 7.D.4,
		-				

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Part 2. ULDC Art. 7.D.4.A.3.b.1), Landscaping, Landscape Standards, Landscape Barriers, Hedges, Height Measurement, Grade Change, Residential (pages 40 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Change terminology for a wall from "installed" to "constructed," as the former is used for landscaping.

CHAPTER D LANDSCAPE STANDARDS

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Section 4 Landscape Barriers

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A. Hedges

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3. Height Measurement

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b. Grade Change

1) Residential

The height of the hedge located within the front, side, or rear setback of a lot supporting a Single Family dwelling unit, may be increased when located adjacent to a lot having a different grade when a retaining wall is installed constructed along the property line, in accordance with the following: [Ord. 2016-016]

Part 3. ULDC Art. 7.D.4.D, Landscaping, Landscape Standards, Landscape Barriers, Location of Wall or Fence in a Landscape Buffer (pages 42 and 43 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Clarify a wall or fence is not required for a Compatibility Buffer, but if a wall is installed it has to comply with location requirements.
- 2. Clarify the planting width for a Compatibility Buffer applies to the side of the wall with continuous footer.
- 3. Format Table 7.D.4.D, Requirements for a Wall or Fence in a Landscape Buffer contents to Code style, and add a Note to, clarifying setbacks for the wall or fence, Canopy tree planting, and shrub planting, to allow the inside width to be reduced to five feet for shrubs only where 100 percent of the required trees are on the outside of the wall or fence.
- 4. Remove reference to Note 2 for the Planting Width of a R-O-W Buffer, which has inadvertently been reference since Ordinance No. 2018-002, are if applied would result in non-conformities.

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Notes:

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EXHIBIT D

ARTICLE 7 – LANDSCAPING LANDSCAPE BUFFERS/WALLS

CR-2020-0027 (Updated 05/18/21)

CHAPTER D LANDSCAPE STANDARDS

2

Section 4 Landscape Barriers

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D. Location of Wall or Fence in a Landscape Buffer

Walls or fences that are utilized in a landscape buffer should have sufficient area with minimum easement encumbrances for planting on both sides of the wall or fence. [Ord. 2018-002] [Ord. 2019-005]

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [Ord. 2013-018] [Ord. 2018-002]

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

Minim	um. Requirements	R-O-W	Incompatibility	Compatibility
IVIIII	Kequirements	R-O-VV		Compatibility
Setba	ck for the Wall or Fence	A wall or fence is not required; however, if constructed, shall be 10-feet from the edge of the ultimate R-O-W or base building line, whichever is applicable. (1)	A wall or fence is not required for a Type 1 or Type 2 Incompatibility Buffer; however, if constructed, shall be 10-feet from the edge of the property line. (5)	No setback required. Allow toA wall or fence is not required; however, if constructed, shall be located along the property line or inner edge of the buffer.
Planti	ng Width	7.5-feet on both sides of the wall or fence, or 10-feet if a wall with continuous footer is used on one side if the wall has a continuous footer (2)(3)	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2)(3)	7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. A wall or fence is not required; however, if constructed, shall have 7.5' on one side with no continuous footer or 10' on one side if the wall has a continuous footer (2)(3)
Berm		If a continuous berm is proposed, the wall may be located on top of the berm-	If a continuous berm is proposed, the wall may be located on top of the berm.	No requirement₌
Cano _l	by Tree Planting	75-percent% of required trees shall be located along the exterior side of the wall or fence. (4)	75-percent% of required trees shall be located along the exterior side of the wall or fence. (4)(5)	No percentage requirement-
Shrub	Planting	Shrubs shall be planted on both sides of the wall or fence.	Shrubs shall be planted on both sides of the wall or fence. (5)	No percentage requirement.
[Ord.	2018-002] [Ord. 2019-005	1		
Notes	:			
1.	planting. [Ord. 2018-002]		ed there remains a minimum of	seven and one-half feet clear for
2.	No easement encumbran			
3.		edconstructed , the minimum width The planting width shall be measu		
4.	Percentage of required tre for Landscaping. [Ord. 20	ees to be located on the exterior si	ide of the wall or fence may be red	duced subject to a Type 1 Waiver
<u>5.</u>	If 100 percent of required then the interior side land	Canopy trees are planted on the scape buffer width may be reduce ential, shrub planting is upgraded	ed to a minimum of five feet as lor	ng as the following conditions are

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Department of Planning, Zoning & Building

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

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Gregg K. Weiss

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Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

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

TO: Wesley Blackman, AICP, Chairman, and Members of the Land Development Regulation Advisory Board (LDRAB)

esblackman@gmail.com

Pryan Davis, Principal Planner Planning Division

DATE: May 26, 2021

RE: Comprehensive Plan Consistency Determination for proposed

Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendments, Exhibits B-I of the packet provided by the Zoning Division, and scheduled for the May 26, 2021 LDRAB/ LDRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

CC:

Patricia Behn, Planning Director Jon MacGillis, Zoning Director Kevin Fischer, Deputy Planning Director Wendy Hernandez, Deputy Zoning Director Jeff Gagnon, Principal Site Planner Carolina Valera, Senior Planner

T:\Planning\CURRENT\ULDC\Code Revisions\LDRAB-LDRC\2021\05 - May\5-26-21 LDRC Consistency Memo.docx



ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms (pages 52, 71, and 109 of 111, Supplement 29), is hereby amended as follows:

Reason for amendments. [Zoning/Environmental Resources Management]
To add a definition for Naturalized Tree.
2. To add a definition for Environmental Professional.
3. To add an acronym for Protection of Native Vegetation (PNV).
CHAPTER H DEFINITIONS AND ACRONYMS
····
Section 2 Definitions
E. Terms defined herein or referenced in this Article shall have the following meanings:
26. Environmental Control Officer (ECO) – is the person appointed by the ECB under Chapte 77-616, Special Acts, Laws of Florida, as amended.
27. Environmental Professional – for the purposes of Art. 14.C, Vegetation Preservation and Protection, a person who has extensive knowledge of South Florida's native vegetation (i.e has the ability to identify species of native vegetation, and evaluate the health and condition of native vegetation), and who holds one or more of the following professional credentials Certified Arborist, certified by the International Society of Arboriculture; Certified Environmental
Professional, certified by the Academy of Board Certified Environmental Professionals Certified Ecologist, certified by the Ecological Society of America; Registered Consulting Arborist with the American Society of Consulting Arborists; Registered Landscape Architect. 278. Environmentally Sensitive Lands – ecological sites (ecosites), other than wetlands, that are
designated in the Inventory of Native Ecosystems in Palm Beach County and on its accompanying aerial photographs as "A" quality, representing high-quality native Florida upland ecosystems. These sites are indicated on the aerial photographs (received on May 30 1989) that are on file at ERM and are incorporated herein by reference. Inventory of Native Ecosystems in Palm Beach County is a report and annotated aerials produced during the study with this title, which was conducted by consultants under contract to PBC. [Renumber accordingly]
N. Terms defined herein or referenced in this Article shall have the following meanings:
 Natural Disaster Damage – loss in structural integrity due to an act of nature such as hurricane, tornado, wildfire, or flood. This does not include fire, termites, and other damages not related to those listed herein. [Ord. 2010-005]
10. Naturalized Vegetation - native plant species of an undetermined origin that are established
 on site. 101.Nautical Mile – for the purposes of Art. 16, Airport Regulations, a unit of length used in ai navigation, based on the length of one minute of arc of a great circle, and equivalent to U.S unit equal to 1,852 meters, or 6,076 feet. [Renumber accordingly]
Section 3 Abbreviations and Acronyms

Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-Application Conference (PAC) and Pre-Application Appointment (PAA) (page 16 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

Preliminary Master Sign Plan [Ord. 2009-040]

Protection of Native Vegetation

Public Ownership [Ord. 2005-002]

1. Applicants are required to meet with Zoning or ERM Staff prior to submitting an application for the preservation, relocation, mitigation, etc. of existing vegetation on a parcel. This requirement is being added to Table 2.A.5, PAC and PAA.

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Notes:

PMSP

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PO

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

1 CHAPTER A GENERAL

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3 Section 5 Pre-Application Conference (PAC) and Pre-Application Appointment (PAA)

It is mandatory for the Applicants to meet with Staff prior to the official submittal of applications that are listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the requests are in compliance with the applicable Comprehensive Plan or Codes. **[Ord. 2018-002]**

Table 2.A.5 - PAC and PAA

	PAC	PAA
	-	PO Deviations (3)
	<u>=</u>	Existing Native Vegetation (4)
[Ord. 2018-002] [Ord. 2019-005]		
Notes:		
3.	The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request. [Ord. 2019-005]	
<u>4.</u>	Pursuant to Art 7.E, Existing Native Vegetation, Prohibited, and Controlled Plant Species, an Applicant shall meet with the Zoning Division and the Department of ERM prior to the submittal of an Application for a Development Permit to address the preservation of native vegetation on the affected site.	

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Part 3. ULDC Art. 7.E, Landscaping, Existing Native Vegetation, Prohibited, and Controlled Plant Species (page 47 of 58, Supplement 28), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

- 1. To modify the Pre-Application Appointment to clarify that the this appointment will also determine if the existing vegetation is subject to the requirements of Article 7 or Article 14, and thus the Division/Department Zoning or ERM whom enforces the Code provision.
- 2. Some references to ERM are also being removed so as to mainly restrict provisions in Art. 7, Landscaping to vegetation controlled by Zoning and restrict the ERM provisions to Art 14, Environmental Standards.

10 CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT 11 SPECIES

12 Section 1 Purpose

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To establish standards and requirements for the preservation of existing native vegetation, removal of prohibited species, and reduction of controlled species. For the purpose of this. Article-7, existing native vegetation includes native trees, palms, and pines and ere-required-to-shall be incorporated in the site for any application that is subject to a DO. Existing native vegetation may satisfy the landscape requirements in this Article, in total or in part. In determining whether native vegetation satisfies the requirements of this Article and the goals of Art. 14.C, Vegetation Preservation and Protection, either one or both of the following shall be considered: [Ord. 2018-002]

- A. The effectiveness of utilizing the existing vegetation as visual screening and re-establish a natural habitat for the existing vegetation; or [Ord. 2018-002]
- B. The quality and species of the vegetation being preserved. [Ord. 2018-002]

Section 2 Authority and Review Procedures

The Zoning Director shall have the authority to require the preservation of vegetation on-site that is not covered under Art. 14.C, Vegetation Preservation and Protection, subject to the following: **[Ord. 2016-016] [Ord. 2018-002]**

A. Pre-aApplication Appointment (PAA)

The Applicant shall meet with the Zoning Division and the Department of Environmental Resources Management (ERM) prior to the submittal of the application. Staff shall coordinate with the Applicant and ERM to address the preservation of native vegetation in the early stage of

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

development review, and to resolve design issues to the greatest extent, without impacting the timeline for certification or approval of the application. Staff mayshall requestconduct a site visit with the Applicant to determine whether the existing vegetation is worthy of preservation, whether the vegetation falls under Zoning or ERM authority, and inform the Applicant of the necessary application requirements, including a Vegetation Survey to be submitted as part of the Zoning application. Vegetation that has been determined to be under the authority of ERM, shall be subject to the requirements of Art. 14.C, Vegetation Preservation and Protection. [Ord. 2018-002]

B. Review and Permit Procedures

The Zoning Division—and—ERM shall—collaborate—on the review—of all applications that require preservation of existing vegetation through: PAA; site visits; site design to maximize preservation; and when appropriate, Conditions of Approval shall be imposed to ensure the requirements are being monitored at Land Development review and Building Permit stages. [Ord. 2018-002]

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Section 3 Credit and Replacement

This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements and Art. 7.D, Landscape Standards. In addition, this Section also establishes requirements for quantity and size for replacement. Replacement of vegetation may be required due to injury, damage, or removal, which includes: improper pruning; hatracking; or, other actions that render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was injured, damaged, or removed. For the purpose of this Section, the term Vegetation shall include trees, palms, or pines. [Ord. 2018-002] [Ord. 2019-005]

A. Vegetation Credit

Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D, Landscape Standards shall be granted for on-site preservation of existing vegetation when accompanied by an approved Vegetation Survey with a Vegetation Disposition Chart, and indicated on the Final Landscape Plan or Final ALP. [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001]

1. Approval

The credited vegetation shall be approved by both the Department of ERM and the Zoning Division. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. [Ord. 2020-001]

2. Excluded from Credit

Credits shall not be permitted for vegetation: [Ord. 2018-002] [Ord. 2019-005]

- a. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located in required Preservation Areas, heritage, or champion trees);
- b. Irreparably damaged during the construction process; [Ord. 2018-002]
- c. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation Preservation and Protection; [Ord. 2018-002]
- d. Dead, dying, diseased, or infested with harmful insects; or, [Ord. 2018-002]
- e. Located in a sub-area 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. [Ord. 2018-002]

Part 4. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (pages 33 and 34 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]

1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

44 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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46 Section 4 Applicability

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

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- C. Terms specific to this Chapter are defined in Art. 1.H, Definitions and Acronyms. Terms not defined in this Chapter shall be defined pursuant to Chapter 62, F.A.C., the document entitled, "Basis of Review" (BOR), as amended, for Applications within the South Florida Water Management District, dated November 1996, and Art. 1.H, Definitions and Acronyms, of this Code, as may be amended from time to time. In the event that a term is defined in Chapter 62, F.A.C., or the BOR, the BOR shall prevail. [Ord. 2008-040]
- D. Vegetation subject to the authority of this Article is defined as native plant species that are located on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees planted as a result of the requirements of Art. 7, Landscaping are not subject to this Article.

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11 Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

A. General

The application process and procedure set herein apply to the requirements for a Protection of Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner and forms established by ERM, unless otherwise stated herein. ERM shall review all applications that require preservation of existing vegetation.

AB. Single Family Dwellings

All newly constructed Single Family <code>dD</code>wellings <code>(SFDs)</code> in a residential subdivision <code>willshall</code> automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native and non-native vegetation removal conditions as part of the Building Permit process. For the purposes of this Chapter, a Single Family <code>(SF)</code> residential parcel <code>also</code> includes: <code>SFD; Zero Lot Line; and, Townhouse or Multifamilysingle</code> two-unit (duplex) residences and associated accessory structures, and shall comply with the following standards: <code>[Ord. 2008-040]</code> <code>[Ord. 2012-027]</code> <code>[Ord. 2018-018]</code>

- 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the site plan. The Building Division Checklist shall include requirements that ensure the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
- 2. Complete rRemoval or eradication of prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2006-004]

Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for Single Family residences, single two-unit (duplex) residences, and accessory structures associated with Single Family residential parcels SF residential parcels in existence as of the date of the adoption of this Chapter are void and of no effect, and all pending enforcement actions related thereto are dismissed. Single FamilySF residential Propertyparcel Oowners are encouraged to maintain preserved native vegetation after site development is completed and to minimize the removal of native vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001]

Part 5. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection

(page 34 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

1. The purpose of this amendment is to modify several references to improve clarity and be consistent with the terminology used within Art. 14.C, Vegetation Preservation and Protection.

47 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

1 Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

B<u>C</u>.Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

1. Applicability

The following uses and construction shall comply with this Subsection, unless exempted by State law for Building Permits:

- a. MF residential over two units;
- b. Commercial or industrial projects;
- c. Construction of utilities, road right-of-way, and canals;
- d. Schools;
- e. Government projects;
- f. Agricultural uses ten acres in size or greater; and,
- g. Other construction, unless exempted by Art. 14.C.8, Exemptions.

2. Pre-Application Appointment

a. PZB Development Permit

The Applicant may meet with ERM or Zoning Staff, pursuant to the requirements of Art. 7.E.2.A, Pre-Application Appointment (PAA). Staff will determine whether ERM or Zoning is the appropriate regulatory authority for the existing native vegetation on the subject parcel. The regulatory authority for the trees shall be established prior to the sufficiency determination on the Tree Disposition approved by ERM and the Zoning Division.

b. Any Other Application Requiring ERM Review of Vegetation

These applications shall follow the requirements and standards of the provisions below:

43. Requirements and Process

- a. Projects involving the development of commercial projects, government projects, schools, new construction of a utility, road right-of-way projects, projects requiring DRO review, and agricultural operations of ten acres or greater shall apply to ERM for approval of said project on forms provided by ERM. The provisions of the Art. 14.C.7, Application, Process, and General Standards shall not apply on lands classified as Bona Fide Agriculture when the regulatory activity is preempted by State law. The Applicant shall submit an application to ERM for a PNV approval if native vegetation will be impacted by site development, concurrently with a Final Site Plan or Administrative Review application. The Applicant shall meet with ERM Staff prior to the submittal of the PNV application pursuant to the requirements of this Chapter. Projects that are exempt from the DROnot subject to the Final Site Plan or Administrative Review application processes, must makesubmit an application for approval to remove native vegetation to ERM within 30 days of makingconcurrently with an application for an initial Building Permit for the project. [Ord. 2008-040] [Ord. 2014-001]
- b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature, and potential impacts of a proposed project are received by ERM and approved by ERM prior to the scheduled DRO meetingapproval of a Zoning application or Building Permit application. Any additional information for an application deemed insufficient at DRO meeting will not be approved until the next scheduled DRO meeting. Such information may include, but is not limited to: [Ord. 2008-040]

6) An Incorporated Vegetation Pplan which graphically depicts the location and field tag number for each native tree and palmvegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Pplan may also be required to be incorporated as a feature of the site plan; [Ord. 2008-040]

7) A numbered tabular list Vegetation Disposition Chart of all native vegetation surveyed, indicating the species of vegetation, the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the vegetation in place, relocate it, offer it for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart shall list all native Canopy trees with the DBH equal to or greater than six inches, with the exception of Dahoon Holly (*Ilex cassine*) that shall be measured at DBH equal to or greater than four inches, and native palms with trunk heights equal to or greater than eight feet; [Ord. 2008-040]

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

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8) A recent certified survey overlaid with existing easements, the proposed improvements, and the native vegetation, which has been identified and certified by an Environmental Professional.

....[Renumber accordingly]

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g. A pre-clearing meeting between ERM, the general contractor, and land clearing subcontractor to review the conditions within the PNV and Best Management Practices shall be required at least two business days prior to the commencement of land clearing activities unless ERM has waived the requirement in writing.

Part 6. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 35 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Zoning/Environmental Resources Management]

 The purpose of this amendment is to reference an ERM PPM for the determination of donations to natural areas and to add specific language to regulate specimen sized native trees.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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50 51 Section 7

<u>Protection of Native Vegetation Approval – Application, Process, and General Standards</u>

BC. Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

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24. Standards of Approval

No approval shall be issued unless the application demonstrates that the project: **[Ord. 2008-040]**

- Will not result in a net loss of wetland functions and values; [Ord. 2008-040]
- b. Complies with water quality rules and standards set forth in Chapter 62-302, F.A.C.; **[Ord. 2008-040]**
- c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; [Ord. 2008-040]
- d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; [Ord. 2008-040]
- Incorporates into the design alternatives and modifications to avoid or minimize impacts to 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. Nonrelocatable native vegetation with trunk diameters equal to or greater than six inches that cannot be maintained on the parcel shall be mitigated in accordance with Table 7.E.3 ment14.C.7.B, Native Vegetation Mitigation or through planting equivalent native vegetation, accepted by ERM prior to the receipt of the Certificate of Occupancy for sSingle-unit Family projects or 75 percent completion of construction of mMulti-unitfamily projects, based on either total square footage or number of units to be constructed. Native palms with gray wood equal to or greater than eight feet that cannot be relocated must be replaced with native palms of like size. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first Building Permit for the project. [Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018]
- f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]
 - Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the Applicant to accomplish the purpose of the site plan; [Ord. 2008-040]

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ARTICLE 7 – LANDSCAPING ARTICLE 14 - ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

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		 Preserving listed species in place or relocating to buffers, open space, or unimproved portions of the parcel; [Ord. 2008-040] The likelihood of success for relocated native vegetation; [Ord. 2008-040] Mitigation or compensation for the loss of native vegetation; [Ord. 2008-040] Creation of a tree preservation area; [Ord. 2008-040]
		6) In lieu of replacement planting, when on-site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund unless an alternative plan that meets the purpose and intent of this Chapter has been approved by the Director of ERM. The donation amount shall be based on the average cost of
		the purchase, installation, and maintenance for one year of an equivalent number of replacement treesschedule provided in ERM PPM #EV-O-308; and, [Ord. 2006-036]
		[Ord. 2008-037] [Ord. 2012-027]
		7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved by ERM and planted at three-to-one (palms-to-required replacement trees) based on Table 7.E.3.C, Vegetation Credit and Replacement 14.C.7.B, Native Vegetation
		Mitigation, on ten-foot centers, plus or minus one foot, and grouped as shown on a planting plan table approved by ERM. [Ord. 2006-036] [Ord. 2008-040]
	g.	Complies with any applicable Federal, State, or local designated preserve, conservation, or mitigation area. [Ord. 2008-040]
	h.	Removes or eradicates prohibited invasive non-native vegetation, as identified in Appendix 5, Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order
		prior to receipt of the CO. Planting or installation of vegetation identified in Appendix 5,
		Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
		Vegetation, is prohibited. The parcel owner shall maintain the parcel free of prohibited
		vegetation. No additional permit for such maintenance of vegetation shall be required.
		[Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]
	<u>I. </u>	Specimen Tree Removal Removal of any specimen tree (defined in Art. 1.H.2, Definitions) from non-exempt parcels
		identified in Appendix 7, Specimen Tree List, is prohibited, unless the following criteria are
		met:
		1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its
		original location to the greatest extent possible;
		a) If there is no reasonable alternative that allows incorporation of the tree into the
		parcel design, a specimen tree shall be relocated in a manner to ensure
		survivability. The applicant shall provide appropriate documentation (e.g. an
		Arborist Report), prepared by an Arborist, certified by the International Society of
		Arboriculture, to ERM for review. b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation
		plantings consisting of native vegetation pursuant to Table 14.C.7.B, Native
		Vegetation Mitigation Table. This requirement is in addition to the requirements
		outlined in Art. 7, Landscaping, and any other Conditions of Approval.
		2) Dahoon Holly (<i>Ilex cassine</i>) trees shall be replaced like size for like size for mitigation.
Part 7.	(pa	DC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection age 36 of 51, Supplement 26), is hereby amended as follows: mendments: [Environmental Resources Management]
		ndment is to correct a spelling error.
CHAPTER		VEGETATION PRESERVATION AND PROTECTION
Section 7		<u>Protection of Native Vegetation Approval – Application, Process, and General Standards</u>
		val of Development for Commercial Projects, Government Projects, Schools, New ruction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and

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Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and

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Improvements

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

35. Establishing Native Upland Preserves

All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one-half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

The Applicant shall provide an environmental assessment prepared by an environmental professional for parcels with significant or unique areas of native vegetation at time of initial application to determine the native upland preserve location, size, and configuration for evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of the assessment. The assessment shall include the following with photo documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native species, quality of the native ecosystem, overall identification and quality of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity of native vegetation (canopy, understory, and groundcover), compactness of the preserve, and the proximity to other natural preserve areas and corridors. [Ord. 2019-034]

a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of technical compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in compliance with the approved Preserve Management Plan. The County may release the preserve if the aApplicant offers to relocate the preserve to an area that meets the criteria in Art. 14.C.7.B.6, Surplus Native Vegetation. [Ord. 2008-040] [Ord. 2019-034]

....[Renumber accordingly]

Part 8. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]

1. The purpose of this amendment is to add a bond requirement to restore native plant communities that have been destroyed during construction or if the project is abandoned.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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Section 7 <u>Protection of Native Vegetation Approval – Application, Process, and General Standards</u>

B<u>C</u>.Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

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9. Performance Guarantee Required for Tree Mitigation or Restoration

a. Process

A performance guarantee in an amount equal to 125 percent of the replacement value of the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-O-308.

b. Purpose and Intent

The purpose of the performance guarantee is to ensure that the obligations under the PNV are satisfied.

c. Execution

The performance guarantee shall be executed by a person with a legal interest in the parcel.

d. Form of Performance Guarantee

The performance guarantee shall be:

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

- 2) A performance bond issued by a State of Florida registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations in accordance with the performance bond PPM; or
- 3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM.

e. Term of the Performance Guarantee Duration

- 1) The performance guarantee shall be kept in full force until all obligations there under are satisfied.
- 2) The performance guarantee shall remain in effect until:
 - a) such time that all conditions listed in the PNV are satisfied; or
 - b) a replacement performance guarantee for transfer of ownership of the project in conjunction with the transfer of the PNV approval issued for the project to another owner is reviewed and approved on forms provided by ERM.

f. Use of Performance Guarantee

In the event the PNV expires in advance of the completion of the conditions specified in the PNV approval, and no written request is approved by ERM for reinstatement within 30 calendar days of expiration, the Property Owner of the parcel shall be found in violation of Art. 14.C, Vegetation Preservation and Protection, and a claim against the guarantee shall be initiated consistent with the requirements outlined in ERM PPM #EV-O-308.

g. Exemptions

- 1) PBC projects are exempt from the performance guarantee for tree mitigation or restoration.
- 2) Projects whose total performance guarantee value would be less than 1,000 dollars, are exempt from the performance guarantee for tree mitigation and restoration.

Part 9. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 38 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]

 The purpose of this amendment is to codify a Native Vegetation Table for ERM vegetation depicted on the tree disposition chart.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

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Section 7 <u>Protection of Native Vegetation Approval – Application, Process, and General Standards</u>

B<u>C</u>.Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater Development of Other Uses and Improvements

710. Mitigation or Restoration

For replacement vegetation which dies other than through a natural occurrence, the replacement value shall be that in Table 14.C.7.B, Native Vegetation Mitigation. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. When native trees are removed or damaged contrary to written approval by ERM or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced mitigated at double the rate shown in the Table 7.E.3.C, Vegetation Credit and Replacement 14.C.7.B, Native Vegetation Mitigation. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.E.3.C, Vegetation Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.E.3.C, Vegetation Credit and Replacement 14.C.7.B, Native Vegetation Mitigation. [Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027]

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

Table 14.C.7.B - Native Vegetation Mitigation

	e or Pine Diameter at 4.5' ve Grade (1)(2)(3)	=	Quantity for Mitigation (4)				
< 6"		三	<u>0</u>				
<u>6-8"</u>		=	<u>2</u>				
9-11	"	<u>=</u>	<u>3</u>				
12-1	4"	<u>=</u>	<u>4</u>				
<u>15-1</u>	<u>7"</u>	<u>=</u>	<u>5</u>				
18-2	<u>!0"</u>	<u>=</u>	<u>6</u>				
21-2	<u>.3"</u>	<u>=</u>	<u>7</u>				
24-2	<u>.6"</u>	<u>=</u>	<u>8</u>				
≥ 27	·"	<u>=</u>	<u>9</u>				
Note	<u>es:</u>						
4	Fractional measurements:	shall be rounded in accordance v	with Art.1.C.1.A.2, Interpretation				
<u></u>	and Application.						
2	Dahoon Holly (Ilex cassing	e) trees shall be replaced like si	ze for like size for mitigation as				
<u> </u>	pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal.						
3		e one for one and equivalent trunk height and subject to Art.					
<u> </u>	14.C.7.B.1.b.7) and Art 14						
4		for sites found in violation with	irreparable or irreversible harm				
<u> </u>	shall be pursuant to Art. 14	4.C.12, Violations.					

Part 10. ULDC Art. 14.C.8.E, Environmental Standards, Vegetation Preservation and Protection, Exemptions, Landscape Plant Removal (page 39 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]

1. The purpose of this amendment is to add native to the landscape reference indication regulated landscape material.

2 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

3

Section 8 Exemptions

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E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of <u>native and</u> non-native vegetation installed as landscape, provided the activity complies with the requirements of Art. 7, Landscaping, as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands.

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Part 11. ULDC Art. 14.C.12, Environmental Standards, Vegetation Preservation and Protection, Violations (pages 41 and 42 of 51, Supplement 26), is hereby amended as follows:

Reason for amendments: [Environmental Resources Management]

1. The purpose of this amendment is to reference specimen tree violations and to address removal of native vegetation without a PNV approval.

12 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

13

14 Section 12 Violations

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A. Violations

A violation shall be:

1. The alteration or removal of <u>one specimen tree</u>, or the alteration or removal of up to 1,500 square feet of native vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional <u>specimen tree and alteration of each additional</u> 1,500 square feet of native vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation. [Ord. 2008-040] [Ord. 2009-040]

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ARTICLE 7 – LANDSCAPING ARTICLE 14 – ENVIRONMENTAL STANDARDS VEGETATION PRESERVATION AND PROTECTION

CR-2019-0022 and 29 (Updated 05/17/2021)

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B. Enforcement

4.—To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following: **[Ord. 2008-040]**

- 1. Violations involving activities conducted without a valid PNV approval that may otherwise have been permitted will require the submittal of a PNV application, the appropriate application fee, and be subject to the remedies outlined in Art. 10, Enforcement of the Code or other remedies pursuant to this Article;
- 2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval conditions and result in a need to modify the existing approval will require an application to modify the PNV, the appropriate application fee, and be subject to the remedies outlined in Art. 10, Enforcement of the Code or other remedies pursuant to this Article;
- a3. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]
- 64. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]
- e5. PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and, [Ord. 2008-003] [Ord. 2008-040]
- date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of Single Family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING **OFFICERS**

CR-2020-0025 (Updated 05/17/21)

Part 1. ULDC Art. 2.A.14.C.2.b, Application Processes and Procedures, General, Appeal, Non-Judicial Relief, Processes, Administrative DO (pages 23 and 24 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Clarify any Development Review Officer (DRO) Conditions of Approval in addition to decision, may also be subject to appeal, and change terminology of "the ULDC" to "this Code" when referencing in itself.

CHAPTER A **GENERAL** 1

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3 Section 14 **Appeal**

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C. Non-Judicial Relief

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2. Processes

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b. Administrative DO

Any Person seeking a DO approval from the DRO, except for Type 1 Waivers, may appeal that decision, including any Conditions of Approval, to the Hearing Officer according to the following: [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

- The Hearing Officer shall consider the appeal petition within 60 days of its filing or a date agreed upon by the Applicant and the DRO. The Zoning Division shall coordinate and establish the date for the DRAB hearing. [Ord. 2011-016]
- The Hearing Officer may reverse or affirm or modify the decision, including any Conditions of Approval, of the DRO. [Ord. 2011-016] [Ord. 2018-002]
- 3) At the hearing, the Hearing Officer shall only consider testimony and argument relating to the application, supporting documentation, and any <u>sS</u>taff <u>rR</u>eport or documentation presented at the time of the DRO decision, including any Conditions of Approval. [Ord. 2011-016] [Ord. 2018-002]
- 4) The decision, including any Conditions of Approval, of the DRO shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the DRO in interpreting the ULDCthis Code and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map. [Ord. 2011-016] [Ord. 2018-002]

Part 2. ULDC Art. 2.G.3.G.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies (pages 82 and 84 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

Exhibit B, Part 10 of Ordinance No. 2018-002 removed under the Powers and Duties subject of the Development Review Appeals Board (DRAB) "to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit" as this had been diverted to Hearing Officers, but was not carried forward to the appropriate Subsection. Furthermore, this subparagraph was not removed during codification of Supplement 23, instead inadvertently removing the preceding subparagraph enumerating "to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and WHP." This amendment corrects these glitches accordingly.

CHAPTER G DECISION MAKING BODIES 29

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31 Section 3 **Appointed Bodies**

> $\label{localization} \mbox{U:\Zoning\CODEREV\Code Amendments\2021\02-LDRAB\05-May 26 2021\5-LDRAB-LDRC Packet\Exh. F-CR-2020-0025 Art. 2, and the localization of th$ Administrative Development Order Appeals to Hearing Officers.docx

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EXHIBIT F

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ADMINISTRATIVE DEVELOPMENT ORDER APPEALS TO HEARING **OFFICERS**

CR-2020-0025 (Updated 05/17/21)

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C. Development Review Appeals Board

1. Establishment

There is hereby established a Development Review Appeals Board (DRAB).

Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

- to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension; and
- to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final Development Permit.
- to hear, consider, and decide appeals from decisions of the Planning Director on applications for Entitlement Density and WHP. [Ord. 2007-013] [Ord. 2018-002]

G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more AHearing eOfficers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach CountyPBC Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing eOfficers shall be selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]

Powers and Duties

A <u>hHearing eOfficer shall have the following powers and duties under the provisions of this</u>

- to conduct hearings and issue administrative orders on such matters as may be requested
- to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and,
- to perform such other tasks and duties as the BCC may assign-; and,
- to hear and decide appeals of any DRO decision, including Conditions of Approval, unless stated otherwise.

Part 3. ULDC Application Processes and Procedures, Art. 2.G.4.G.4.g, Decision Making Bodies, Staff Official, Development Review Officer (DRO), Procedures, Appeal (page 93 of 101, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

Correct that appeals to decisions, and clarify including Conditions of Approval, by the DRO are subject to the Hearing Officer since Ordinance No. 2018-002.

CHAPTER G DECISION MAKING BODIES 35

36

Section 4 **Staff Officials** 37

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G. Development Review Officer (DRO)

4. Procedures

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g. Appeal

Appeal of any decision, including Conditions of Approval, of the DRO shall be made cheduled before the DRABHearing Officer based on the requirements in Art. 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]

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

CR-2021-0026 (Updated 05/17/2021)

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:

Reason for amendments: [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 nonresidential 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.
- 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-footwide 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.
- 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.

CHAPTER B **OVERLAYS**

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Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

E. Use Regulations

1. Mixed Use

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

Table 3.B.14.E - WCRAO Mixed UseMinimum/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] Notes:

Non-residential uses on parcels that have a commercial FLU with underlying residential designation, approved as part of Plan Amendment Round 2005-01, Ordinance 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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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT **REGULATIONS, AND SUPPLEMENTARY STANDARDS**

CR-2021-0026 (Updated 05/17/2021)

	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
2.	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.
	[Ord. 2006-004] [Ord. 2020-001]
3.	Residential-only developments are permitted within the NC, NRM, and NG Sub-areas. [Ord. 2015-031] [Ord. 2018-002] [Ord.
ა.	2020- 001]
	Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units of
4.	more shall be permitted. Residential only developments with under five units shall not be permitted. [Ord. 2020-001]
	[Relocated to: Table 3.B.14.E, WCRAO Sub-area Use Regulations]

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 -	<u>- WCR</u>	AO Su	b-area	Use F	Regula	tions		
Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
	Res	sidential	Uses					
Single Family	Р	Р	Χ	X	X	X	Χ	4.B.1.C.5
South Westgate Estates Single Family Alternative	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	Х	Р	Χ	Х	Х	Х	Х	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	Х	Р	Р	Х	Х	Х	Х	4.B.1.C.2
Zero Lot Line (ZLL)	Х	Х	Х	Х	Х	Х	Х	4.B.1.C.7
Multifamily (MF)	Х	P (5)	P (5)	P (5)	P (5)	P (5)	Х	4.B.1.C.4
Townhouse	Χ	P (5)	P (5)	P (5)	P (5)	P (5)	Х	4.B.1.C.6
	Cor	nmercia	l Uses					
Adult Entertainment (3)	Х	Х	Х	Х	Х	Х	Х	4.B.2.C.1
Car Wash	Х	Х	Χ	Х	- (7)	-	-	4.B.2.C.4
Convenience Store	Χ	Х	Χ	Х	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)	Х	Х	Х	Х	Χ	-	-	4.B.2.C.26
Gas and Fuel Sales, Retail	Х	Х	X	Х	X	-	<u>-</u>	4.B.2.C.16
Landscape Service	X	Х	X	Х	Х	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	Х	Х	Х	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.31 4.B.2.C.37
Self-Service Storage, Limited Access Self-Service Storage, Multi-Access	X	X	X	X	X	- X	-	4.B.2.C.37 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)	Х	4.B.2.C.44
		dustrial	_ \ /	(' '	(-)	(-)		
Office Warehouse	Х	X	X	Х	A (1)	A (1)	T -	4.B.5.C.17
Contractor Storage Yard	-		-		A (1)	A (1)	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	Α	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-0				11-016]	[Ord. 20	12-007]	[Ord. 20	017-002] [Ord. 2017-
Key:								
X Prohibited in Sub-area								
- Subject to use regulations of zoning district								
	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
D Permitted by DRO approval [Ord. 2021-006]	Permitted by DRO approval [Ord. 2021-006]							
A Class A Conditional Use [Ord. 2017-007]								
Notes:	lotes:							
1. Limited to lots with a CH FLU designation and								
A number in the Supplementary Use Standards [Ord. 2006-004] [Ord. 2020-001]				•				• •
Adult Entertainment shall also be prohibited as								
4. Limited to lots with a CH or CL FLU designation in all Sub-areas except the NR and UI. [Ord. 2					t. Work/L	ive Spa	ce shall l	be Permitted by Right

 $\label{localization} \begin{tabular}{ll} U:\label{localization} U:\label{localization} \begin{tabular}{ll} U:\label{localization} U:\label{localization} \begin{tabular}{ll} U:\label{localization}$ WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards.docx

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

CR-2021-0026 (Updated 05/17/2021)

Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed UseMinimum/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]

6. Employment Agencies as contained in Art. 4, Use Regulations under Office, Business or Professional. [Ord. 2017-007]

7. Limited to lots which front Okeechobee Boulevard and consistent with Art. 11.E.2.A.4.b, Non-Residential Lots. [Ord. 2021-006]

8. Permitted in the NRM, NG, NC, UG, and UH Sub-areas as an accessory use. [Ord. 2021-006]

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]

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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:

Reason for amendments: [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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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS WCRAO USE REGULATIONS, PROPERTY DEVELOPMENT REGULATIONS, AND SUPPLEMENTARY STANDARDS

CR-2021-0026 (Updated 05/17/2021)

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.

CHAPTER B OVERLAYS

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Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

In order to implement the form based code outlined in the WCRA Plan, additional PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in compliance with all Standard Zoning District, PDD, or TDD PDRs, unless specified otherwise in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Sub-area PDRs-and_Residential-only development in the WCRAO shall comply with Table 3.B.14.F, WCRAO Residential-Sub-area PDRs_for the applicable residential use type. Accessory uses and structures shall be in accordance with Art. 5.B.1, Accessory Uses and Structures, unless stated otherwise. [Ord. 2006-004] [Ord. 2008-003] [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
		L	ot Dimension	s (2)			
Min. Frontage/Lot Width	_	-	75' (4)	75' (4)	100'	100' (5)	-
Min. Lot Depth	_	-	100'	100'	100'	100'	-
Max. Building Coverage	N/A	40%	40%	40% (3)	40% (3)	40% (3)	45% (3)
		Bui	ild-to-Line/Set	backs			
Front or Side Street Build to Line (10)	N/A	Build-to-Line – 15'	Build-to-Line – 15'	Build-to-Line – 10'	Build-to-Line - C/MU 10-25'	Build-to-Line -Min. 10-25'	Build-to-Line - C/IND: 10-25'
Min. Side	N/A	10' (6)	10' (6)	10' (6)	15'	15'	15'
Min. Rear		25'	25'	25'	25'	25'	25'

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

CR-2021-0026 (Updated 05/17/2021)

	Min. Building Frontage								
Min. F	Frontage (10)	- <u>N/A</u>	60%	60%	80%	60%	-	C/IND: 60%	
	<u> </u>		Option	nal Plazas and	Squares	:	•	<u>-</u>	
Build-	-to-Line Exception	N/A			uilding Frontage		-	-	
				x. Stories/Heig		51 25		-	
May 9	Stories	N/A	3	4	6	20	10	15	
	Height (8)	N/A	36'	48'	72'	240'	120'	180'	
	3 1 (1)	·		Other					
Max. (7)(9)	Building Length	N/A	300'	300'	300'	300'	-	-	
[Ord.2	2006-004] [Ord. 2010 Ord. 2021-006]	-022] [Ord. 20	15-031] [Ord.	2017-002] [Or	d. 2017-007] [C	Ord. 2017-025]	Ord. 2019-00	5] [Ord. 2020-	
Key:	_								
	PDRs not specified in		all be subject to	the PDRs of the	ne lot's zoning o	district			
	For commercial uses								
	For mixed uses								
Notes	: PDRs for Single Fam	ily dwollings in	the ND Sub a	roa shall ba in	accordance wit	th Table 2 D 14	E WCDAO D	acidential Sub	
1.	area PDRs. [Ord. 202		i tile INIX Sub-a	irea siiaii be iii	accordance wii	III Table 3.b.14.	.r, wcnao ne	-sideriliai -sub-	
2.	Minimum lot size per		Property Deve	lopment Regul	ations shall not	apply. [Ord. 20	21-006]		
3.	Building coverage ma [Ord. 2020-001] [Ord.	ay be increased	to 60 percent	if all parking is	provided curbs	ide or in a parki	ng structure. [C	ord. 2006-004]	
4.	May be reduced to 50 allow vehicular cross issuance of a Building	access between	en the subject	t and adjacent	property must				
	May be reduced to 7 access from the adjacent				d with vehicula	r access limited	d only to the re	ar or via cross	
	Side setbacks may be 2006-004]	e reduced to ze	ero in accordan	ce with Art. 3.B	.14.F.1.a, NRM	, NG, and NC S	ide Setback Re	eduction. [Ord.	
7.	Mid-block separation and must be 50 feet of	or more from ei	ther end of the	building. [Ord.	2006-004]	J	Ü		
8.	Minor increases in the maximum height allowed by this Table 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. Buildings over 35 feet shall not be subject to the requirements of Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2010-022]								
9.	Buildings shall be arti of two or more stree W/Easement Excepti	ets, at least o	ne building sh	all be placed	at a corner in	accordance wi			
40	Minimum frontage sh Minimum Building Fro	all only apply	to the front bui	ld-to-line, and	may be reduce		e with Art. 3.B.	14.F.2.b.1)(a),	

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

j		* :-::		Jiaciitiai Oak					
Residential Use Type	Single Family Single Family Estates Homes Single U Family on a Single		Cottage Homes – Single Unit on a Single Lot <u>(8)</u>	Cottage Homes – Multiple Units on a Single Lot or Site (8)	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)		
			Lot Dimen	sions					
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>	50 40%	80%	80%	40% (2)	40% (2)		
			Build-to-Line/	Setbacks					
Front/Build-to-Line	25' min.	20' min.	20' min.	10' min.	Build-to-Line – 10-25'	Build-to-Line – 10-25'	Build-to-Line – 10-25'		
Min. Side (3)	5'	<u>3'</u>	2.5 <u>3</u> '	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>	5 10'	15'	7.5'	10'	25'		
			Height/Sto	ories					
Max. Stories	2	<u>2</u>	2	2	3	3	2 min. (6)		
Max. Height (4)	N/A	N/A	N/A	N/A	36'	36'	(5)		
Accessory Structures	Max. 2 stories								
	Building Frontage								

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

CR-2021-0026 (Updated 05/17/2021)

Min. Building Frontage N/A N/A				N/A	N/A	60% (7)	60% (7)	60% (7)
[Ord.	2020-001]							
Notes	s:							
1.	Unless provided Regulations. [Or		nhouse devel	opments shall c	omply with Tabl	e. 3.D.2.A, Tow	nhouse Propert	y Development
2.	Building coverage	e may be increa	ased to 60 perc	ent if all parking	is provided curb	oside or in a par	king structure. [Ord. 2020-001]
3.	Side setbacks ma 2020-001]	ay be reduced t	o zero in accor	dance with Art.	3.B.14.F.1.a, NR	lM, NG, and NC	Side Setback R	eduction. [Ord.
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. [Ord. 2020-001]							
5.	Maximum height area in Table 3.B							
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. [Ord. 2020-001]							G, and UH Sub-
7.	Minimum building frontage of 80 percent is required for all Townhome and all Multifamily developments in the NC Sub-area. [Ord. 2020-001]							
<u>8.</u>	Per Art. 4.B.1.C.2	2, Cottage Hom	<u>e, the maximu</u>	m size for Cotta	<u>ge Homes is limi</u>	ited to 1,000 sq	uare feet per dw	elling unit.
<u>9.</u>	Maximum buildin Attached garages						solid roof porche	s and/or patios.

2. Build-to-Line and Frontages

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b. Minimum Building Frontage

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. 2006-004] [Ord. 2007-013] [Ord. 2011-011] [Ord. 2021-006]

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2) Meets the requirements of <u>Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses,</u> 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 <u>Sub-area</u> PDRs, as applicable; [Ord. 2021-006]

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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:

Reason for amendments: [Westgate Community Redevelopment Agency]

- 1. Correct scrivener's error to revert back to standard Code for minimum 1st floor height in the NR Subarea as the corresponding cells are currently left blank, therefore forcing the Code to remain silent.
- 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."

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

CR-2021-0026 (Updated 05/17/2021)

Reason for amendments: [Westgate Community Redevelopment Agency]

4. Amend reference to Note 10 in Porches, Balconies, and Entryways Row to be Note 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.

CHAPTER B OVERLAYS

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Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

G. Supplementary Standards

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

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

			1		ras by Sui							
Sub-areas	NR	NRM	NG	NC	UG	UH	UI					
		Minimum	Enclosed Liv	/ing Area								
Single Family Dwelling Unit	1,000 sq. ft.	1,000 sq. ft.	-	-	-		-					
Accessory Quarters	300 sq. ft.	300 sq. ft.	300 sq. ft.	-	-	-	-					
		Fen	ices and Wa	lls								
Prohibited Materials (6)	Chain	link, wire me	sh, barbed w	ire, wood baske	et weave, or c	orrugated metal	panels					
		Archi	tectural Feat	ures			•					
Arcades and Galleries (1)	-	-	-	Required – Westgate Avenue (10)	-	-	-					
Min. Building Depth	-	20'	20'	20'	30'	-	30'					
Min. 1st Floor Height	<u>-</u>	-	-	12'	-	-	-					
Min. Number of Floors	<u> </u>	<u>=</u>	<u>=</u>	2 (2)	-	-	-					
		Wind	lows and Do	ors								
Min. Glazing of Frontage (3)	_	(3)	(3)	(3)	_	-	_					
l l l l l l l l l l l l l l l l l l l	Por			ryways (8)(10 9	9)							
Front Setback Max.												
Encroachment (7)	8'	6'	6'	-	-	-	-					
Min./Max. Porch Depth (4)		6'/	10'		-	_	-					
Min./Max. Porch Length (4)		8'/50% of bu	ilding façade		-	-	-					
Min./Max. Balcony Depth (4)		3'	/3'				=					
Mini./Max. Balcony Length (4)	6'	/50% total of	building faça	de			=					
			Parking:			_						
Location of Surface Parking (9)	-	Rear	Rear	Rear	-	-	-					
Driveways (5)(9)	-	Rear	Rear	Rear	-	-	-					
	Locat	ion of Acces	sory Quarte	ers and Garage	es:	_						
Detached	Back of re	ear façade of structures	primary	-	-	-	-					
		L	andscaping									
See Art. 3.B.14.J, WCRAO La	ndscape Mod				ter and found	ation planting re	quirements.					
Min. Pervious Surface	-	20%	20%	20%	-		-					
Key:				-								
- Subject to the supplementa	arv standards	of the lot's zo	nina district									
[Ord. 2006-004] [Ord. 2009-040]	,			2017-0071 [O	rd 2018-0021	[Ord 2020-001	1					
Notes:	10.4.20.00	011[01a120	002][0.4		. u. 2010 002]	[O.a. 2020 00 .	•					
1. See Art. 3.B.14.G.3.d, Arca	ades and Gall	eries, Figure	3.B.14.G, W	CRAO Arcade a	and Gallery St	andards. [Ord.	2006-0041					
2. Required second floor shal						•	•					
See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. Residential-only development in the NG and NRM Subareas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004] [Ord. 2020-001]												
	Excludes stoops. [Ord. 2006-004]											
		mitted for lot	s with no rea	street frontage	e. [Ord. 2006-	-004]						
Single Family resident adequate room for ma maintained at the same remaining perimeter pro	Chain link fences may be installed for the following: [Ord. 2009-040] Single Family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl-coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W; [Ord. 2009-040]											
c. When a landscape bar	rier is required	d pursuant to	Art. 4.B.2.C.	17.c, Accessory	/ Uses – Gree	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.c, Accessory Uses – Green Market. [Ord. 2019-005]						

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Notes:

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

CR-2021-0026 (Updated 05/17/2021)

	The maximum encroachment for porches, balconies, and entryways located in NC Sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [Ord. 2011-001]
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. [Ord. 2015-031] [Ord. 2020-001]
9.	Shall not apply to residential uses, except Multifamily developments with five units or more. [Ord. 2015-031] [Ord. 2020-001]
10.	Lots with 100 feet or less of frontage and residential development may be exempt from this requirement. [Ord. 2017-002] [Ord. 2020-001]

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EXHIBIT H

ARTICLE 5 – SUPPLEMENTARY STANDARDS DUMPSTER SETBACKS

CR-2020-0019 (Updated 05/17/21)

Part 1. ULDC Art. 5.B.1.A.8, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Dumpsters (pages 21 and 22 of 113, Supplement 29), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Industry believes that the current dumpster setback requirement of 25 feet from all property lines and zoning districts is too restrictive, as it causes dumpsters to be located towards the interior of new developments, causing site design conflicts especially for new residential uses. Most recently, Ordinance No. 2018-002 amended this Subsection causing dumpsters to be set back a minimum of 25 feet from property lines in all zoning districts. Previously, Ordinance No. 91-15 (of the 1973 Zoning Code) required a 25-foot setback only from adjacent residential districts and uses. Staff research has determined that the 2018 amendment was contrary to previous Code interpretations (see the Interpretation Meeting Minutes of August 10, 2012 and June 23, 2017), where it was determined no underlying setbacks should be applied to dumpsters, however, must be setback 25 feet from residential, not encroach into landscape buffers or easements, and not interfere with site circulation. This amendment would revert back to requiring a 25-foot setback only from residential zoning districts and uses, and also clarify required landscape screening and buffer design for dumpster enclosures.
- 2. Clarify that the setback requirement shall be measured from required storage areas, as outdoor receptacles such as dumpsters are not in a fixed, static location when picked up and dropped off by garbage trucks. Instances of "container," "refuse containers," and "dumpsters" have been removed to avoid redundancy and confusion, or changed to "outdoor receptacles" as verbiage consistent with the Subsection paragraph to clarify all containers, for the "storage and disposal of refuse, vegetation, and recyclable material" shall follow these requirements.
- Clarify that if the required storage area enclosure abuts a landscape buffer, the more restrictive landscaping requirement, whether in this Subsection or Art. 7, Landscaping, shall apply along the extent of the enclosure.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

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8. Dumpsters

Each use shall provide a method for the removal of refuse when individual collection, from a licensed solid waste hauler is not provided. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable material, such as dumpsters, trash compactors, and recycling containers, shall meet the following standards:

a. Storage Area

A minimum of one refuse container and one recycling container shall be provided for each non-residential project and <u>per Multifamily projects</u> with 16 units or more. All <u>refuse containersoutdoor receptacles</u> shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet. **[Ord. 2018-002]**

b. Location

Containers sShall be located to minimize turning and back-up movements by pick-up and removal vehicles., and Dumpster shall not encroach into easements-or, landscape buffers, or parking spaces. [Ord. 2018-002]

c. Setback

- 1) Dumpsters located in a Commercial Pod of a PUD sShall comply with Art. 3.E.2.E.2.b, Design when located in a Commercial Pod of a PUD. [Ord. 2018-002]
- 2) In all other zoning districts, dumpsters sShall be set back a minimum of 25 feet from all property lines adjacent to residential zoning districts and uses. If adjacent to a non-residential zoning district or use, the landscape buffer width shall serve as the setback. [Ord. 2018-002]

d. Screening

Containers sShall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center. If improvements are proposed for previously approved containers storage areas, screening shall be provided to the greatest extent possible. Enclosure vegetation planting shall not be required in any location where the planting overlaps a buffer. [Ord. 2018-002]

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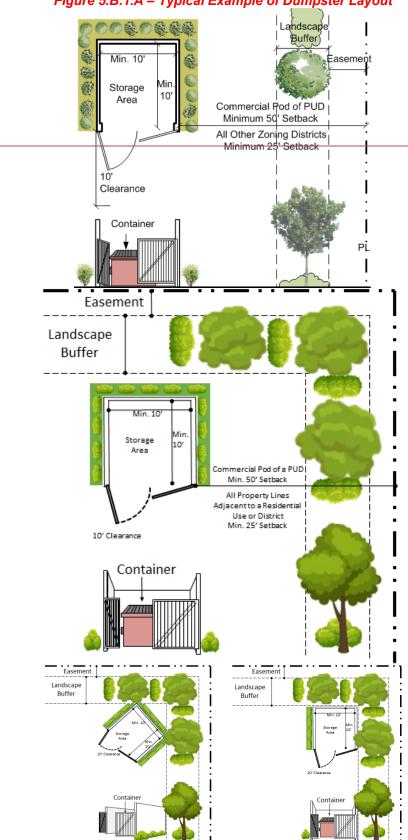
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ARTICLE 5 – SUPPLEMENTARY STANDARDS DUMPSTER SETBACKS

CR-2020-0019 (Updated 05/17/21)

Figure 5.B.1.A - Typical Example of Dumpster Layout



[Ord. 2018-002] [Relocated from Art. 5.B.1.A.8.e, Retrofitting of Existing Developments below]

e. Retrofitting of Existing Developments

The retrofitting of existing developments to comply with the standards of this Section is permitted at a ratio of deletion of one parking space for each outdoor receptacle, not to exceed ten percent of the total required parking spaces.

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EXHIBIT I

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

CR-2020-0010 (Updated 05/17/2021)

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:

Reason for amendments: [Zoning]

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.

CHAPTER F LEGAL DOCUMENTS

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

Section 1 Maintenance and Use Documents

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F. Content Requirement for Documents

12 13 14 The following shall be the minimal content requirements for documents. Provisions which do not conflict with any PBC requirements may also be included.

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4. Unity of Title

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

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