

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS:** CHAPTER H, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 – USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 – SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER F, LEGAL DOCUMENTS; **ARTICLE 7 – LANDSCAPING:** CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES; **ARTICLE 14 – ENVIRONMENTAL STANDARDS:** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section 1. Adoption

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

- Exhibit A Art. 1-5, Non-Residential
- Exhibit B Art. 1, 2, 7, and 14, Vegetation Preservation and Protection
- Exhibit C Art. 2, Administrative Development Order Appeals to Hearing Officers
- Exhibit D Art. 3, WCRAO Use Regulations, Property Development Regulations, and Supplementary Standards
- Exhibit E Art. 5, Dumpster Setbacks
- Exhibit F Art. 5, Release of Unity of Title Reference

1 **Section 2. Interpretation of Captions**

2 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
3 are intended for the convenience of usage only and have no effect on interpretation.
4

5 **Section 3. Repeal of Laws in Conflict**

6 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
7 repealed to the extent of such conflict.
8

9 **Section 4. Severability**

10 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
11 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
12 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
13 Ordinance.
14

15 **Section 5. Savings Clause**

16 All development orders, permits, enforcement orders, ongoing enforcement actions, and
17 all other actions of the Board of County Commissioners, the Zoning Commission, the
18 Development Review Officer, Enforcement Boards, all other County decision-making and
19 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant
20 to the regulations and procedures established prior to the effective date of this Ordinance shall
21 remain in full force and effect.
22

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

24 The provisions of this Ordinance shall be codified in the Unified Land Development Code
25 and may be reorganized, renumbered, or re-lettered to effectuate the codification of this
26 Ordinance.
27

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

29 The provisions of this Ordinance shall become effective upon filing with the Department
30 of State.

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APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the 26th day of August, 2021.

JOSEPH ABRUZZO, CLERK &
COMPTROLLER

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

By: 

Deputy Clerk

By: 

Mayor

Gregg K. Weiss

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Scott A. Stone, County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 3rd day of
September, 2021.

EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

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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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, Supplement 29), is hereby amended as follows:

CHAPTER A GENERAL

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Section 6 Zoning Application Procedures

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B. Plan Requirements

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3. Master Plan

a. 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 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]**

....
4. Site Plan

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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EXHIBIT A

ARTICLES 1-5
NON-RESIDENTIAL

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, Supplement 29), are hereby amended as follows:

CHAPTER A GENERAL

Section 1 Districts

B. Overlays and Zoning Districts

3. 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)

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

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				Zoning District					
Agriculture/Conservation									
AP	AP	AR	PO						
AGR	AGR	AR	PO	AP					
CON	PC (12)	PO							
SA	AR	AGR (7)	PO	AP					
Residential									
RR-20	AR	PO	AP						
RR-10	AR	PO	AP						
RR-5	AR	PO	AP						
RR-2.5	AR	RE	PO	AP					
LR-1	AR (2)	RE	RT	RS	PO	AP			
LR-2	AR (2)	RE	RT	RS	PO	AP			
LR-3	AR (2)	RE	RT	RS	PO	AP			
MR-5	AR (2)	RE	RT	RS	RM (5)	PO	AP		
HR-8	AR (2)	RE	RT	RS	RM	PO	AP		
HR-12	AR (2)	RE	RT	RS	RM	PO	AP		
HR-18	AR (2)	RE	RT	RS	RM	PO	AP		
CLR					RM	PO	AP		
WCR	AR (14)	PO	AP						
Commercial									
CL-O	CLO	IR	AR	PO	AP				
CL	CN	CC	CLO	IRCG (9)	IR	AR	PO	AP	
CH-O	CLO	CHO	IR	AR	AP				
CH	CN	CC	CLO	CHO	CG	IR	AR	PO	AP
CR	CRE	AR	PO	AP					
UI	UI (11)								
UC	UC (11)								
Industrial									
IND	IL	IG	CRE	AR	PO	AP			
Institutional/Public and Civic									
INST (8)	IPF	AR	RE	RT	RS	RM	PO	AP	
PARK	IPF	AR	PO	AP					
U/T	PO	IPF (10)	AR	PO	AP				
[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]									
Key:									
Typical example of a “shaded district.” [Relocated from: below]									

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EXHIBIT A

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NON-RESIDENTIAL

Notes:	
1.	Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district. <u>A district that is not shaded is consistent with the FLU designation pursuant to the limitations as listed in the Notes below.</u>
2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.
3.	See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]
	Typical example of a "shaded district." [Relocated to: above]
2.	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 this Table. [Ord. 2011-016] [Relocated from: Art. 3.A.3.B.1.a]
3.	The AP and AR Zoning Districts are consistent with all FLU designations within the Glades Tier, excluding CON. [Ord. 2011-016] [Ord. 2016-042] [Relocated from: Art. 3.A.3.B.1.f]
4.	The AR Zoning District is consistent with all non-residential FLU designations, excluding CON. [Ord. 2011-016] [Partially relocated from: Art. 3.A.3.B.1.c]
5.	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]
6.	The PO Zoning District is consistent with all FLU designations. [Relocated from: Art. 3.A.3.B.1.d]
7.	The AGR Zoning 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]
8.	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]
9.	The CG Zoning District is consistent with the CL FLU designation on sites located within the U/S Tier which have existing CG zoning with a CL FLU designation prior to the adoption of Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one acre in size shall utilize the CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning District approval process.
10.	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]
11.	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 from: Art. 3.A.3.B.1.m]
12.	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]
13.	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.l]
14.	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. ~~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 Land Use (FLU) Designation and Corresponding Standard Zoning Districts.~~ **[Ord. 2011-016]** **[Relocated to: Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, Note 2]**
- b. ~~The AR district is consistent with the SA FLU designation in the Rural and Exurban Tiers only.~~
- c. ~~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 accordance 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]**
- d. ~~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]**
- e. ~~The AGR 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]**
- f. ~~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]**
- g. ~~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]**
- h. ~~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**

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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]
- ~~l. 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 (21)	RR	WCR	AGE	LR_1	LR_2	LR_3	MR_5	HR_8	HR_12	HR_18	MLU	CLR
PUD	✓	✓	✓	(32)	✓	✓	✓	✓	✓	✓	✓	✗	✓
MHPD		✓			✓	✓	✓	✓	✓	✓	✓		
	AGR (1)	RR	AGE	CL	CH	CL_O	CH_O	IND	INST	CRE	MLU	EDC	CLR (5)
MUPD (4)			(32)	✓	✓	✓	✓	✓	✓	✓	✗	✓ (6)	✓ (3)
MXPD					✗		✗				(4)		✗
PIPD								✓			✗	✓	
RVPD		✓								✓			
[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017-025] [Ord. 2019-005]													
Key:													
✓	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]												
21.	PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]												
32.	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]												
4.	An MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only. [Ord. 2017-025]												
53.	The <u>CLR designation MUPD Zoning District</u> is consistent with <u>MUPD the CLR FLU designation and MXPD</u> when applied as an underlying designation for a mixed or multiple use project. <u>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.</u> [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.												
6.	See Art. 3.E.3.B.4, EDC FLU – Use Limitations.												

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-5	HR-8	HR-12	HR-18	MLU	EDC
TND	(1)			✓	✓	✓	✓	✓	✓	✓	✓	...
TTD	✓			✓	✓	✓	✓	✓	✓	✓	✓	...
	AGE	AGR	RR	CL	CH	CL_O	CH_O	IND	INST	CRE	MLU	EDC
TMD	(1)			✓	✓					✓	✓	...
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2017-025]												
Key:												

Notes:

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✓	Legend: Check (✓) indicates 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.

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E. Exemptions/Applicability for Prior Approvals

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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 (PNCs), 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]

c. 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, Supplement 29), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

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B. FAR, Density, and Use Standards

....

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]

Section 2 Planned Unit Development (PUD)

....

D. Property Development Regulations (PDRs)

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

Pod	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF (4)	Apply the RS <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.									
Cottage Home	Refer to Table 3.D.2.D, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL (4)	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM <u>Zoning d</u> District regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										

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EXHIBIT A

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NON-RESIDENTIAL

Private	0.5 ac.	100'	100'	-	-	30%	25'	20'	25'	20'
Public	1.5 ac.	100'	200'	-	-					
Commercial										
Commercial	Apply the CC Zoning d District regulations in Table 3.D.1.A, Property Development Regulations.									
Recreation										
Recreation Pod (5)	(3)	(3)	(3)	-	-	30%	25'	15'	25'	15'
Neighborhood Park	0.1 ac.	45'	75'	-	-	15%	15'	15'	15'	15'
Preservation (1)										
Preservation	Apply the AGR Zoning d District regulations in Table 3.D.1.A, Property Development Regulations.									
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018] [Ord. 2019-005] [Ord. 2019-034] [Ord. 2020-001] [Ord. 2021-006]										
Notes:										
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.									
2	The maximum FAR shall be in accordance with FLUE Table III.C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									
3.	Recreation Pods required for Multifamily units, CLFs, or Cottage Homes in an MF Pod or lot may be exempt from the following: [Ord. 2020-001]									
	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]									
4.	Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D, Parks and Recreation – Rules and b. 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]									
5.	a. Maximum one story; and [Ord. 2020-001]									
	b. Increase in building coverage cannot be in conjunction with other reductions, Waivers, or Variances for building coverage. [Ord. 2020-001]									
5.	Setbacks for Outdoor Recreation Amenities shall be in accordance with Art. 5.B.1.A.10.b, Setbacks. [Ord. 2021-006]									

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 MXPDP with a CL FLU designation may be developed in accordance with the PDRs in Table 3.E.4.D, MXPDP Property Development Regulations.~~

~~3) 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; ~~i.~~
- ~~d. allowing 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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EXHIBIT A

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NON-RESIDENTIAL

- 1 *f. promoting the design of safe and efficient circulation systems for pedestrians, bicycles, and*
2 *automobiles.* **[Relocated from: Art. 3.E.4.A.1.d]**
- 3 **2. Applicability**
4 The requirements of this Section shall apply to all MUPDs, modifications to previously approved
5 MUPDs, and modifications to previous approvals specified in Art. 3.E, Planned Development
6 Districts (PDDs) unless otherwise stated. **[Ord. 2009-040] [Ord. 2011-016]**
- 7 **3. Conflicts**
8 If a conflict exists between this Section and other Sections of this Code, the provisions of this
9 Section shall apply to the extent of the conflict.
- 10 **B. Objectives and Standards**
- 11 **1. Design Objectives**
12 An MUPD shall comply with the following objectives:
13 a. Allow for both residential and non-residential uses within a project, that is designed ~~in a~~
14 manner to incorporate vertical or horizontal integration of residential uses, to foster
15 compatibility within and adjacent to the project; **[Ord. 2019-005]**
16 b. Provide innovative building location and orientation;
17 c. Protect adjacent residential uses from potential adverse impacts;
18 d. Provide ~~interconnection between uses in and adjacent to the project~~ a continuous, non-
19 vehicular and pedestrian circulation system which connect uses, public entrances to
20 buildings, recreation areas, amenities, usable open space, and other land improvements
21 within and adjacent to the MUPD;
22 e. Allow for landscape design that enhances the appearance of the project; and, **[Ord. 2014-**
23 **025]**
24 f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research
25 parks, which may also include manufacturing and processing, research and development,
26 wholesale distribution, and storage of products. **[Ord. 2014-025]**
- 27 **2. Performance Standards**
28 An MUPD shall comply with the following standards:
29 **a. Non-Vehicular Circulation**
30 An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation
31 system throughout the development. **[Ord. 2021-006]**
32 **1) Sidewalks**
33 Internal sidewalks shall connect to sidewalks located along adjacent streets. Where
34 sidewalks cross vehicular use areas, they shall be constructed of pavers, brick,
35 decorative concrete, or similar pavement treatment.
- 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 Incompatibility Buffer shall be permitted along the perimeter between a
48 structure with vertical integration of residential and non-residential uses and adjacent
49 properties with residential structures greater than 35 feet in height.
- 50 **c. Cross Access**
51 Parking lots and vehicular circulation areas shall be designed to facilitate cross access
52 directly to adjacent parcels. Cross access shall be provided between an MUPD and
53 adjacent land with a non-residential FLU designation, if required by the DRO. The cross
54 access shall be in a location and manner acceptable to the DRO.
- 55 **d. Parking**
56 On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7,
57 Landscaping, and the following:
58 **1) Parking Areas**
59 a) Groundcover or small shrubs 18 to 24 inches in height at installation, and
60 maintained to achieve a maximum of 30 inches in height shall be planted in all
61 landscape islands and divider medians. **[Ord. 2018-002]**
62 b) Where pedestrian access ways cross landscape islands or are provided within
63 divider medians, they shall consist of brick, decorative concrete, or similar paving
64 treatment. **[Ord. 2018-002]**
65 *c) 20 percent of the required parking shall be located at the side or rear of non-*
66 *residential uses, unless all spaces are provided within a parking structure per Art.*
67 *6.B.2.E, Parking Structures.* **[Relocated from: Art. 3.E.4.D.4.a]**

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EXHIBIT A

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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

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 an 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) Architectural

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]

D. Property Development Regulations

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

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

FLU Designations	Min. Lot Dimensions			Max. FAR (2)	Max. Building Coverage	Min. Setbacks (1)			
	Size (4)	Width and Frontage	Depth			Front	Side	Side Street	Rear
CL	3 ac.	200'	200'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'

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EXHIBIT A
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CH	5 ac.	300'	300'	-	3040% (3)	30'	C – 15' R – 30'	30'	C – 20' R – 30'
CL_O	3 ac.	200'	250'	-	25%	25'	C – 15' R – 30'	25'	C – 20' R – 30'
CH_O	5 ac.	200'	200'	-	2540% (3)	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'
Residential Uses and Recreation									
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).								
TH	Refer to Art. 3.D.2.A, Townhouse.								
MF	Apply the RM Zoning eDistrict regulations in Table 3.D.1.A, Property Development Regulations.								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations. [Relocated from: Table 3.E.4.D, MXPD Property Development Regulations]								
[Ord. 2007-001] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2019-005]									
Notes:									
C	Indicates the building setback if the lot abuts a parcel with a non-residential zoning district or FLU designation, that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
1.	Setbacks are measured in linear feet from the boundary of the MUPD.								
2.	The maximum FAR shall be in accordance with FLUE Table III.C.22.2-e.1 of the Plan, and other related provisions, unless otherwise noted, and shall include all residential and non-residential buildings. [Ord. 2019-005]								
3.	The maximum building coverage for CH and CH-O FLU designations may be increased to 60 percent for developments with both residential and non-residential uses.								
4.	An MUPD with split or multiple FLU designations shall apply the minimum acreage of the more restrictive FLU designation.								

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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.E.3.D, MUPD Property Development Regulations, for the applicable non-residential designation, Art. 4, Use Regulations and Art. 3.B, Overlays, or as otherwise allowed within this Code. **[Partially relocated from: Art. 3.E.4.D.3, Integration]***

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

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

....

~~Section 4~~ — Mixed Use Planned Development (MXPD)

~~A. General~~

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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]**~~
~~b. 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]**~~

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EXHIBIT A

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NON-RESIDENTIAL

- ~~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 MXPDS 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 MXPDS. [Ord. 2017-025]~~
- ~~2. Performance Standards~~
- ~~An MXPDS 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 MXPDS 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 MXPDS. These transitional areas may vary in width based on the adjacent housing type or residential land use designations.~~
- ~~1) Detached Housing~~
- ~~Buildings within an MXPDS 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 MXPDS.~~
- ~~e. Neighborhood Parks~~
- ~~In addition to the requirements of Art. 5.D, Parks and Recreation—Rules and Recreation Standards, an MXPDS 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, MXPDS Property Development Regulations, in addition to all other minimum MXPDS requirements, may be submitted and reviewed as an MXPDS. [Ord. 2006-004] [Ord. 2007-013] [Ord. 2015-031]~~
- ~~1. Land Use Mix~~
- ~~Table 3.E.4.C, MXPDS Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in an MXPDS.~~

Table 3.E.4.C – MXPDS Land Use Mix

Use Type	Min.	Max.
Residential	50%	75%
Non-Residential	25%	50%
Notes:		

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

1.	Minimum and maximum land use percentages for residential and commercial uses are calculated by dividing the total GFA of the specific land use type (either residential or non-residential) by the total GFA (residential and non-residential) of the MXPd.
----	---

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

FLU	Min. Lot Dimensions			Max. FAR (1)	Max. Building Coverage	Min. Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200'	200'		30%	25'	C—15' R—40'	25'	C—20' R—40'
CH	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'
CHO	5	300'	300'		40%	25'	C—15' R—40'	25'	C—20' R—40'
Residential	Apply RM district regulations.								
Recreation Pod	Apply PUD Recreation Pod regulations.								
Neighborhood Park	Apply PUD neighborhood park regulations. [Relocated to: Table 3.E.3.D, MUPD Property Development Regulations]								
[Ord. 2007-001] [Ord. 2015-031]									
Notes:									
C	Indicates the setback from an adjacent parcel with a non-residential zoning district or FLU designation that does not support a residential use. [Ord. 2015-031]								
R	Indicates the setback from an adjacent parcel with residential zoning. [Ord. 2015-031]								
4.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]								

1.—Setbacks

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

a.—Commercial Districts

The front and side street setbacks in Table 3.E.4.D, 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 GFA.

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]

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EXHIBIT A

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NON-RESIDENTIAL

~~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

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

Pods	Lot Dimensions			Max. FAR (1)	Max. Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			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	Apply MUPD, MXPD , or TMD regulations.								
Residential	Apply PUD regulations.								
Neighborhood Recreation	Apply PUD Recreation Pod and neighborhood park regulations.								
Regional Recreation	1 ac.	100'	200'	(1)	30%	25'	C – 20' R – 40'	25'	C – 20' R – 40'
Civic	Apply PUD civic regulations.								
[Ord. 2004-040] [Ord. 2014-001] [Ord. 2017-032]									
Notes:									
C	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 III.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]								

E. Pods

2. Commercial Pod

b. Mixed Use

Mixed use development is intended to provide residential and commercial land uses integrated vertically into one building or horizontally into groups of buildings. A PIPD with a BCC approval for a Commercial Pod may apply to the DRO to re-designate the pod as a Mixed Use Pod on the Master Plan. A mixed use development in a PIPD shall comply with the following:

1) Thresholds

A mixed use development shall have a minimum land area equal to or larger than five acres or a minimum GFA of 50,000 square feet.

2) Development Regulations

A Mixed Use Pod shall comply with the requirements for an ~~MXUPD~~ or TMD.

Section 65 Mobile Home Planned Development District (MHPD)

Section 76 Recreational Vehicle Planned Development District (RVPD)

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

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

EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

1	CHAPTER B	USE CLASSIFICATION
2	Section 1	Residential Uses

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

- 1
- 2
- 3

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

[illegible]

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 If being relocated destination is noted in bolded brackets **[Relocated to:]**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
 A series of four bolded ellipses indicates language omitted to save space.

ARTICLES 1-5 NON-RESIDENTIAL

Part 7. ULDC Art. 4.B.2, Use Regulations, Use Classification, Commercial Uses (pages 25-28, 44.1, and 44.2, Supplement 29), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

□ □ □ □

Section 2 Commercial Uses

A. Commercial Use Matrix

TABLE 4.B.2.A – COMMERCIAL USE MATRIX

[illegible]

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

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

ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.2.A – COMMERCIAL USE MATRIX

[illegible]

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

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

ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.2.A – COMMERCIAL USE MATRIX

[illegible]

1

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

EXHIBIT A
ARTICLES 1-5
NON-RESIDENTIAL

....
C. Definitions and Supplementary Use Standards for Specific Uses
....
21. Landscape Service
....
h. Collocated Use
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]**
....
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]**
....

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

CHAPTER B USE CLASSIFICATION
....
Section 3 Recreation Uses
A. Recreation Use Matrix

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

ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.3.A – RECREATION USE MATRIX

[illegible]

1

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be deleted. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

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

EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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-
C. Definitions and Supplementary Use Standards for Specific Uses
....
3. Entertainment, Indoor
a. Definition
An establishment offering recreational opportunities or games of skill to the general public for a fee in a wholly enclosed building.
b. Typical Uses
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.
c. Approval Process – CC, CG, MUPD, ~~MXPD~~ and PIPD Zoning Districts
An Indoor Entertainment use encompassing less than 3,000 square feet of floor area may be Permitted by Right.
....

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), Supplement 29), is hereby amended as follows:

- 15
16
17
- CHAPTER B USE CLASSIFICATION
....
Section 4 Institutional, Public, and Civic Uses

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

ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.4.A – INSTITUTIONAL, PUBLIC, AND CIVIC USE MATRIX

[illegible]

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

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

EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

TABLE 4.B.4.A – INSTITUTIONAL, PUBLIC, AND CIVIC USE MATRIX

[illegible]

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

- 1 CHAPTER B USE CLASSIFICATION
- 2
- 3 Section 5 Industrial Uses
- 4 A. Industrial Use Matrix

Notes:

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ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

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Notes:

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ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.5.A – INDUSTRIAL USE MATRIX

[illegible]

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EXHIBIT A
ARTICLES 1-5
NON-RESIDENTIAL

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C. Definitions and Supplementary Use Standards for Specific Uses
....
3. Distribution Facility
....
c. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, ~~MXP~~~~D~~, or Commercial Pod of a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
2) When this use is proposed to replace a previously approved use, the Net Trips and Net Peak Hour Trips must be equal to or less than the approved use. **[Ord. 2020-001]**
....
8. Manufacturing and Processing
....
c. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, ~~MXP~~~~D~~, or Commercial Pod of a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
....
17. Warehouse
....
d. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, ~~MXP~~~~D~~, or Commercial Pod of a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**
....
18. Wholesaling
....
b. Zoning Districts with a CH FLU Designation
A facility located in these zoning districts: CG, IRO, MUPD, ~~MXP~~~~D~~, or Commercial Pod of a PIPD shall comply with the following additional requirements: **[Ord. 2020-001]**
1) Outdoor Storage and activities shall be prohibited. **[Ord. 2020-001]**

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

- 34
35
36
37
- CHAPTER B USE CLASSIFICATION**
....
Section 6 Agricultural Uses
A. Agricultural Use Matrix

Notes:
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ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

[illegible]

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EXHIBIT A

ARTICLES 1-5

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TABLE 4.B.6.A – AGRICULTURAL USE MATRIX

STANDARD DISTRICTS																				PLANNED DEVELOPMENT DISTRICTS (PDDs)																TRADITIONAL DEV. DISTRICTS (TDDs)							
AG/CON			RESIDENTIAL				COMMERCIAL										IND		INST		Use Type <																						

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Notes:

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EXHIBIT A

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NON-RESIDENTIAL

1

2 C. Definitions and Supplementary Use Standards for Specific Uses

3

4 17. Shade House

5

6 c. Commercial Greenhouse

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:

11 1) DRO Approval

12 Commercial greenhouses that exceed the FAR limitations of FLU-~~Element~~ Table

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

14 approved by the DRO.

15

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

16 CHAPTER B USE CLASSIFICATION

17

18 Section 7 Utility Uses

19 A. Utility Use Matrix

Notes:

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ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.7.A – UTILITY USE MATRIX

[illegible]

Notes:

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

CHAPTER B USE CLASSIFICATION

□ □ □ □

Section 8 Transportation Uses

A. Transportation Use Matrix

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

[illegible]

Notes:

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ARTICLES 1-5 NON-RESIDENTIAL

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

CHAPTER B USE CLASSIFICATION

□ □ □ □

Section 9 Commercial Communication Towers

A. Commercial Communication Towers Matrix

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

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ARTICLES 1-5 NON-RESIDENTIAL

Use Approval Process Key:			
P	Permitted by Right	D	Subject to DRO Approval
		B	Subject to Zoning Commission Approval (Class B Conditional Use)
A	Subject to BCC Approval (Class A Conditional Use)	-	Prohibited Use, unless stated otherwise within Supplementary Use Standards
(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.			
(2) <u>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.</u>			

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

[illegible]

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EXHIBIT A

ARTICLES 1-5

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[Ord. 2017-016] [Ord. 2018-002]		
Use Approval Process Key:		
P Permitted by Right	D Subject to DRO Approval B Subject to Zoning Commission Approval (Class B Conditional Use)	A Subject to BCC Approval (Class A Conditional Use) - Prohibited Use, unless stated otherwise within Supplementary Use Standards
(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.		
(2) <u>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.</u>		

1

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EXHIBIT A

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NON-RESIDENTIAL

- B. General Standards
-
2. Separation and Setbacks
-
- 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	PC	AP	CN	CL O	CC	CHO	CG	CR E	UC	UI	IR O	IL	IG	IPF	PO	MUP D	MXPD	PIP D
Stealth Towers 200' Max.	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Camouflage Towers 150' Max. (1)	Residential Existing (1)	150% of tower height for separation, and 100% of tower height for setback from property line																	
	Residential Vacant (2)	100% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	20% of tower height or zoning district setbacks whichever is greater																	
Self-Support/ Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation, and 150% of tower height for setback from property line																	
	Residential Vacant (2)	150% of tower height for setback from property line																	
	Non-Residential and Public R-O-W	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																	
FDOT	Residential	150' setback from abutting residential property line																	
	Non-Residential	75' setback from abutting non-residential property line																	
[Ord. 2017-016]																			
Notes:																			
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																		
2.	Applicable to any tower height.																		
%	Separation or setback as a percentage of tower height.																		

Notes:

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

Tower Type	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	U C	UI	IR O	IL	IG	IPF	PO	MUP D	MXPD	PIPD	LC C
Electrical Transmission Lines and Substations																				
Stealth (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential	20% of tower height or zoning district setback whichever is greater																		
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2)	150% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential	20% of tower height or zoning district setback whichever is greater																		
Full Array Urban ≤ 80' < 150' (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 100% of tower height for setback from property line																		
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																		
Full Array Rural (3)	Residential Existing (1) or Vacant (2)	600% of tower height for separation, and 150% of tower height for setback from property line																		
	Non-Residential and Public R-O-W	20% of tower height or zoning district setback whichever is greater																		
[Ord. 2017-016]																				
Notes:																				
1.	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																			
2.	Applicable to any tower height.																			
3.	Exceptions to minimum setbacks or separations may be allowed in accordance with Art. 4.B.9.D.1.f, Exceptions to Separations and Setback Requirements.																			
%	Separation or setback as a percentage of tower height.																			

....

4. Distance between Towers

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

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

Tower Type	Zoning District							
	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 Transmission 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

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

CHAPTER B USE CLASSIFICATION

□ □ □ □

Section 10 Excavation Uses

A. Excavation Use Matrix

TABLE 4.B.10.A – EXCAVATION USE MATRIX

[illegible]

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

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

Notes:

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ARTICLES 1-5 NON-RESIDENTIAL

TABLE 4.B.11.A – TEMPORARY USE MATRIX

[illegible]

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EXHIBIT A

ARTICLES 1-5

NON-RESIDENTIAL

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

CHAPTER E PERFORMANCE STANDARDS

....

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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EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

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

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 Chapter 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.

27. **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 aeriels 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:

9. **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.

10. **Nautical Mile** – for the purposes of Art. 16, Airport Regulations, a unit of length used in air 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

PMSP Preliminary Master Sign Plan [Ord. 2009-040]

PNV Protection of Native Vegetation

PO Public Ownership [Ord. 2005-002]

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

CHAPTER A GENERAL

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]

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EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

Table 2.A.5 – PAC and PAA

PAC		PAA	

-		PO Deviations (3)	
=		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]		
4.	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.		

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

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

Section 1 Purpose

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 ~~are required to~~shall be incorporated ~~in the site for any application with the vegetation required pursuant to this Article 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-a~~Application 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 development review~~, and to resolve design issues to the greatest extent, without impacting the timeline for certification or approval of the application. Staff ~~may~~shall 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]

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

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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, Supplement 26), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

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.
- 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.

....

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 ~~d~~Dwellings (SFDs) in a residential subdivision ~~will~~shall 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

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purposes of this Chapter, a Single Family ~~(SF)~~ residential parcel ~~also~~ includes: SFD; Zero Lot Line; and, Townhouse or Multifamily ~~single~~ two-unit (duplex) residences and associated accessory structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord. 2018-018]

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~~ Removal 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 Family~~ SF residential ~~Property~~ parcel Owners 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, Supplement 26), is hereby amended as follows:

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

~~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

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~~

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~~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 DRO not subject to the Final Site Plan or Administrative Review application processes, must make submit an application for approval to remove native vegetation to ERM within 30 days of making concurrently with an application for an initial Building Permit for the project. [Ord. 2008-040] [Ord. 2009-040] [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 meeting approval 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 ~~h~~incorporated ~~V~~vegetation ~~P~~plan which graphically depicts the location and field tag number for each native ~~tree and palm~~vegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The ~~h~~incorporated ~~V~~vegetation ~~P~~plan 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]~~
- 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]

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, Supplement 26), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

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

~~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~~

....
24. Standards of Approval

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

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- 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]
- e. 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. Non-relocatable 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.C, Vegetation Credit and Replacement~~14.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]
- 1) 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]
 - 2) Preserving listed species in place or relocating to buffers, open space, or unimproved portions of the parcel; [Ord. 2008-040]
 - 3) The likelihood of success for relocated native vegetation; [Ord. 2008-040]
 - 4) Mitigation or compensation for the loss of native vegetation; [Ord. 2008-040]
 - 5) 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 trees~~schedule 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]
- i. 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

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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 (*Ilex cassine*) trees shall be replaced like size for like size for mitigation.

Part 7. ULDC Art. 14.C, Environmental Standards, Vegetation Preservation and Protection (page 36, Supplement 26), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

....

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

~~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

~~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 ~~a~~Applicant 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, Supplement 26), is hereby amended as follows:

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....

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

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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:
1) A cash deposit or certificate of deposit assigned to PBC; or
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, Supplement 26), is hereby amended as follows:

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-
710. Mitigation or Restoration
a. *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

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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]

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

<u>Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)</u>	<u>=</u>	<u>Quantity for Mitigation (4)</u>
<u>< 6"</u>	<u>=</u>	<u>0</u>
<u>6-8"</u>	<u>=</u>	<u>2</u>
<u>9-11"</u>	<u>=</u>	<u>3</u>
<u>12-14"</u>	<u>=</u>	<u>4</u>
<u>15-17"</u>	<u>=</u>	<u>5</u>
<u>18-20"</u>	<u>=</u>	<u>6</u>
<u>21-23"</u>	<u>=</u>	<u>7</u>
<u>24-26"</u>	<u>=</u>	<u>8</u>
<u>≥ 27"</u>	<u>=</u>	<u>9</u>
<u>Notes:</u>		
<u>1.</u>	<u>Fractional measurements shall be rounded in accordance with Art.1.C.1.A.2, Interpretation and Application.</u>	
<u>2.</u>	<u>Dahoon Holly (<i>Ilex cassine</i>) trees shall be replaced like size for like size for mitigation as pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal.</u>	
<u>3.</u>	<u>Palms mitigation shall be one for one and equivalent trunk height and subject to Art. 14.C.7.B.1.b.7) and Art 14.C.7.B.4.e.</u>	
<u>4.</u>	<u>Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 14.C.12, Violations.</u>	

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

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and 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.

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

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 12 Violations

A. Violations

A violation shall be:

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EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 7 – LANDSCAPING
ARTICLE 14 – ENVIRONMENTAL STANDARDS
VEGETATION PRESERVATION AND PROTECTION

1. The alteration or removal of one specimen tree, 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 specimen tree and alteration of each additional 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]

....
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;

~~a~~3. Remedies outlined in Art. 10, Enforcement, of the Code; [Ord. 2008-003] [Ord. 2008-040]

~~b~~4. Any applicable remedies under F.S. ch. 125 and F.S. ch. 162, as amended; [Ord. 2008-003]

~~c~~5. 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]

~~d~~6. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective 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 C

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

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, Supplement 29), is hereby amended as follows:

CHAPTER A GENERAL

Section 14 Appeal

C. Non-Judicial Relief

2. Processes

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]

1) 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]

2) 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 ~~sStaff r~~Report 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 ULDC~~this 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, Supplement 29), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 Appointed Bodies

C. Development Review Appeals Board

1. Establishment

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

2. Powers and Duties

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

a. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension; and

~~b. 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.~~

b. 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 ~~h~~Hearing ~~e~~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 CountyPBC~~ Ordinance as may be determined to be appropriate by the BCC from time to time. Such ~~h~~Hearing ~~e~~Officers shall be selected pursuant to the procedures and minimum qualifications provided for in Art. 2.G.3.B,

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EXHIBIT C

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

1 Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period
2 as is determined by the Board. Code Enforcement Special Masters may serve ex officio as
3 Hearing Officers as set forth in this Section. [Ord. 2010-022] [Ord. 2015-006]
4 2. **Powers and Duties**
5 A ~~h~~Hearing ~~e~~Officer shall have the following powers and duties under the provisions of this
6 Code:
7 a. to conduct hearings and issue administrative orders on such matters as may be requested
8 by the BCC;
9 b. to issue subpoenas to compel the attendance of witnesses and production of documents,
10 and to administer oaths to witnesses appearing at the hearing; ~~and~~;
11 c. to perform such other tasks and duties as the BCC may assign; ~~and~~;
12 d. to hear and decide appeals of any DRO decision, including Conditions of Approval, unless
13 stated otherwise.
14

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

15 CHAPTER G DECISION MAKING BODIES

16

17 Section 4 Staff Officials

18

19 G. Development Review Officer (DRO)

20

21 4. Procedures

22

23 g. Appeal

24 Appeal of any decision, including Conditions of Approval, of the DRO shall be ~~made~~
25 ~~to~~scheduled before the ~~DRAB~~Hearing Officer based on the requirements in Art.
26 2.A.14.C.2.b, Administrative DO, unless stated otherwise. [Ord. 2011-016]
27

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EXHIBIT D

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

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, Supplement 29), is hereby amended as follows:

CHAPTER B OVERLAYS

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

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use (2)	Prohibited	Permitted (1)(3)	Permitted (1)(3)	Permitted (3)(4)	Permitted (4)	Permitted (4)	Prohibited
Min. Residential Use	N/A	50%	50%	0%	0%	0%	N/A
Max. Residential Use	N/A	100%	100%	100%	100%	100%	N/A
Min. Non-Residential Use	N/A	0%	0%	0%	0%	0%	N/A
Max. Non-Residential Use	N/A	50%	50%	100%	100%	100%	N/A
[Ord. 2006-004] [Ord. 2011-001] [Ord. 2015-031] [Ord. 2018-002] [Ord. 2020-001]							
Notes:							
1.	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 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]						
2.	Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential). Projects that vertically integrate a minimum of 20 percent of the site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density. [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. 2020-001]						
4.	Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted. Residential-only developments with under five units shall not be permitted. [Ord. 2020-001] [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 – WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	Supplementary Use Standards # (2)
Residential Uses								
Single Family	P	P	X	X	X	X	X	4.B.1.C.5
South Westgate Estates Single Family Alternative	X	P	X	X	X	X	X	4.B.1.C.5
Cottage Home – Single Unit on a Single Lot	X	P	X	X	X	X	X	4.B.1.C.2
Cottage Home – Multiple Units on a Single Lot or Site	X	P	P	X	X	X	X	4.B.1.C.2
Zero Lot Line (ZLL)	X	X	X	X	X	X	X	4.B.1.C.7
Multifamily (MF)	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.4
Townhouse	X	P (5)	P (5)	P (5)	P (5)	P (5)	X	4.B.1.C.6
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Car Wash	X	X	X	X	- (7)	-	-	4.B.2.C.4
Convenience Store	X	X	X	X	X	-	-	4.B.2.C.7

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EXHIBIT D

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

Electric Vehicle Charging Station Facility	X	- (8)	- (8)	- (8)	- (8)	-	-	4.B.2.C.10
Employment Agencies (6)	X	X	X	X	X	-	-	4.B.2.C.26
Gas and Fuel Sales, Retail	X	X	X	X	X	-	-	4.B.2.C.16
Landscape Service	X	X	X	X	X	X	-	4.B.2.C.21
Parking, Commercial (9)	X	X	X	X	X	X	X	4.B.2.C.27
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.30
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.31
Self-Service Storage, Limited Access	X	X	X	X	-	-	-	4.B.2.C.37
Self-Service Storage, Multi-Access	X	X	X	X	X	X	-	4.B.2.C.37
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.41
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.40
Work/Live Space	X	(4)	(4)	(4)	(4)	(4)	X	4.B.2.C.44
Industrial Uses								
Office Warehouse	X	X	X	X	A (1)	A (1)	-	4.B.5.C.17
Contractor Storage Yard	-	-	-	-	-	-	A	4.B.5.C.1
Distribution Facility	X	X	X	X	X	A	D	4.B.5.C.3
Manufacturing and Processing	X	X	X	X	X	A	D	4.B.5.C.8
Warehouse	X	X	X	X	X	A	D	4.B.5.C.17
Wholesaling	X	X	X	X	X	A	D	4.B.5.C.18
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-001] [Ord. 2021-006]								
Key:								
X	Prohibited in Sub-area							
-	Subject to use regulations of zoning district							
P	Permitted by Right in Sub-area [Ord. 2007-013] [Ord. 2009-040] [Ord. 2020-001]							
D	Permitted by DRO approval [Ord. 2021-006]							
A	Class A Conditional Use [Ord. 2017-007]							
Notes:								
1.	Limited to lots with a CH FLU designation and corresponding zoning district. [Ord. 2006-004] [Ord. 2018-002]							
2.	A number in the Supplementary Use Standards # column refers to Art. 4.B, Use Classification, which are applicable to the use. [Ord. 2006-004] [Ord. 2020-001]							
3.	Adult Entertainment shall also be prohibited as an accessory use to other principal uses within the Sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU designation and corresponding zoning district. Work/Live Space shall be Permitted by Right in all Sub-areas except the NR and UI. [Ord. 2007-013] [Ord. 2020-001]							
5.	Multifamily and Townhouse units may be Permitted by Right in non-residential districts where mixed use is permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use <u>Minimum/Maximum Residential and Non-Residential Uses. Within the NC, UG, and UH Sub-areas, residential-only Multifamily and Townhouse developments with five dwelling units or more shall be permitted; residential-only developments with under five units shall not be permitted.</u> [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]							

Part 2. ULDC Art. 3.B.14.F, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Property Development Regulations (PDRs) (pages 47-50 and 55, Supplement 29), is hereby amended as follows:

CHAPTER B OVERLAYS

....

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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EXHIBIT D

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

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

Sub-areas	NR (1)	NRM	NG	NC	UG	UH	UI
Lot Dimensions (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)
Build-to-Line/Setbacks							
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 –10-25' min.	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'
Min. Building Frontage							
Min. Frontage (10)	-N/A	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build-to-Line Exception	N/A	Max. 50% of Building Frontage, min. width of 20', and max. depth of 25'				-	-
Max. Stories/Height (8)							
Max. Stories	N/A	3	4	6	20	10	15
Max. Height (8)	N/A	36'	48'	72'	240'	120'	180'
Other							
Max. Building Length (7)(9)	N/A	300'	300'	300'	300'	-	-
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006]							
Key:							
-	PDRs not specified in this Table shall be subject to the PDRs of the lot's zoning district						
C	For commercial uses						
MU	For mixed uses						
Notes:							
1.	PDRs for Single Family dwellings in the NR Sub-area shall be in accordance with Table 3.B.14.F, WCRAO Residential-Sub-area PDRs. [Ord. 2020-001]						
2.	Minimum lot size per Table 3.D.1.A, Property Development Regulations shall not apply. [Ord. 2021-006]						
3.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2006-004] [Ord. 2020-001] [Ord. 2021-006]						
4.	May be reduced to 50 feet if rear or cross access is provided. If cross access is provided, evidence of reciprocal agreement to allow vehicular cross access between the subject and adjacent property must be obtained prior to Final DRO approval or issuance of a Building Permit, whichever occurs first. [Ord. 2021-006]						
5.	May be reduced to 75 feet for lots fronting Okeechobee Boulevard with vehicular access limited only to the rear or via cross access from the adjacent property. [Ord. 2021-006]						
6.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2006-004]						
7.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]						
8.	Minor increases in 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 articulated so that the longest side faces the front build-to-line. Where a parcel is located at the intersection of two or more streets, at least one building shall be placed at a corner in accordance with Art. 3.B.14.F.2.b.2), R-O-W/Easement Exception, and comply with the build-to-line for both streets. [Ord. 2015-031]						
10.	Minimum frontage shall only apply to the front build-to-line, and may be reduced in accordance with Art. 3.B.14.F.2.b.1)(a), Minimum Building Frontage Exception. [Ord. 2015-031] [Ord. 2017-025]						

1

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

Residential Use Type	Single Family	<u>South Westgate Estates Single Family Alternative</u>	Cottage Homes – Single Unit on a Single Lot <u>(8)</u>	Cottage Homes – Multiple Units on a Single Lot or Site <u>(8)</u>	Townhouse (1)	Multifamily (≤ 4 Units)	Multifamily (≥ 5 Units)
Lot Dimensions							
Min. Frontage/Lot Width	50'	<u>25'</u>	25'	75'	16'	75'	100'
Min. Lot Depth	90'	<u>90'</u>	70'	100'	50'	100'	100'
Max. Building Coverage	50%	<u>45% (9)</u>	50 40%	80%	80%	40% (2)	40% (2)
Build-to-Line Setbacks							
Front/Build-to-Line	25' min.	<u>20' min.</u>	20' min.	10' min.	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>	<u>Build-to-Line – 10-25'</u>
Min. Side (3)	5'	<u>3'</u>	<u>2.5</u> 3'	5'	5' – End unit; 0' – Interior unit	5'	10'
Min. Side Street	7.5'	<u>7.5'</u>	7.5'	7.5'	10' – End unit	10'	10'

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EXHIBIT D

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

Min. Rear	10'	10'	510'	15'	7.5'	10'	25'
Height/Stories							
Max. Stories	2	2	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							
Min. Building Frontage	N/A	N/A	N/A	N/A	60% (7)	60% (7)	60% (7)
[Ord. 2020-001]							
Notes:							
1.	Unless provided for herein, Townhouse developments shall comply with Table. 3.D.2.A, Townhouse Property Development Regulations. [Ord. 2020-001]						
2.	Building coverage may be increased to 60 percent if all parking is provided curbside or in a parking structure. [Ord. 2020-001]						
3.	Side setbacks may be reduced to zero in accordance with Art. 3.B.14.F.1.a, NRM, NG, and NC Side Setback Reduction. [Ord. 2020-001]						
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 of Multifamily projects of five units or more shall be in accordance with Maximum Stories and Height by Sub-area in Table 3.B.14.F, WCRAO Non-Residential and Mixed Use Development Sub-area PDRs. [Ord. 2020-001]						
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]						
7.	Minimum building frontage of 80 percent is required for all Townhome and all Multifamily developments in the NC Sub-area. [Ord. 2020-001]						
8.	Per Art. 4.B.1.C.2, Cottage Home, the maximum size for Cottage Home is limited to 1,000 square feet per dwelling unit.						
9.	Maximum building coverage may be allowed to increase by up to ten percent to accommodate solid roof porches and/or patios. Attached garages shall not exceed 15 percent of the maximum building coverage.						

2. Build-to-Line and Frontages

b. Minimum Building Frontage

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

H. Density Bonus Programs

1. Density Bonus Pool

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]

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

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

CHAPTER B OVERLAYS

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]

Notes:

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EXHIBIT D

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

1

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 sq. ft.	1,000 sq. ft.	-	-	-	-	-
Accessory Quarters	300 sq. ft.	300 sq. ft.	300 sq. ft.	-	-	-	-
Fences and Walls							
Prohibited Materials (6)	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features							
Arcades and Galleries (1)	-	-	-	Required – Westgate Avenue (10)	-	-	-
Min. Building Depth	-	20'	20'	20'	30'	-	30'
Min. 1st Floor Height	-	-	-	12'	-	-	-
Min. Number of Floors	-	-	-	2 (2)	-	-	-
Windows and Doors							
Min. Glazing of Frontage (3)	-	(3)	(3)	(3)	-	-	-
Porches, Balconies, and Entryways (8)(109)							
Front Setback Max. Encroachment (7)	8'	6'	6'	-	-	-	-
Min./Max. Porch Depth (4)	6'/10'				-	-	-
Min./Max. Porch Length (4)	8'/50% of building façade				-	-	-
Min./Max. Balcony Depth (4)	3'/3'						-
Min./Max. Balcony Length (4)	6'/50% total of building façade						-
Parking:							
Location of Surface Parking (9)	-	Rear	Rear	Rear	-	-	-
Driveways (5)(9)	-	Rear	Rear	Rear	-	-	-
Location of Accessory Quarters and Garages:							
Detached	Back of rear façade of primary structures			-	-	-	-
Landscaping							
See Art. 3.B.14.J, WCRAO Landscape Modifications allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface	-	20%	20%	20%	-	-	-
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2020-001]							
Key:							
-	Subject to the supplementary standards of the lot's zoning district						
Notes:							
1.	See Art. 3.B.14.G.3.d, Arcades and Galleries, Figure 3.B.14.G, WCRAO Arcade and Gallery Standards. [Ord. 2006-004]						
2.	Required second floor shall meet minimum frontage and depth requirements. [Ord. 2006-004]						
3.	See Art. 3.B.14.G.3.c, Fenestration Details – Windows and Doors. Residential-only development in the NG and NRM Sub-areas shall be exempt from Art. 3.b.14.G.3.c, Fenestration Details – Windows and Doors. [Ord. 2006-004] [Ord. 2020-001]						
4.	Excludes stoops. [Ord. 2006-004]						
5.	Access from the front or side may be permitted for lots with no rear street frontage. [Ord. 2006-004]						
6.	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] 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]						
7.	The maximum encroachment for porches, balconies, and entryways located in NC Sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees. [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]						

2
3

....

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
DUMPSTER SETBACKS

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, Supplement 29), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

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 ~~per~~ Multifamily projects with 16 units or more. All ~~refuse containers~~outdoor receptacles 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 s~~shall 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 s~~shall 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 s~~shall 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

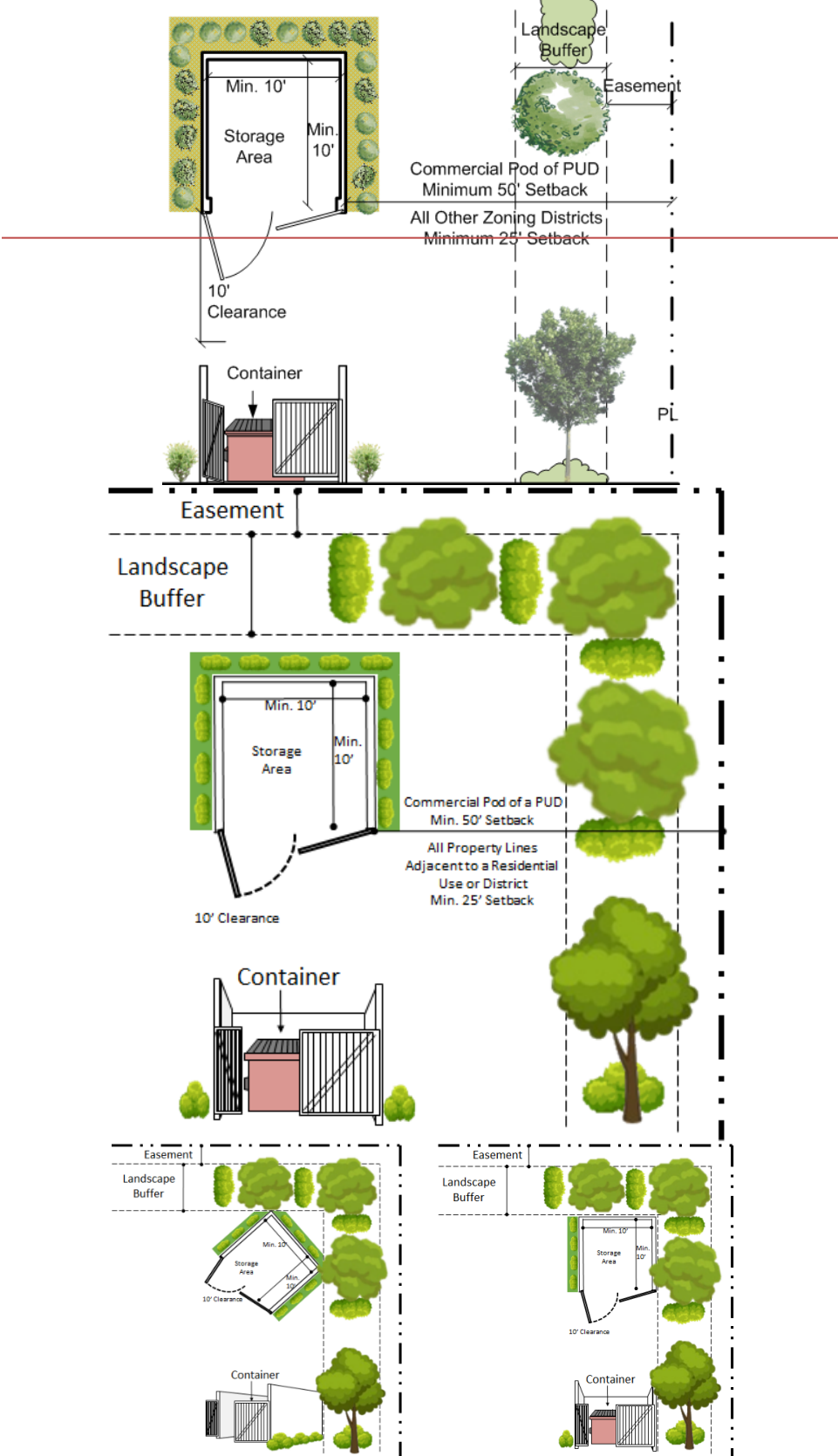
~~Containers s~~shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 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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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
DUMPSTER SETBACKS

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]

- 1
- 2
- 3
- 4
- 5
- 6
-
- 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 F

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

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, Supplement 29), is hereby amended as follows:

CHAPTER F LEGAL DOCUMENTS

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

....

F. Content Requirement for Documents

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

....

4. Unity of Title

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-015~~Art. 2.C.8.D, Release of Unity of Title (ROUI). **[Ord. 2021-006]**

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 3, 2021

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Yadzia Roa

Dear Mr. Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2021-023, which was filed in this office on September 3, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb