

ORDINANCE NO. 2018- 2

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER E, PLANNED DEVELOPMENT DISTRICTS ("PDDs"), SECTION 1(B), TABLE 3.E.1.B., PROVIDING FOR ADDITIONAL TYPES OF USES WITHIN THE PDD USE MATRIX TABLE FOR THE ECONOMIC DEVELOPMENT CENTER ("EDC") CATEGORY FOR MIXED USE PLANNED DEVELOPMENTS("MUPD") AND PLANNED UNIT DEVELOPMENTS ("PUD"); PROVIDING FOR AMENDMENTS TO THE USES ALLOWED WITHIN EACH CATEGORY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, in accordance with Florida Statutes, Chapter 163, upon incorporation, the County's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

**WHEREAS**, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

**WHEREAS**, the Developer has requested review use provisions in Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the land development codes within the City of Westlake to make adjustments to the uses which will be allowed in the PUD and MUPD categories; and

**WHEREAS**, the applicant requested changes to the PUD category of use types which would allow bed and breakfast facilities or community vegetable garden uses within the residential category; and

**WHEREAS**, the staff has reviewed the request for change in allowable uses and agrees with the reasonable request of the applicant, staff supports the change, allowing for bed and breakfast facilities to be approved by the development review official and requests for community vegetable gardens would be approved by the City Council; and

**WHEREAS**, the applicant has requested multiple changes in the MUPD category for various uses which would be allowed in the EDC category, either as a permitted right, approval by the development review official, approval by special permit and/or approval by the City Council; and

**WHEREAS**, the staff has reviewed the changes as requested by the applicant within table 3.E.1.B, for multiple uses in the MUPD, EDC category, and staff would recommend approval of the changes as noted in the table for each use type listed therein, as being permitted by right, approval by the development review official, approval by special permit and/or approval by the City Council; and

**WHEREAS**, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

**WHEREAS**, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

**WHEREAS**, the staff for the City of Westlake has reviewed the request of the applicant and the Article 3, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, of the City's Interim land development code, which additions will for additional uses with the PUD, residential use category and in the MUPD, EDC category as modified herein; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 1, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

**Section 1.**     Incorporation: The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 1, Chapter E, Table 3.E.1.B., entitled PDD Use Matrix, as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein.

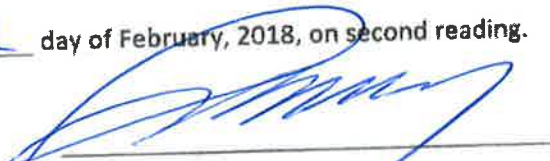
**Section 3.**     Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

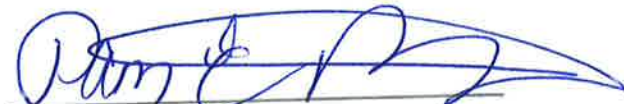
**Section 4.**     Effective Date: This ordinance shall be effective upon adoption on second reading.

**PASSED** this 8 day of January, 2018, on first reading.

**PASSED AND ADOPTED** this 12 day of February, 2018, on second reading.

  
Sandra DeMarco, City Clerk

  
City of Westlake  
Roger Manning, Mayor

  
City Attorney  
Pam E. Booker, Esq.

**Exhibit "A"**  
**City of Westlake Amendment to Article 3, Chapter E, Table 3.E.1.B.**

**ARTICLE 3**  
**OVERLAYS & ZONING DISTRICTS**

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Unified Land Development Code Article 3 - Overlays & Zoning Districts Supplement No. 20 (Printed 05/16) 1 of 234 00876452-12) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or [Ord. 2010-005]

3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. [Ord. 2010-005]

Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program. [Ord. 2010-005] **3. Uses Allowed**

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-22, PDD Use Matrix. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. [Ord. 2005041]

**4. Use Regulations**

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2009-040]

**a. Use Designations**

Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B, PDD Use Matrix.

**1) Permitted Uses (P)**

These uses are allowed by right and are identified by a P in the matrix.

**2) Special Uses (S)**

These uses require approval of a special permit and are identified by a S in the matrix.

**3) DRO Uses (D)**

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.

**4) Requested Uses (R)**

These uses require approval by the BCC in accordance with the standards and procedures in Article 2.B, PUBLIC HEARING PROCEDURES, and are identified by a R in the matrix.

**a) Location**

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

**b. Supplementary Use Standards**

A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in Article 4.B, SUPPLEMENTARY USE STANDARDS, which are applicable to the use.

# ARTICLE 3

## OVERLAYS & ZONING DISTRICTS

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- 6) Utility, minor [Ord. 2005 - 002]
- 7) Water Treatment Plant. [Ord. 2005 - 002]

**b. Hours of Operation**

Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.

**4. CLO District**

**a. Enclosed Uses**

All uses shall be operated entirely within enclosed buildings, with the following exceptions:

- 1) Air curtain incinerator, temporary;
- 2) Communication tower, commercial;
- 3) Electrical power facility;
- 4) Park, passive;
- 5) Recreation facility, accessory;
- 6) Recycling Drop-Off Bin; [Ord. 2013-001]
- 7) Solid waste transfer station;
- 8) Utility, minor, and
- 9) Water or wastewater plant.

**5. CC District**

**a. Hours of Operation**

Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.

**6. IL and IG Districts**

**a. Outdoor Activities**

All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.

**CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

**Section 1 General**

**A. General**

**1. Purpose and Intent**

The purpose of (PDDs) is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques. [Ord. 2009-040]

**2. Applicability**

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

**a. Previous Approvals**

Previously approved planned developments with a Development Order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E. Prior Approvals, where in compliance with the requirements of Art. 3.A.3. Zoning District Consistency with Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]

**1) Development Order Amendment**

Shall be in compliance with Art. 3.A.3. Zoning District Consistency with Future Land Use Atlas (FLUA). [Ord. 2009-040] [Ord. 2011-016]

**2) Additional Requested Uses**

Previously approved "Additional Requested Uses" shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 - 002] [Ord. 2009-040]

**b. Government Facilities**

A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013] [Ord. 2009-040]

**3. Conflicts**

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

**B. FAR, Density, and Use Standards**

**1. PDDs Split by FLU Designations**

Uses allowed, PDRs, density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density may be transferred from one portion of the project to another based on the gross acreage of the project. [Ord. 2009-040]

**2. Density**

**a. Computation**

Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number.

**b. Minimum Density**

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. [Ord. 2009-040]

**c. Maximum Density**

The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed.

**1) Density Bonus Programs**

A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.3, Transfer of Development Rights, or other density bonus program allowed by the Plan. [Ord. 2005 – 002]

**Table 3.E.1.B - PUD Density**

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)		0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)	(3)	1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18

[Ord. 2006-004] [Ord. 2010-022] [Ord. 2014-031]

**Notes:**

- The minimum density in the RR FLU designation for a PUD are as follows: RR20 - 0.5 unit/20 acres; RR10 - 0.5 unit/10 acres; RR5 - 0.5 unit/5 acres; RR2.5 - 0.5 unit/2.5 acres.
- The maximum density in the RR FLU designations for a PUD are as follows: RR20 - 1 unit/20 acres; RR10 - 1 unit/10 acres; RR5 - 1 unit/5 acres; RR2.5 - 1 unit/2.5 acres.
- Minimum and maximum density shall be in accordance with the AGE FLUA Conceptual Plan. [Ord. 2014-031]

**d. MXPDP/PIPD**

Density in a MXPDP or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. [Ord. 2009-040]

**e. MLU**

Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.4.2-b of the Plan. [Ord. 2009-040]

**f. LCC Minimum Density Requirements**

All residential units shall be vertically or horizontally integrated. The minimum required density shall be determined as a percentage of maximum density indicated in Table 3.E.1.B, PUD Density, as follows: [Ord. 2010-005]

- Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum, 50 percent of the maximum PUD density; or [Ord. 2010-005]

- 2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33 percent of the maximum PUD density; or [Ord. 2010-005]
  - 3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum, 20 percent of the maximum PUD density. [Ord. 2010-005]
- Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1 Workforce Housing Program. [Ord. 2010-005]

**3. Uses Allowed**

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-22, PDD Use Matrix. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. [Ord. 2005041]

**4. Use Regulations**

Uses permitted in a PDD shall be according to the pod designation on the master plan approved by the DRO, or the land use designation of the PDD, whichever is applicable. Uses may be further limited by the development order, concurrency reservation, or other applicable requirement. [Ord. 2009-040]

**a. Use Designations**

Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B. PDD Use Matrix.

**1) Permitted Uses (P)**

These uses are allowed by right and are identified by a P in the matrix.

**2) Special Uses (S)**

These uses require approval of a special permit and are identified by a S in the matrix.

**3) DRO Uses (D)**

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.

**4) Requested Uses (R)**

These uses require approval by the BCC in accordance with the standards and procedures in Article 2.B. PUBLIC HEARING PROCEDURES, and are identified by a R in the matrix.

**a) Location**

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

**b. Supplementary Use Standards**

A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in Article 4.B. SUPPLEMENTARY USE STANDARDS, which are applicable to the use.

(This space intentionally left blank)



Table 3.E.1.B - PDD Use Matrix

Use Type	PUD				MUPD				MXPD	PIPD				LCC		NOTE		
	Pods				FLU				FLU	Use Zone				FLU				
	R E S	C O M	R E C	C A V G R	C L	C H L	C H O	C H R	I D N C D S T	I N C N S T	C H O	C H O	I N O D	C N O M D G	M H V P D		R V P D	C L
<b>Residential Uses</b>																		
Single Family	P																	122
Zero Lot Line Home	P										PP							142
Townhouse	P										PP						PP	132
Multi-Family	P										PP						PP	87
Mobile Home Dwelling				S											F			85
Accessory Dwelling	S			S														1
Congregate Living Facility, Type 1	P								R	R							DD	34
Congregate Living Facility, Type 2	R		S						R	R							RR	34
Congregate Living Facility, Type 3	R	R	R		R	R	R	R	R	R								48
Estate Kitchen	P																	50
Farm Residence																		51
Farm Worker Quarters				P											P			80
Garage Sale	P			P						P	PP				P			66
Guest Cottage	P																PP	70
Home Occupation	P			P							PP				P		PP	73
Kennel Type I (Private)	P																	90
Nursing Or Convalescent Facility		R	R		R	R			R	D	R							90
Security Or Caretaker Quarters		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		119
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																		
<b>Notes:</b>																		
P Permitted by right																		
D Permitted subject to approval by the DRO																		
S Permitted in the district only if approved by Special Permit																		
R Permitted in the district only if approved by the Board of County Commissioners (BCC)/Westlake City Council as a requested use.																		

(This space intentionally left blank)

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD	PIPD			M	R	LCC		N O T E					
	Pods				FLU				FLU	Use Zone					FLU							
	R	C	R	CA	C	C	C	C	I	E	I	C			C	I		C	I	R	C	C
	E	O	E	IG	L	H	L	H	R	N	D	N			H	H		N	O	N	H	V
<b>Commercial Uses</b>																						
Adult Entertainment															SS					2		
Auction, Enclosed	R						P				P	D							PP	16		
Auction, Outdoor							R				RR				PPP					16		
Auto Paint Or Body Shop	R						R				R	R			PPP					17		
Bed And Breakfast	D	D			S	S	S	S	S		R			SS	S					20		
Broadcast Studio	R				R	P	R	P	P	P	P	P		RR	PP				RR	21		
Building Supplies	R						R				R			R	P				RR	22		
Butcher Shop, Wholesale							R				P			R	PPP					23		
Car Wash	R						R				P	R		R	PPP				RR	25		
Catering Service											P	D			P	P				26		
Contractor Storage Yard											P	D			P	P				35		
Convenience Store	P				P	P								PP	P		P	P	PP	36		
Convenience Store With Gas Sales					R	R					R	R		R	RP				R	37		
Crematory					R	R					R	R		R	R					59-2		
Day Labor Employment Service	R						R				R				P					41		
Dispatching Office							R				R			R	PPP					42		
Dog Day Care							R				R			R	PR				RR	43		
Financial Institution	R				R	P	R	P			P			PP	P				RR	55		
Flea Market, Enclosed	P						R							R	P				R	57		
Flea Market, Open							R								R					58		
Funeral Home	P				R	R					D	R		R	P					59-1		
Gas and Fuel, Retail	R				R	R					R			R	PRP				RR	18		
Green Market											D								DD	64		
Hotel, Motel, SRO, Rooming And Boarding							R	R	R		R			RR	P				R	72		
Kennel, Type II (Commercial)	R						R							R						74-1		
Kennel, Type III (Commercial -Enclosed)	R				R	R								R					RR	74-2		
Kiosk					P	P	P	P	P					PP	PPP				PP	75		
Landscape Service	R						R				P	D		R	PPP					77		
Laundry Services	R				P	P	P							PP	PP		P	P	PP	78		
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																						
Notes: P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the <u>Westlake City Council Board of County Commissioners (BCC)</u> as a requested use.																						

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD	PIPD			LCC		NOTE								
	Pods				FLU						FLU	Use Zone			FLU										
	R E S	C O M	R E C	C A I G V R /	C L	C H	C L H	C H R	C R	I D N C	E N C	I N S T	C H O	C H O	C N D	C N D		C N D	C N D	M H V P P D	R H V P P D	C L	C H		
<b>Commercial Uses</b>																									
Adult Entertainment																							2		
Auction, Enclosed	R					P			P	D												P	P	16	
Auction, Outdoor						R			R	R												P	P	16	
Auto Paint Or Body Shop	R					R			R	R												P	P	17	
Bed And Breakfast	D	D				S	S	S	S	S	R		S	S										20	
Broadcast Studio	R					R	P	R	P	P	P	P	R	R		P						R	R	21	
Building Supplies	R					R					R		R		P							R	R	22	
Butcher Shop, Wholesale						R				P		R		P	P	P							R	R	23
Car Wash	R					R				P	R		R		P	P							R	R	25
Catering Service											P	D				P	P							35	
Contractor Storage Yard													P	P		P	P	P	P	P	P	P	P	36	
Convenience Store	P					P	P						P	P									R	37	
Convenience Store With Gas Sales						R	R			R		R		R	P									59-2	
Crematory						R	R			R					P									41	
Day Labor Employment Service	R					R							R		P	P	P							42	
Dispatching Office						R					R		R		P	R						R	R	43	
Dog Day Care						R	P	R	P		P		P	P	P								R	R	55
Financial Institution	R					R	P	R	P				R		P								R	57	
Flea Market, Enclosed	P					R																		58	
Flea Market, Open						R																		59-1	
Funeral Home	P					R	R			D	R	R	R		P							R	R	18	
Gas and Fuel, Retail	R					R	R						R		P	R	P						R	R	64
Green Market											D	R	R		P								R	72	
Hotel, Motel, SRO, Rooming And Boarding						R	R	R		R		R	R		P									74-1	
Kennel, Type II (Commercial)	R					R	R						R									R	R	74-2	
Kennel, Type III (Commercial -Enclosed)	R					R	R						P	P	P	P	P					P	P	76	
Kiosk						P	P	P	P	P														77	
Landscape Service	R					R				P	D	R		P	P	P								78	
Laundry Services	R					P	P	P					P	P	P	P	P	P	P	P	P	P	P	78	

[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-0031] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]

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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD	PIPD		MHPD	RVFD	LCC		NOTE						
	Pods				FLU				FLU	Use Zone				FLU								
	R	C	R	CA	C	C	C	C	I	E	I			C	C		I	I	M	R	C	C
	E	O	E	IG	L	H	L	H	D	D	N			H	H		N	O	N	V	L	H
<b>Commercial Uses</b>																						
Lounge, Cocktail	R				R	R	R	R					R	R			R	R	79			
Medical Or Dental Office	P				P	P	P	P		P			P	P			P	P	83			
Monument Sales, Retail					P	P	P						P	P					86			
Office, Business Or Professional	P				P	P	P	P		P			P				P	P	91			
Parking Garage, Commercial	P				R	R	R												95			
Parking Lot, Commercial	R				R	R	P												96			
Pawnshop					R														97			
Personal Services	P				P	P	P			P			P	P	P		P	P	98			
Printing And Copying Services	P				P	P	P			P			P	P			P	P	100			
Repair And Maintenance, General	R				R					P			P	P	P				107			
Repair Services, Limited	P				P	P	P			P			P	P			P	P	108			
Restaurant, Type I	R				R	R	R			R			R	R	R		R	R	109			
Restaurant, Type II	R				R	D	R	R		R			D	R	R		D	D	111			
Retail Sales, Auto Accessories and Parts	P				P	P				P			P	P	P		P	P	113			
Retail Sales, General	P				P	P				D			P	P	P		P	P	114			
Retail Sales, Mobile Or Temporary	S									R			S	S					115			
Self-Service Storage					R	R				P				P	R	P			120			
Theater, Drive-In					R			R						R				R	128			
Theater, Indoor	R				R			P					R						129			
Towing Service And Storage										P			P						130			
Vehicle Sales And Rental	R				R	R				R			R	R			R	R	135			
Veterinary Clinic	R				R	P	R	P		R			R	R	P		R	R	136			
Vocational School	R				R	P	P			P	R	D	R	R	R	P	R	P	137			
Work/Live Space	P				P	P	P	P					P	P	P		P	P	141-1			
Live/Work													D	D			D	D	141-2			
[Ord. 2005-002] [Ord. 2008-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2014-025]																						
<b>Notes:</b> P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the <u>Westlake City Council</u> Board of County Commissioners (BOC) as a requested use.																						

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD			LCC		NOTE			
	Pods				FLU						FLU		Use Zone			FLU					
	R E S	C O M	R E C	C A G V R /	C L P	C H O	C L O	C H O	C R O	I D N	E D C S T	I H O	C H O	I D N	C O N M D	I N D G	M H P D		R V P D	C L H	C H H
<b>Public and Civic Uses</b>																					
Airport, Helipad & Landing Strip										R	R	R			R	R				10	
Assembly, Nonprofit Institutional	R		R		R	R		R		R	R	R	R	R	R				R	R	14
Assembly, Nonprofit Membership			R		R	R	R	R	R	R	R	R	R	R	R				R	R	15
Cemetery			R																		27
Place Of Worship	R		R		R	R	R	R	R	R	R	R	R	R	R		R		R	R	29
College Or University			R		R	R	R	R	R	R	R	R	R	R	R				R	R	30
Day Camp		P	P		R			P		P	R								R	R	39
Day Care, General	R		R		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	40
Day Care, Limited	D		D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	40
Government Services	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center					R		R				R			R	R						70-1
Hospital Or Medical Center	R				R	R	R			R	R	R	R	R					R	R	71
Kennel, Type IV (Animal Shelter)					R	R					R	R	R								74-3
School, Elementary Or Secondary			R		R	R	R	R		R	D	R	R	R					R		118
<b>Recreation Uses</b>																					
Arena, Auditorium Or Stadium	R				R			R				R						P			12
Campground								P		P		R		P					R	R	24
Entertainment, Indoor	R				R	R		P		P		R		P					R	R	45
Entertainment, Outdoor	R				R	R		P		D	P		R		P						46
Fitness Center	R	P	R		R	R		R	P		P		P	P	R	P			R	P	56
Golf Course			R		R	R	R	R	R	R				R	R	P	P				62
Gun Club, Enclosed					R			R	R					P	R	P					67-1
Marine Facility	R	R			R		R	R				R	R		P						82
Park, Passive	P	P	P	P	R	P	P	P	P		P	P	P	P	P	P	P	P	P	P	93
Park, Public			P	P	R	P		P	P	P	P	P	P	P	P	R	R	P	P		94
Shooting Range, Outdoor								R													67-2
Special Event	S	S	S		S	S		S	S	S	S	S	S	S	S	S			S	S	124
Zoo					R			R													143
[Ord. 2005-002] [Ord. 2008-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]																					
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Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD	PIPD				LCC		NOTE					
	Pods				FLU				FLU	Use Zone				FLU							
	R	C	R	C	A	G	C	C	C	I	E	I	C	C	I		C	M	R	C	C
	E	O	E	I	G	L	H	L	H	R	D	N	H	H	O		N	H	V	L	H
<b>Agricultural Uses</b>																					
Agriculture, Bona Fide				P																3	
Agriculture, Light Manufacturing																				4	
Agriculture, Packing Plant				R																5	
Agriculture, Research/Development					P	P	P	P	P	P	P	P			P	P				3.1	
Agriculture, Sales And Service															P					6	
Agriculture, Storage																				7	
Agriculture, Transshipment											P	P			P	P				8	
Aviculture, Hobby Breeder				P																19	
Community Vegetable Garden	R	D									D									32	
Equestrian Arena, Commercial				R							P				P	P	P			47	
Farmers Market									P		P	P	P		P	P	P			52	
Farrier																				53	
Groom's Quarters	P			P																65	
Nursery, Retail		P		P	P								F		P					88	
Nursery, Wholesale				P											P	P				89	
Potting Soil Manufacturing																				99	
Produce Stand																				101	
Shadehouse				P																121	
Stable, Commercial				P				P												126	
Stable, Private	P			P													P			126	
Sugar Mill Or Refinery																				127	
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]																					
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**Table 3.E.1.B - PDD Use Matrix Continued**

Use Type	PUD				MUPD				MXPD	PIPD			LCC		NOTE				
	Pods				FLU				FLU	Use Zone			FLU						
	R E S	C M C	R E C	C A V G R /	C L	C H	C L O	C H R	C I E D N C D S T	I C H O	C H O	I C N D /	C I N M D G D	M H P D		R V P D	C L	C H	
<b>Utilities and Excavation Uses</b>																			
Air Curtain Incinerator																	9		
Air Stripper, Remedial													P	P			11		
Chipping and Mulching																	28		
Communication Cell Sites On Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31		
Communication Panels, Or Antennas, Commercial	B	D	D	D	D	D	D	D	P	P	R	D	D	D	D	D	31		
Communication Tower, Commercial										R	R	R	R	R	R	R	31		
Composting Facility													P	P			33		
Electric Power Facility		R					R	R	R	R				R	R	R	44-1		
Electric Transmission Facility		R					R	R	R	R				R	R	R	44-2		
Excavation, Agricultural				R													49		
Excavation, Type I																	49		
Excavation, Type II	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	49		
Excavation, Type III A															R		49		
Excavation, Type III B																	49		
Recycling Center						A			P	D	R	D			P	A	P	103	
Recycling Drop-Off Bin		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	104	
Recycling Plant																		105	
Renewable Energy Facility, Solar		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B	108-1
Renewable Energy Facility, Wind					R	R	R	R	R	R	R	R	R	R	R	R	R		108-2
Sanitary Landfill Or Incinerator							R	R	R	R	R			P	R	P		123	
Solid Waste Transfer Station		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134
Utility, Minor							R	R	R	R				R	R	R	R		139
Water Or Treatment				R			R	R	R	R				R	R	R	R		

[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]

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**Table 3.E.1.B - PDD Use Matrix Continued**

Use Type	PUD				MUPD				MXPD	PIPD		M	R	LCC	N					
	Pods				FLU				FLU	Use Zone						C	C	O		
	R	G	R	CA	C	C	C	C	I	E	I								C	C
S	M	C	VR	L	H	L	H	R	D	N	H	H	O	N	H	V	L	L	O	
			P						D	S	O	L	D	D	D	P	H	H	E	
<b>Industrial Uses</b>																				
Asphalt Or Concrete Plant									R											13
Data Information Processing					P	P	P	P	P		P	P	P	P				P	P	38
Film Production Studio					P		P	R	P	P								P		84
Gas And Fuel, Wholesale									R											81
Heavy Industry									R											69
Laboratory, Research					R	R	R	R	R	P	P	R	R		P	R	P			78
Machine Or Welding Shop									P	P					P	P				80
Manufacturing And Processing					R	R	R	R	R	P	R				P	P				81
Medical Or Dental Laboratory			P		P	P	P	P		P					P					84
Salvage Or Junk Yard									R							R				116
Transportation Facility										P					P	P				133
Truck Stop									R						R	R				131
Warehouse						R			P	P					P	P				138
Wholesaling, General									P	P					P	P				140
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																				
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**C. Objectives and Standards**

**1. Design Objectives**

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;
- b. Provide a continuous, non-vehicular circulation system which connects uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
- e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties; and
- g. Minimize parking through shared parking and mix of uses.



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h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to: [Ord. 2009-040]

- 1) public art; [Ord. 2009-040]
- 2) clock tower; [Ord. 2009-040]
- 3) water feature/fountain; [Ord. 2009-040]
- 4) outdoor patio, courtyard or plaza; and [Ord. 2009-040]
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. [Ord. 2009-040]

## 2. Performance Standards

Planned developments shall comply with the following standards:

### a. Access and Circulation

#### 1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an arterial or collector street unless stated otherwise herein; [Ord. 2010-022] [Ord. 2012-027]

#### a) Type II Waiver - Infill Development

The BCC may grant a Type II Waiver to reduce the frontage requirement in the U/S Tier upon demonstration by the applicant that the requirements cannot be satisfied by any other means and by complying with the following standards: [Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-027]

- (1) the reduction is the minimum necessary to provide safe and adequate access to the project; [Ord. 2005-002]
- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners; [Ord. 2005-002]
- (3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; [Ord. 2005-002]
- (4) the reduction is supported by the County Engineer and PZB; [Ord. 2005-002]
- (5) where applicable, the reduction is necessary to allow for development of new SR-7 EDO projects that establish access by means of interconnectivity requirements of the overlay; [Ord. 2010-022] [Ord. 2012-027]

#### b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: [Ord. 2005-002]

- (1) 1500 trips or less: 50' of frontage. [Ord. 2005-002]
- (2) More than 1500 trips: 80' of frontage. [Ord. 2005-002]

Further reductions from the frontage requirements shall only be allowed by the ZC as a Type II variance in accordance with Art. 2.B.3. Variances. [Ord. 2005-002]

- 2) PDDs shall have legal access on an arterial or collector street;
- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;
- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;
- 5) **Cul-de-sacs**

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets. [Ord. 2008-037]

- a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right. [Ord. 2007-001] [Ord. 2008-037]
- b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-sac pursuant to a Type II Waiver application approved by the BCC. The BCC shall consider

Article 3 - Overlays & Zoning Districts

the following additional standards when deciding whether or not to approve the Waiver.  
[Ord. 2007-001] [Ord. 2008-037] [Ord. 2012-027]

- (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and, [Ord. 2008-037]
  - (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems. [Ord. 2008-037]
- 6) Nonresidential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;
  - 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and
  - 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

**b. Street Lighting**

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Article 5.E. PERFORMANCE STANDARDS.

**c. Median Landscaping**

Refer to the most recent Engineering and Public Works Operations - Streetscape Standards available from the PBC Engineering Department. [Ord. 2011-001]

**d. Street Trees**

Street trees shall meet the Canopy tree requirements of Article 7. LANDSCAPING and planting standards pursuant to Engineering and Public Works Operations - Streetscape Standards, and as follows: [Ord. 2011-001]

- 1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Article 7. LANDSCAPING and Engineering and Public Works Operations - Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center. [Ord. 2011-001]
- 2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable. [Ord. 2011-001]
- 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.E.4.B.1, Planned Developments. For Residential PDDs, planting of street trees shall be completed prior to the issuance of the final certificate of occupancy within that phase or pursuant to conditions of approval. [Ord. 2011-001]
- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art.11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS. [Ord. 2011-001]

**e. Bike Lanes**

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

**f. Mass Transit**

All nonresidential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop, Boarding and Alighting Area shall be shown on the master plan and/or final site plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
- 2) Prior to the issuance of the first building permit, the property owner shall convey to PBC an easement for a Bus Stop, Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the property owner shall record an easement for a Bus Stop, Boarding and Alighting Area in a manner and form approved by Palm Tran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and

- 3) All PDDs with more than 100 units shall comply with the following requirement:  
Prior to the issuance of the building permit for the 100th unit, the petitioner shall construct a Palm Tran approved mass transit shelter with appropriate access lighting, trash receptacle and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

**g. Utilities**

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

**1) Exceptions**

- a) Primary facilities and high voltage wires.
- b) Lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.

**h. Parking**

**1) Residential Uses**

Parking for residential uses shall comply with Article 6. PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

**2) Nonresidential Uses**

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site. [Ord. 2009-040]

**a) Minimum/Maximum Parking Standards**

- (1) Minimum: one space per 250 square feet of GFA (4/1000).
- (2) Maximum: one space per 166.66 square feet of GFA (6/1000)

**b) Exceptions MLU/EDC**

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1000).

**3) Design**

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

**4) Cross Access**

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

**5) Location-Non-residential PDDs**

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

**6) Distance**

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

**a) Remote Parking Areas**

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

**i. Way Finding Signs**

Off-site directional signs, consistent with the on-site directional sign standards in Article 8. SIGNAGE, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

**j. Emergency Generators**

A permanent emergency generator shall be required for all Type II and Type III CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004] [Ord. 2010-022]

**D. Application Requirements**

For a rezoning to a PDD, the applicant shall comply with the requirements in Article 2.B.1, Official Zoning Map Amendment (Rezoning), Art. 2.A.1.G.2, Application Procedure, General and Art.2.A.1.G.3, Plan Requirements for certification and final approval by the DRO. [Ord. 2009-040]

**1. Pre-Application Conference (PAC)**

All applications for a LCC shall require a PAC pursuant to Art. 2.A.1.E, Pre-Application Conference.  
[Ord. 2010-005]

**2. Master Plan, Site Plan, or Subdivision Plan**

See Art. 2.A.1.G.2, Plan Requirements for preparation of plan(s) and plan labeling requirements.  
[Ord. 2009-040]

**a. Effect of BCC Approval**

Approval of a preliminary master plan, site plan or subdivision plan, as applicable, by the BCC shall be binding upon the landowners subject to the development order, their successors and assignees, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, intensity, access, configuration, and all other elements and conditions set forth on the plan(s) and in the Development Order. Administrative modifications to a master or site plan may only be allowed in accordance with Article 2.D.1, Development Review Officer and Art. 2.A.1.G.3, Plan Requirements. In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA. [Ord. 2009-040]

**b. Pods**

All land within the boundaries of a master plan shall be designated one of the use types indicated in Table 3.E.1.B, PDD Use Matrix. [Ord. 2009-040]

**1) Exceptions**

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

**c. Tabular Data**

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

**d. Density**

The number of units shown on a site plan or subdivision plan shall correspond to the master plan.

**e. Intensity**

The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

**E. Modifications**

Modifications to a planned development with a valid development order shall comply with Art. 2.A.1.G.3, Plan Requirements and Article 2.D.1, Development Review Officer. [Ord. 2009-040]

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

In addition to Article 2.D.1, Development Review Officer, the DRO shall have the authority to approve modifications to a master plan, subdivision plan, site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In case of a conflict with Art. 2.A.1.G.3, Plan Requirements and Art. 2, Development Review Procedures, the following standards shall apply. Modifications which do not comply with these procedures and requirements or this Section shall require approval by the BCC. [Ord. 2009-040]

**a. Consistency**

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

**b. Pods**

The re-designation of a pod from one type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

**c. Housing Classification and Type**

Housing classification may only be changed from attached to detached. Housing type may only be changed as follows:

**Table 3.E.1.E - Housing Classification and Type**

From	To
MF	Townhouse, zero lot line, or single family
Townhouse	Zero lot line, single family, or MF maximum of 35' in height
ZLL	Single family

- d. **Recreation**  
The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.
- e. **Traffic**  
There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.
- f. **Access**  
Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS. [Ord. 2015-006]
- g. **Non-Vehicular Circulation**  
Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.
- h. **Density Transfer**  
The DRO may transfer a maximum of 30 percent of the un-built units from one pod to another pod in the same PDD. The maximum number of units transferred to a pod shall not exceed 30 percent above the number of units approved by the BCC for that pod.
- i. **Density Decrease**  
The DRO may decrease the number of un-built units in a PDD, provided the resulting gross density of the project is consistent with the Plan.
- 2. **Modifications by the BCC**  
Modifications which exceed the thresholds in Article 2.D.1, Development Review Officer, shall require a DOA in accordance with Art. 2.B.2.H, DOA.
- 3. **Modification to Reduce or Reconfigure Existing Golf Course**  
Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: **[Ord. 2006-004]**
  - a. **Notice to Homeowners**  
At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by certified mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports. **[Ord. 2006-004] [Ord. 2010-022]**
  - b. **Reduction of Open Space or Recreation**  
The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval. **[Ord. 2006-004]**

### **c. Visual Impact Analysis Standards**

The requirements of this Subsection shall be required for any application to reconfigure an existing golf course: [Ord. 2006-004]

#### **1) Visual Analysis**

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis. [Ord. 2006-004]

#### **2) Methodology**

The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below. [Ord. 2006-004]

- a) The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (one inch=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated. [Ord. 2006-004]
- b) A line of site analysis, which shall include the following information: [Ord. 2006-004]
  - (1) Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties; [Ord. 2006-004]
  - (2) Identification of at least three specific points within a 1,000 foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis; [Ord. 2006-004]
  - (3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis; [Ord. 2006-004]
  - (4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and, [Ord. 2006-004]
  - (5) Identification of all screening and buffering materials within a designated planting area under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis.) [Ord. 2006-004]
  - (6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC. [Ord. 2006-004]

### **F. Controlling Plan(s)**

#### **1. Approved Plan**

The most recent approved master plan, site plan, or subdivision by the DRO shall be the controlling plan for the PDD. All land development shall be consistent with the controlling plan. The controlling plan shall supercede any previously approved master plan, site plan, or subdivision. [Ord. 2005 - 002]

#### **2. Maximum Units/Square Feet**

The number of units and total gross square feet shown on the most recent master plan, site plan or subdivision approved by the DRO shall constitute the maximum number of units or square footage which can be constructed in the PDD and shall supersede the density or intensity approved by the BCC and the density or intensity shown on any previously approved master plan, site plan, or subdivision. In case of a conflict between plans, an approved master plan shall control to the extent of the conflict.

### **G. Sales Office and Models**

#### **1. General**

##### **a. Permits**

Building permits for real estate sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to recording a final plat, but not before approval of a site plan/final subdivision plan by the DRO.

**b. Permanent**

A permanent real estate sales office is permitted in a commercial pod only, except where allowed otherwise within a Recreational Vehicle Park Development (RVPD). [Ord. 2014-025]

**c. Definitions – see Art. 1.I, Definitions and Acronyms**

**1) Real Estate Sales Office, Planned Development**

An office for the sale and resale of new and existing residential units, or Recreation Vehicle (RV) sites, in a planned development. [Ord. 2014-025]

**a) Temporary, Pod**

A temporary real estate sales office for the sale of new units only shall be permitted in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. A temporary sales office in a mobile home shall be subject to Article 5.B.1.B. Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRO. The temporary access shall be limited to one year, unless extended by the DRO.

**b) Temporary, Project**

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a mobile home shall be subject to Article 5.B.1.B. Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC.

**c) RVPD**

A temporary real estate sales office for the sale of RV sites shall be permitted within an RVPD in accordance with the provisions above, and the following: [Ord. 2014-025]

(1) Units shall mean RV sites; [Ord. 2014-025]

(2) May be located within the Recreation Pod; [Ord. 2014-025]

(3) The temporary RVPD real estate sales office shall be removed upon completion of the project, CO of a permanent RV site real estate sales office, or upon expiration of the maximum time to commence development for the last phase, in accordance with Table 2.E.3.B. Time Limitation of Development Order for Each Phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025]

**2) Planned Development, Sales Model**

A residential unit used for the sale of only new units within a residential pod of a planned development.

**2. Sales Office**

**a. Resale**

Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

**Table 3.E.1.G - Sales Office**

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

**3. Sales Models**

**a. General**

A maximum of eight sales models per pod may be constructed prior to platting. Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building



permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. A sales model may be used as a temporary real estate sales office.

**1) Parking**

A minimum of two parking spaces per model shall be provided. The parking area shall comply with Article 6.A.1.D. Off-Street Parking.

**2) Duration**

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod.

**b. Residential Pod**

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models.

**c. Model Rows**

Planned developments approved for a total of 300 or more units may construct a model row for the project.

**1) Number**

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each.

**2) Location**

A model row shall be located in a residential pod. The location of the model row shall be designated on the preliminary development plan at the time of BCC approval. Access to the model row shall be from a location approved by the BCC or allowed by this Code.

**3) Use**

A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited.

**H. Accessory Structures**

**1. Standards**

The following accessory uses and structures in permanent or temporary structures shall comply with the following standards:

**a. Gatehouses**

Gatehouses for security of the project may be permitted, subject to approval by the DRO.

**b. Utilities**

Public or private utilities, accessory buildings/structures, and related infrastructure shall be permitted, subject to compliance with all applicable rules and regulations governing such facilities.

**c. Temporary Structures**

Temporary structures, such as construction trailers, shall be permitted in accordance with Article 5.B.1.B. Temporary Structures.

**d. Permits**

Building Permits for temporary and accessory structures may be issued in accordance with Art. 3.E.1.G.1.a. Permits.

**I. Unified Control**

All land in a PDD shall be contiguous, unless otherwise stated, and owned or under the control of the applicant or subject to unified control. Unified control shall be in a form acceptable to the County Attorney and shall provide for the perpetual operation and maintenance of all shared/common facilities and improvements, which are not provided, operated or maintained at the public's expense.

**1. Exception**

Public civic uses and AGR Preservation Areas shall not be subject to unified control, unless required by a condition of approval.

**2. Approval**

Unified control shall be approved by the County Attorney and recorded by the applicant prior to approval by the DRO of the initial master plan, site plan, or subdivision, whichever occurs first.

**3. Control**

Unified control for a PDD shall be approved by the County Attorney and recorded by the applicant prior to approval of the first plat.

**4. Architectural Guidelines**

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as minor