

AGENDA

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD LAND DEVELOPMENT REGULATION COMMISSION JUNE 8, 2005

BOARD MEMBERS

Wes Blackman, AICP, Chair

D. J. Snapp, III, Vice Chair

David Carpenter, RLA

Chuck Congdon

Joanne Davis

Stephen Dechert

Rosa Durando

Wayne Larry Fish, P.S.M.

Maurice Jacobson

Thomas Kastner

Barbara Katz

Martin Klein, Esq.

Ron Last, P.E.

Jack Miles

Frank Palen, Esq., Alternate

Dr. Carmine Priore

Barbara Sufas Noble

Brian Waxman, Esq., Alternate

Scott Worley

Tony Masilotti
Chair, District 6

Addie L. Greene
Vice Chair, District 7

Karen T. Marcus
Commissioner, District 1

Jeff Koons
Commissioner, District 2

Warren H. Newell
Commissioner, District 3

Mary McCarty
Commissioner, District 4

Burt Aaronson
Commissioner, District 5



Robert Weisman
County Administrator

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100 Australian Avenue, West Palm Beach, Florida 33406 (561) 233-5200



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
Wednesday, June 8, 2005 AGENDA
100 Australian Avenue
4th Floor Conference Room, 2:00 p.m.**

A. Call to Order/Convene as the Land Development Regulation Advisory Board (LDRAB)

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of May 11, 2005 Minutes (Attachment A)

B. ULDC Amendments

Attachment B	Article 1 - General Provisions
Attachment C	Article 2 - Development Review Procedures
Attachment D	Article 3 - Overlays & Zoning Districts
Attachment E	Article 4 - Use Regulations
Attachment F	Article 5 - Supplementary Standards
Attachment G	Article 6 - Parking
Attachment H	Article 7 - Landscaping
Attachment I	Lighting Ordinance

C. Convene as the Land Development Regulation Commission (LDRC)

1. Proof of Publication
2. Consistency Determinations

D. Reconvene as the Land Development Regulation Advisory Board (LDRAB)

E. Public Comments

F. Staff Comments

1. General Subcommittee: Need for additional members.

G. Adjourn

PALM BEACH COUNTY

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

Minutes of May 11, 2005 Meeting

On Wednesday, May 11, 2005 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB) met in the Fourth Floor Conference Room, at 100 Australian Avenue, West Palm Beach, Florida, for their annual organizational meeting:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Leticia Stinson, Code Revision Secretary, called the roll.

Members Present

Wesley Blackman
David Carpenter
Joanne Davis
Maurice Jacobson
Barbara Katz
Martin Klein
Carmine Priore
Brian Waxman (alternate)*
Stephen Dechert
Ron Last
Barbara Noble
Jack Miles
Thomas Kastner
Scott Worley

Members Present – 14

*Includes 1 alternates

Members Absent

Rosa Durando
Larry Fish
Frank Palen (alternate)*
D.J. Snapp
Chuck Congdon

Members Absent – 5

County Staff Present:

Barbara Alterman, PZB Director
Robert T. Buscemi, R.A, Principle Planner, Zoning
William Cross, Senior Planner, Zoning
Bruce Thomson, Senior Planner, Planning
Izabela Aurelson, Planner I, Zoning
Leticia Stinson, Secretary Code Revision, Zoning
Lenny Berger, Assistant County Attorney

2) Additions, Substitutions, and Deletions

None.

3) Motion to Adopt Agenda

A motion was made by Martin Klein, seconded by Barbara Noble, to adopt the agenda. The motion passed unanimously (14– 0).

4) Adoption of February 9, 2005 and March 3, 2005 Minutes

A motion was made by Martin Klein, seconded by Barbara Katz, to adopt the February 9, 2005 and March 3, 2005 minutes. The motion passed unanimously (14 – 0).

B) ULDC Amendments

Mr. Kastner and Mr. Miles, the new appointees, introduced themselves to the Board.

1) Article 3 – Overlays and Zoning Districts (Attachment B)

There was a lengthy discussion on the proposed amendments. The Board recommended to adopt them with changes. One of the changes included the addition of the following subsection: Art. 3.D.1.D.5.a.2).d), Excluding side loading garages.

Motion to approve as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (15 – 0).

2) Article 4 – Use Regulations (Attachment C)

The Board members expressed concerns about permitting accessory dwellings in agricultural reserve areas. Special Permit was retained as a requirement needed to establish an accessory dwelling in agricultural reserve. Other changes recommended by the Board pertained to supplementary standards for a place of worship.

Motion to approve as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (15 – 0).

3) Article 5 – Supplementary Standards (Attachment D)

Motion to approve by Joanne Davis, seconded by Martin Klein. The motion passed unanimously (15 – 0).

C) Convene as the Land Development Regulation Commission (LDRC)

1) Proof of Publication

A motion was made by Barbara Noble, seconded by Barbara Katz to adopt the proof of publication.

2) Consistency Determination

Bruce Thompson stated that the proposed amendments were consistent with Comprehensive Plan.

Motion to approve as amended, by Maurice Jacobson, seconded by Joanne Davis. The motion passed unanimously (14 – 0).

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

No motion was passed on this item.

E) Public Comments

None.

F) Staff Comments

In the event there are few agenda items to be reviewed, staff (Bill Cross spoke) suggested only having LDRAB convene and not advertise or require LDRC make a motion on the content reviewed. Combine those limited agenda items with another meeting so as to reduce public notification requirements and the amount of money being spent on legal ads.

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:49 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code revision Secretary at (561) 233-5088.

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1
2 **Part 1. ULDC, Art. 1.G.1.B.8, Density and Intensity, (page 24 of 25), is hereby amended as**
3 **follows:**
4

5 Reason for amendment: Clarification submitted by the Planning Division to ensure ULDC is consistent
6 with the Plan.

7
8 **CHAPTER G EMINENT DOMAIN**

9 **Section Properties Affected by Eminent Domain Proceedings**

10 **B. Development Standards**

11 **8. Density and Intensity**

12 Property conveyed without compensation may be utilized in calculating allowed density or
13 intensity, consistent with ~~subject to~~ the applicable density/intensity restriction provisions in the
14 Plan.
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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1
2 **Part 1. ULDC, Art. 2.A.1.G.1, General (page 10 of 51), is hereby amended as follows:**

3
4 Reason for amendment: Glitch – Delete redundant text.

5
6 **CHAPTER A GENERAL**

7 **Section 1 Applicability**

8 **G. Application Procedures**

9 **1. General**

10 An application shall be submitted for all development orders regulated by this Code.
11 Applications require sufficiency review prior to being placed on the agenda for a public
12 hearing or meeting, or proceeding to the subsequent step in the development review process,
13 unless otherwise specified in this Code. ~~An application shall be submitted for all development
14 orders regulated by this Code. Applications require sufficiency review prior to being placed on
15 the agenda for a public hearing or meeting, or proceeding to the subsequent step in the
16 development review process, unless otherwise specified in this Code.~~

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18
19 **Part 2. ULDC, Art. 2.A.1.G.2, Application Form (page 10 of 51), is hereby amended as follows:**

20
21 Reason for amendment: To clarify that application requirements include both form and content.
22 Examples of content include: site plans, surveys, traffic studies, etc.

23
24 **CHAPTER A GENERAL**

25 **Section 1 Applicability**

26 **G. Application Procedures**

27 **2. Application Form and Content**

28 The form and content of an application for a development order shall be ~~in a form~~ submitted
29 as specified by the PBC official responsible for reviewing the application.

30
31
32 **Part 3. ULDC, Art. 2.A.1.G.3.b, Insufficiency (page 10 of 51), is hereby amended as follows:**

33
34 Reason for amendment: To clarify that insufficient applications made sufficient within the given
35 timeframes shall be scheduled for the next available agenda based on the established dates in the
36 Annual Zoning Calendar (Art. 2.A.1.C.1).

37
38 **CHAPTER A GENERAL**

39 **Section 1 Applicability**

40 **G. Application Procedures**

41 **3. Sufficiency Review**

42 The appropriate PBC official shall determine if an application is sufficient or insufficient within
43 ten days of submittal.

44 **a. Sufficiency**

45 If the application is determined to be sufficient, ~~within ten days of submittal~~ it shall be
46 reviewed by the appropriate PBC official pursuant to the procedures and standards of this
47 Article. The application shall then be placed on the next available agenda consistent with
48 the established dates published in the a Annual Zoning e Calendar, or proceed to the next
49 subsequent step in the development review process. The agenda shall be made available
50 to the public no less than five days prior to the applicable hearing or review date.

51 **b. Insufficiency**

52 If an application is determined to be insufficient, staff shall provide a written notice to the
53 applicant specifying the deficiencies. The notice shall be mailed within ten days of
54 receipt of the application.

55 1) No further action shall be taken on the application until the deficiencies are remedied.

56 2) If amended and determined to be sufficient, the application shall be processed in
57 accordance with Art. 2.A.1.G.3.a, Sufficiency.

58 3) If the deficiencies are not remedied within 20 days the application shall be
59 considered withdrawn.

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1 **Part 4. ULDC, Art. 2.A.1.I.3.a, Resubmittal Requirements (page 11 of 51), is hereby amended**
2 **as follows:**

4 Reason for amendment: To clarify the deadline for submitting revised information/documentation to DRO
5 to be consistent with timeframes established in the Annual Zoning Calendar.

7 **CHAPTER A GENERAL**

8 **Section I Review and Certification**

9 **3. Non-certification**

10 **a. Resubmittal Requirements**

11 The applicant shall provide a written response addressing all outstanding certification issues
12 in a manner and form acceptable to the Zoning Division. The revised documents shall be
13 submitted to all DRO agencies for review and comment a minimum of 15 working calendar
14 days prior to the next scheduled DRO review date.

17 **Part 5. ULDC, Art. 2.A.1.L.5.a, BCC, ZC, BA (page 14 of 51), is hereby amended as follows:**

19 Reason for amendment: Art. 1.C.1.A, General, defines day as follows: "A working weekday unless
20 otherwise stated or used in reference to a violation..."

22 **CHAPTER A GENERAL**

23 **Section 1 Applicability**

24 **L. Actions by Decision Making Bodies or Persons**

25 **5. Continuance or Postponement**

26 **a. BCC, ZC, BA**

27 The body conducting the public hearing may, on its own motion or at the request of an
28 applicant, continue the public hearing to a fixed date, time and place. An applicant shall
29 be granted one postponement to the next regularly scheduled hearing if requested in
30 writing five working days prior to the hearing. The body conducting the hearing shall
31 determine if an application shall be postponed when an applicant fails to submit a request
32 for postponement five days prior to the hearing. All subsequent request for continuance
33 or postponement shall be granted at the discretion of the decision making body.

36 **Part 6. ULDC, Art. 2.B.1.B, Standards (page 18 of 51), is hereby amended as follows:**

38 Reason for amendment: Clarifies that substantial amendments to a PDD, TDD or COZ are subject to
39 ZC/BCC approval (same as a DOA to a Class A, B or Conditional Use). Art. 2.D.1.B, Application Types
40 specifies DRO authority to require site plan approval, and Art. 2.D.1.G.3, Amendments to BCC/ZC
41 Approvals is being amended to clarify DRO authority.

43 **CHAPTER B PUBLIC HEARING PROCEDURES**

44 **Section 1 Official Zoning Map Amendment (Rezoning)**

45 **D. Development Order Amendment to a PDD, TDD or COZ**

46 A development order for a PDD, TDD or COZ may be amended, extended, varied or altered only
47 pursuant to the standards and procedures established for its original approval, or as otherwise set
48 forth in this Code. Before any PDD, TDD or COZ are amended, extended, varied or altered, the
49 applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or
50 conditions has occurred which make it necessary to amend, extend, vary or alter the PDD, TDD
51 or COZ.

54 **Part 7. ULDC, Art. 2.D.B.1.b [Related to Application Types] (page 27 of 51), is hereby amended**
55 **as follows:**

57 Reason for amendment: Clarifies that a COZ is subject to DRO site plan approval; thereby ensuring that
58 the DRO has the authority to approve site plan amendments in accordance with Art. 2.D.1.G.3,
59 Amendments to BCC/ZC Approvals.

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1 **CHAPTER D ADMINISTRATIVE PROCESSES**

2 Section 1 Development Review Officer

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B. Application Types

1. The following types of development shall require approval of a master plan, site plan or subdivision plan by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO:
 - a. Conditional Use/Requested Use;
 - b. All development in a PDD, ~~or~~ TDD or COZ;

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ARTICLE 3, OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1
2 **Part 1. ULDC, Art. 3.B.15.E.2, Commercial Districts (page 29 of 125), is hereby amended as**
3 **follows:**
4

5 Reason for amendment: Planning Division request to clarify language to be consistent with the Plan.
6

7 **CHAPTER B OVERLAYS**

8 **Section 15 WCRAO, Westgate Community Redevelopment Agency**

9 **E. Official Zoning Map Amendments**

- 10 **1. Industrial Districts**
11 **2. Commercial Districts**

12 Any request to rezone parcels in the WCRAO that were not designated commercial on the
13 FLUA as of the Plan's August 31, 1989 adoption to a commercial district or PDD shall not
14 require an amendment to the FLUA of the Plan, provided the following criteria are met:
15

16
17 **Part 2. ULDC, Art. 3.D.2.C.8, Side Street Home (page 50 of 125), is hereby amended as follows:**
18

19 Reason for amendment: Clarifies that a side street home is not required to have a privacy wall or fence
20 (e.g. side street homes do not have zero lot lines).
21

22 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS**

23 **Section 2 PDRs for Specific Housing Types**

24 **C. ZLL Design Standards**

25 **11. Privacy Walls or Fences**

26 **a. ZLL Home Wall**

27 A minimum five foot high opaque wall or fence shall be provided along the ZLL of a ZLL
28 home, beginning at the end of the home with a zero setback and extending a minimum
29 distance of ten feet beyond the rear of the home toward the rear property line.

30 **1) Exception**

31 A wall or fence shall not be required if the ZLL side is adjacent to dedicated open
32 space a minimum of 50 feet in width.
33

34 **Part 3. ULDC, Art. 3.D.2.C.8.f, Side Street Home (page 50 of 125), is hereby amended as**
35 **follows:**
36

37 Reason for amendment: Glitch - several of the provisions under Art. 3.D.2.C, ZLL Design Standards
38 apply to both ZLL and side street homes, therefore side street homes cannot be entirely exempted.
39

40 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS**

41 **Section 2 PDRs for Specific Housing Types**

42 **C. ZLL Design Standards**

43 **12. Side Street Home**

44 A side street home (aka floater) may be located on a lot having a street, a minimum of 50 feet
45 of open space, or combination along two sides. A side street home shall comply with the
46 minimum setback requirements in Table 3.D.2.A-7, ZLL Property Development Regulations.
47 A side street home shall be exempt from ~~the design standards in~~ Art. 3.D.2.C, ZLL Design
48 Standards, unless expressly stated therein.
49
50

51 **Part 4. ULDC, Art. 3.E.1.B.3, Uses Allowed (page 53 of 125), is hereby amended as follows:**
52

53 Reason for amendment: 1) Scrivener's error; 2) To add provisions that make previously approved
54 additional requested uses conforming and to allow for expansion of these uses.
55

56 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

57 **Section 1 General**

58 **B. Future Land Uses and Density**

59 **3. Uses Allowed**

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ARTICLE 3, OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1 Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-10, PDD Use Matrix. Previously
2 approved planned developments shall be governed by the ~~underlying~~ FLU designation in the
3 Plan or pod designation on the most recent approved master plan for purpose of determining
4 the uses allowed and applicability of this Code.

5 **a. Additional Requested Uses**

6 Previously approved additional requested uses shall be considered conforming uses, and
7 any expansion, relocation or increase in intensity shall be subject to BCC approval.
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**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

1
2 **Part 1. ULDC, Art. 4.B.1.A.83, Medical or Dental Office (page 56 of 149), is hereby amended as**
3 **follows:**
4

5 Reason for amendment: Amendment requested by industry representatives of ambulatory surgery
6 centers, providing documentation indicating that some types of ambulatory surgery centers are not as
7 intense as a Medical Center, as regulated under Art. 4.B.1.A.71, Hospital or Medical Center.

8
9 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

10 **Section 1 Uses**

11 **A. Definitions and Supplementary Standards for Specific Uses**
12 **83. Medical or Dental Office**

13 An establishment where patients, who are not lodged overnight, are admitted for examination
14 or treatment by persons practicing any form of healing or health-building services whether
15 such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths,
16 optometrists, dentists, or any such profession, the practice of which is lawful in the State of
17 Florida. [Ord. 2005 – 002]

18 **a. CN District**

19 May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

20 **b. AP and AGR Districts**

21 ~~Must Shall~~ be limited to public health or government owned clinics serving the rural or
22 agricultural community.

23 **c. Ambulatory Surgical Center**

24 Medical centers licensed by the Florida Agency for Health Care Administration (FAHCA),
25 under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the
26 provision of elective same day surgical care, where patients are ambulatory.

27 **1) Floor Area**

28 a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted
29 subject to the approval process for a medical or dental office.

30 b) An ambulatory surgical center greater than 10,000 square feet of GFA is only
31 permitted in developments with a CH FLU designation, subject to BCC approval
32 as a Class A or Requested Use.

33 **2) Elective Surgical Care**

34 Ambulatory surgical centers shall not be configured to accept patients requiring
35 emergency care, including the provision of ambulance drop off areas.

36 **a) Exception**

37 Ambulatory surgical centers may be permitted to incorporate ambulance loading
38 zones and related emergency facilities necessary to address any complications
39 that may arise during normal procedures, as required by FAHCA or Florida
40 Statute.

41
42
43 **Part 2. ULDC, Table 4.B.1.A-6, Residential Districts in the U/S Tier, (page 59 of 149), is hereby**
44 **amended as follows:**
45

46 Reason for amendment: Scrivener's error. Revised to be consistent with Table 4.A.3.A-1, Use Matrix.

47 **TABLE 4.B.1.A-6 - RESIDENTIAL DISTRICTS IN THE U/S USA TIER**

Residential Districts in the <u>U/S USA Tier</u>	
Special Permit	Five acres or less.
DRO	More than five but less than 20 acres.
Class B conditional use or Requested Use	20 or more acres.

48
49
50 **Part 3. ULDC, Art. 4.B.1.A.121, Shade House, (page 80 of 149), is hereby amended as follows:**
51

52 Reason for amendment: Amendment requested by industry representatives of agricultural uses,
53 providing documentation indicating that hydroponic farming requires specific allowances for building
54 coverage and FAR.

55
56 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

57 **Section 1 Uses**

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**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

A. Definitions and Supplementary Standards for Specific Uses

121. Shade House

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

a. Permits

A shade house used for bona fide agricultural purposes less than 12 feet in height shall not be required to obtain a building permit.

TABLE 4.B.1.A-9 - MINIMUM SETBACKS 12 FEET OR LESS IN HEIGHT

Front and Street	15 feet
Side and Rear	7.5 feet

TABLE 4.B.1.A-10 - MINIMUM SETBACKS OVER 12 FEET IN HEIGHT

Front and Street	25 feet.
Side and Rear	15 feet

b. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AP and AGR districts, subject to the following:

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of Table 2.1-1 of the Plan, or with five or more acres of building coverage must be approved by the DRO.

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A-5, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to 75 percent to accommodate commercial greenhouses.

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3-1, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along all property lines abutting a R-O-W, or residential, civic or recreational uses. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height.

a) Exceptions

(1) Line of Site

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines due to placement of structures on site.

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III Incompatibility Buffer.

4) Parking and Loading

All parking and loading shall occur on site.

a) Employee Parking

A minimum of one parking stall must be provided for each acre of greenhouse GFA.

b) Loading

A minimum of one loading zone shall be provided for each five acres of greenhouse GFA. Loading zones shall not be oriented towards residential uses, and shall be setback as follows:

(1) Five acres or less of greenhouse GFA: 250 feet, unless waived by the DRO.

(2) 5.01 acres or more of greenhouse GFA: 500 feet.

c) Standards

Commercial greenhouses must meet the parking and loading standards of Art. 6, Parking, and Art. 7.G., Off-street Parking Requirements.

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets.

6) Interior Lighting

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**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

Greenhouses must not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or residential, civic or recreational uses.

7) Accessory Office

An office is permitted as an accessory use, subject to the following:

a) Less than 5 acres of commercial greenhouse: 1,000 square feet.

b) Greater than 5 acres of commercial greenhouse: 2,000 square feet.

c) Bathroom facilities shall not be included in the calculation of office square footage.

8) Signage

Signage for commercial greenhouses shall be limited to one project identification sign located at the projects primary entrance.

9) Pervious Surface Area

Commercial greenhouses may be permitted to decrease the pervious surface area limitations of Table 7.C.3-1, Minimum Tier Requirements, up to a maximum 80 percent impervious surface area of the gross land area, subject to DRO approval of a drainage plan, signed and sealed by a licensed Engineer, demonstrating that any greenhouse runoff associated with a decrease in pervious surface area will be retained on-site.

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Notes:

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Text in blue indicates amendments previously approved by LDRAB.

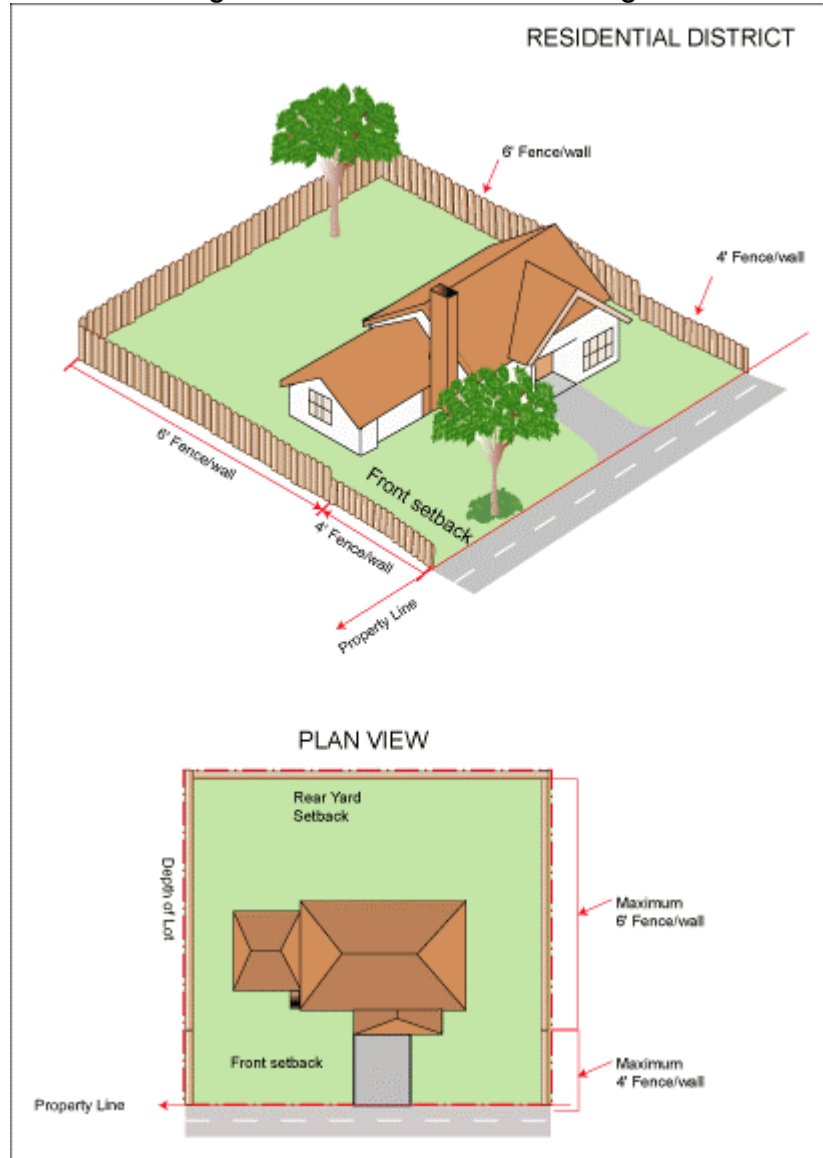
**ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

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Part 1. ULDC, Figure 5-B.1.A-2, Fence & Wall Height (page 12 of 63), is hereby amended as follows:

Reason for amendment: Glitch - Amended figure for fences and walls to remove references to the hedges. Figure 7.D.3.B-4, Residential Hedge Height addresses hedge requirements.

Figure 5-B.1.A-2- Fence & Wall Height



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Part 2. ULDC, Art. 5.B.1.A.16.a, General (page 24 of 63), is hereby amended as follows:

Reason for amendment: BCC direction pursuant to comments received from the PBC Board of Realtors at prior public hearing not to further allow RE office in subdivisions that are not PUDs.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

16. Neighborhood Commercial Development (NCD)

c. Criteria

6) Limitation

Uses shall be limited to the regulations of the CN district, excluding real estate sales offices.

Part 3. ULDC, Art. 5.E.3.A.5, Exemptions [Related to Nuisances] (page 40 of 63), is hereby amended as follows:

Notes:

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ARTICLE 5, SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

Reason for amendment: 1) Deleted the exemption pertaining to “outdoor lighting”, since it has been included in the new Lighting Ordinance. 2) Portable power generators generally produce higher sound levels than are currently permitted in Table 5.E.3.C-12, Maximum Sound Levels. Code Enforcement requested that the standards contained in the table be waived in the event of power outages associated with natural disasters (i.e. hurricanes).

CHAPTER E PERFORMANCE STANDARDS

Section 3 Nuisances

A. General

5. Exemptions

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, and odors, ~~and outdoor lighting~~ by farm operations conforming to generally accepted agricultural and management practices in the AGR district.

g. Temporary, Portable Power Generators

Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider, when associated with natural disasters.

Part 4. ULDC, Art. 5.G.2.J.3, Review Process, (page 61 of 63), is hereby amended as follows:

Reason for amendment: To add a provision that ensures that projects that combine two or more density programs where the increase/transfer of density exceeds two units per acre, are subject to BCC approval.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

J. TDR: Receiving Area Procedure

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed.

a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Art. 2.D.1.C, Review Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;

b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of Art. 2.B, Public Hearing Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDDs PDRs contained in Art. 3.E, Planned Development Districts (PDDs), or contained in Art. 3.F, Traditional Development Districts (TDDs);

c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs), except for SCO PIPD, which shall be approved by the DRO. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. **[Ord. 2005 – 002]**

d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR programs that exceeds two units per acre.

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**ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

1
2 **Part 1. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements and**
3 **Notes (page 6 and 11 of 39), is hereby amended as follows:**
4

5 Reason for amendment: Added note that references loading zone requirements for self-service storage.
6

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con’t.

Use Type: Commercial	Parking ¹	Loading ²
Landscape service	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	A
Laundry services	1 space per 200 sq. ft.	N/A
Lounge, cocktail	1 space per 3 seats	C
Medical or dental office	1 space per 200 sq. ft.	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	E
Office, business or professional	1 space per 200 sq. ft.	C
Pawn Shop	1 space per 200 sq. ft.	C
Personal services	1 space per 200 sq. ft.	N/A
Printing and copying services	1 space per 250 sq. ft.	B
Repair and maintenance, general	1 space per 250 sq. ft.	B
Repair services, limited	1 space per 250 sq. ft.	N/A
Restaurant, fast food	1 space per 3 seats including outdoor seating area	C
Restaurant, high turnover sit-down		C
Restaurant, quality		C
Restaurant, specialty		C
Retail sales, auto parts	1 space per 200 sq. ft.	C
Retail sales, general	1 space per 200 sq. ft.	C
Retail sales, mobile or temporary	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A
Self-service storage	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A ⁶
Shopping centers	5 spaces per 1,000 sq. ft. GFA (centers up to 500,000 sq. ft.); 5 spaces per 1,000 sq. ft. of GLA (centers over 500,000 sq. ft.)	B
Theater, drive-in	1 space per 250 sq. ft.	N/A
Theater, indoor	1 space per 3 seats	B
Theater, indoor, in-line	1 space per 3 seats; plus 1 space per employee	B
Theater, indoor, stand alone	1 space per 4 seats; plus 1 space per employee	B
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Notes for Table 6.A.1.B-1

- 1 In addition to the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide one space per company vehicle.
- 2 Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.C.1.h, Government Services.
- 3 Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
- 4 Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking.
- 5 Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee. [Ord. 2005 – 002]
- 6 Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading.

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ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS
(Updated 5/31/05)

1
2
3 **Part 2. ULDC, Art. 6.A.1.D.2.c, Location of Front, Side, and Rear Parking (page 15 of 39), is**
4 **hereby amended as follows:**
5

6 Reason for amendment: To further promote infill redevelopment or new development of small or irregular
7 shaped parcels.

8
9 **CHAPTER A PARKING**

10 **Section 1 General**

11 **D. Off-Street Parking**

12 **2. Location of Required Parking**

13 **c. Location of Front, Side, and Rear Parking**

14 A minimum of ten percent of the required parking spaces shall be located at the side
15 and/or rear of each building it is intended to serve. A public pedestrian walk shall connect
16 the parking areas to a store entrance. Such pedestrian access way shall be a minimum of
17 four feet in width, clearly marked, well lighted and unobstructed.

18 **1) Exemption**

19 Development on irregular or narrow parcels requiring 50 or less parking spaces,
20 where a drive isle or parking lot cannot be accommodated on the side or rear.
21

22
23 **Part 3. ULDC, Art. 6.A.1.D.16, Queuing Standards (page 29 of 39), is hereby amended as**
24 **follows:**
25

26 Reason for amendment: Request made by representatives of banking industry.

27
28 **CHAPTER A PARKING**

29 **Section 1 General**

30 **D. Off-Street Parking**

31 **16. Queuing Standards**

32 a. Queuing shall be provided for all drive-thru establishments. Each queuing space shall be
33 a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or
34 interfere with other traffic using the site. The dimensions for the point of service space
35 may be reduced to nine by 20 feet. Unless otherwise indicated below, queuing shall be
36 measured from the front of the stopped vehicle located at the point of service to the rear
37 of the queuing lane. One additional queuing space shall also be provided after the point
38 of service for all uses.
39

40
41 **Part 4. ULDC, Art. 6.A.1.D.19.b.1), Commercial Vehicles (page 33 of 39), is hereby amended as**
42 **follows:**
43

44 Reason for amendment: Request by Code Enforcement staff to clarify enforcement of commercial
45 vehicle parking limitations. Tied to gross vehicle weight rating (GVWR) of vehicle, which is obtainable
46 through manufacturers websites and State of Florida vehicle registrations. GVWR includes both the
47 weight of the vehicle, and all loads, including passengers and fuel. Does not include a vehicles towing
48 capacity.

49
50 **CHAPTER A PARKING**

51 **Section 1 General**

52 **D. Off-Street Parking**

53 **19. Parking of Vehicles and Boats in Residential Districts**

54 **b. Exemptions**

55 **1) Commercial Vehicle**

56 One commercial vehicle of not over one ton rated capacity may be parked per
57 dwelling unit, providing all of the following conditions are met: vehicle is registered or
58 licensed; used by a resident of the premises; gross weight does not exceed 12,500
59 10,000 pounds carrying capacity (gross vehicle weight rating [gvwr]), including any
60 load; height does not exceed nine feet, including any load, bed, or box; and total
61 vehicle length does not exceed 26 feet.
62

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**ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

1
2 **Part 5. ULDC, Art. 6.B.1.E.1, Width (page 37 of 39), is hereby amended as follows:**

3
4 Reason for amendment: Clarify the existing standards regulating the loading space width, and to be
5 consistent with prior code provisions.

6
7 **CHAPTER B LOADING STANDARDS**

8 **Section 1 Loading**

9 **E. Dimensional Standards and Design Requirements**

10 **1. Width**

11 A loading space shall have a minimum width of ~~12~~ 15 feet. Additional loading spaces that lie
12 along side, contiguous to, and not separated from the first loading space may be reduced
13 minimum of 12 feet in width.

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**ARTICLE 7, LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 5/31/05)**

1
2 **Part 1. ULDC, Art. 7.H.1, Temporary Suspension of Landscape Standards, (page 41 of 52), is**
3 **hereby amended as follows:**
4

5 Reason for amendment: To add a hurricane to the examples of natural disasters, clarify language and
6 correct scrivener's errors.
7

8 **CHAPTER H ENFORCEMENT**

9
10 **Section 1 Temporary Suspension of Landscape Standards**

11 ~~The installation of landscaping required by this Article temporarily suspended, in individual cases, by t~~
12 ~~The Executive Director of PZB may temporarily suspend the standards of this Article and establish~~
13 ~~timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental~~
14 ~~PPM in certain the following cases. These cases may include: a hurricane; after a freeze resulting in~~
15 ~~unavailability of when required landscape materials are not available; during a period of drought resulting~~
16 ~~in in which the use of water is restricted restrictions on water usage imposed by a governmental authority;~~
17 ~~or prior to a building CO in response to extenuating a similar event circumstances beyond the control of~~
18 ~~the applicant.~~

19 **A. Performance Surety**

20 If the landscape standards of this Article are sususpended pursuant to this Article, property owner
21 shall enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of
22 Completion, only if the property owner provides adequate guarantee or surety that the terms of
23 this Article are met after the suspension period has been lifted. The guarantee shall consist of a
24 performance bond or other surety agreement approved by the County Attorney in an amount
25 equal to 110 percent of the direct costs of materials and labor and other costs incidental to the
26 installation of the required landscaping completion agreement. Performance bonds or other
27 guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the
28 time-frame for the completion of the landscape standards of this Article.
29

30 [Renumber subsequent text accordingly]

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

**LIGHTING WHITE PAPER
BACKGROUND AND SUMMARY**

In response to current project submittals and recently completed projects, a pattern of requests for increasingly higher levels of lighting illumination has been occurring. Staff has ascertained that inadequate code language currently exist in order to apply to acceptance or rejections of such applications. Staff has drafted outdoor lighting standards to help mitigate the adverse lighting impacts of such projects. The attached draft regulations represent the combination of key components of locally and nationally adopted outdoor lighting standards, Illuminating Engineering Society of North America (IES) standards, and input from Land Development Regulation Advisory Board (LDRAB) Lighting subcommittee and industry representatives.

History of Outdoor Lighting

Palm Beach County Ordinance No. 87-26, which established building security code standards, generally outlined minimum lighting requirements for security purposes. With the increased development of Palm Beach County, businesses have realized that greater illumination levels give them a competitive edge by utilizing the psychological and marketing advantages of having comparatively greater illumination levels on their site. This is creating an unbounded and non-uniform lighting environment within the County. Many states, counties and municipalities, including municipalities within Palm Beach County have already adopted regulations on outdoor lighting. The public has become increasingly aware of the adverse impacts of excessive outdoor lighting including glare, light trespass and non-uniform illumination. Although our current building permit process requires submittal of a photometric plan for all projects except one or two family residences, neither the building code or the ULDC provides any standards for rejecting applications with inappropriate or unacceptable illumination levels or containment.

Comparison of Lighting Standards to PBC Municipalities

Currently fourteen municipalities within PBC have specific outdoor lighting standards regulating light trespass, illumination levels, glare, security lighting and the use of full cut off fixtures. Staff has prepared a comparison chart (see attachment 1) of these municipal lighting standards.

Key Issues with Outdoor Lighting and Recommendations for Code Standards

The objectives of outdoor lighting include promoting safe movement of pedestrians and vehicles, providing a secure environment, highlighting prominent building features and setting a desired intensity of light in order to encourage nighttime use. This must be accomplished while preventing adverse impacts of inappropriate lighting such as glare, light trespass and excessive illumination levels. The following is a summary of key elements of the lighting standards drafted by Staff.

1. Security

Staff is recommending that minimum lighting levels of 1 footcandle specified in current security code be maintained for public safety. In addition these lighting levels would be maintained from dusk until dawn by use of automatic timing devices that improve energy efficiency.

2. Illumination Levels

One business can easily overshadow its commercial or residential neighbor by maximizing its illumination levels commonly referred to as "hot spots". These types of lighting levels result in illumination patterns that have adverse impact on adjoining properties and roadways. Creating a uniform lighting environment will eliminate competing lighting levels and reduce visual distractions on roadways. In addition, different types of areas within a site justifiably require varying lighting levels.

Staff has addressed this by regulating maximum and minimum lighting levels for building accent lighting, canopies, parking lots and outdoor storage and display areas. Staff is also recommending the definition of max to min ratios which will ensure uniformity and prevent the creation of "hot spots" within a site.

3. Light Trespass

Light trespass occurs when neighbors of an illuminated space are affected by the lighting system's inability to contain its light within the area intended. The most common form of light trespass is spill light, illuminating objects beyond the property boundaries. Light trespass has become an increasing concern as residential and commercial developments are constructed

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

1 closer to each other. Light trespass can be minimized through careful selection of lamp
2 wattage, luminaire type, and placement.

3 Current security code regulates the overspill of light from commercial properties onto adjacent
4 residential properties only. Staff is recommending that overspill requirements be extended to
5 include nonresidential to non-residential abutting properties.

6
7 **4. Control Glare**

8 Glare occurs when a bright source causes the eye to continually be drawn toward the bright
9 image or the brightness of the source prevents the viewer from adequately viewing the intended
10 target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing
11 overall visibility.

12 The requirement of full cutoff luminaires at specified heights is being recommended to reduce
13 glare in an adjacent unintended field of view, and lower the intensity of the light at high angles.
14 Another benefit of the full cutoff luminaire is the reduction of light pollution or “sky glow”. Sky
15 glow is the haze or glow of light that surrounds highly populated areas and reduces the ability to
16 view the nighttime sky.

17
18 **5. Luminaire Height**

19 Limiting the height of the luminaire is another key component that can help improve the visual
20 aesthetics in developed areas of the county. Balance and proportion, as it relates to site
21 features such as landscaping and building height. Lack of standards governing luminaire
22 heights will result in visual discontinuities both during daytime and nighttime hours.

23 Staff has recommended that luminaire height be applied differently for the various tiers and uses
24 within the county. This would allow greater heights within the urban /suburban tier as well as
25 industrial and commercial type uses and lower heights for the rural/exurban and glades tiers as
26 well as residential uses.

27
28 **6. Existing Outdoor Lighting and Attrition**

29 Utilizing the framework of the existing ULDC provisions for modifications to Prior Approvals and
30 Non-Conforming Structures, existing outdoor lighting will be brought into compliance through
31 attrition, over time, without the need of implementing an extensive county wide outdoor lighting
32 amortization program.

33
34
35 **Part 1. ULDC, Article 1.E.1.C, Previous Approvals (page 16 of 25), is amended as**
36 **follows:**

37
38 Reason for amendment: Identifies thresholds where renovations and additions require compliance with
39 lighting ordinance.

40
41 **CHAPTER E PRIOR APPROVALS**

42
43 **Section 1 General**

44 **C. Previous Approvals**

45 **2. Structural Renovations**

46 Interior or exterior renovations or additions to existing buildings and structures that are in
47 excess of 35 percent of the current Property Appraiser’s value of the structure shall comply
48 with Art. 5.E.3.D, Outdoor Lighting Standards, Art. 6, Parking, Art. 7, Landscaping, and Art.
49 8.G.1, Building Mounted Signs, to the greatest extent possible. Renovations in excess of 75
50 percent or more of the current assessed value of the structure shall comply with Art. 5.C,
51 Design Standards. Renovations shall be cumulative over the most recent five-year period.

52 **3. Parking Lot Alterations or Additions**

53 Alterations or additions to vehicular use areas shall comply with Art. 5.E.3.D, Outdoor
54 Lighting Standards, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.2.A, Freestanding
55 Signs, for the affected area.

56
57
58 **Part 2. ULDC, Article 1.I, Definitions and Acronyms, is amended as follows:**

59
60 Reason for amendment: Add new definitions and acronyms to accommodate lighting ordinance.

61
62 **CHAPTER I DEFINITIONS AND ACRONYMS**

63 **Section 2 Definitions**

Notes:

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

1 **D. Terms Defined Herein Shall Have the Following Meanings:**

- 2 : Drop Lens Fixture – Any luminaire that is not a full cut off luminaire.

3
4 **E. Terms Defined Herein Shall Have the Following Meanings:**

- 5 : Entrance Area – 66 feet (see IES definition).

6
7 **F. Terms Defined Herein Shall Have the Following Meanings:**

- 8 : Fixture - The assembly that houses the lamp or lamps and can include all or some of the
9 following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a
10 reflector or mirror, and/or a refractor or lens.
11 : Foot-candle - a unit of light quantity or density when the foot is the unit of measure. One (1)
12 foot-candle (fc) equals one (1) lumen per square foot of area. When metric units are used,
13 lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area.
14 One (1) foot-candle equals ten and seventy-six hundredths (10.76) lux.
15 : Full-cutoff Luminaire - A luminaire light distribution where zero candela intensity occurs at
16 an angle of 90 degrees above nadir, and at all greater angles from nadir.

17
18 **G. Terms Defined Herein Shall Have the Following Meanings:**

- 19 : Glare - a discomforting condition ~~that~~ ~~which~~ occurs when the brightness of a light contrasts
20 with a low brightness background and makes it difficult for the human eye to adjust.

21
22 **H. Terms Defined Herein Shall Have the Following Meanings:**

- 23 : Horizontal plane - means an imaginary line drawn across the bottom of a light fixture above
24 which no light shall be emitted.

25
26 **I. Terms Defined Herein Shall Have the Following Meanings:**

- 27 : Illuminance - the quantity of light arriving at a surface divided by the area of the lighted
28 surface, measured in footcandles. Horizontal illuminance applies to a horizontal surface;
29 vertical illuminance applies to a vertical surface. Average illuminance is the level of
30 illuminance over an entire illuminated target area. Maximum illuminance is the highest level
31 of illuminance on any point within the entire area; minimum illuminance is the lowest level of
32 illuminance on any point within the target area.
33 : Illuminance Levels – for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, all
34 illuminance levels and foot candles means the maintained illuminance levels utilizing lamp
35 manufacture mean lumen values. The average illuminance level applies to an entire
36 illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal
37 illuminance levels.

38
39 **L. Terms Defined Herein Shall Have the Following Meanings:**

- 40 : Lighting, Animated - for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, flashing
41 or moving lights that otherwise change at intervals more frequently than once every six
42 seconds.
43 : Light Loss Factor - for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, a
44 percentage amount applied to the actual anticipated foot-candle levels of a fixture, which
45 reduces the calculated light level output on the photometric plan to account for lower light
46 level output from a fixture due to the age of the bulb, debris or dust on the fixture, and other
47 factors that degrade the output capacity of the fixture.
48 : Light trespass - the illumination of light produced by a luminaire, which is beyond the
49 boundaries of the property on which the luminaire is located.
50 : Lumen - a unit of luminous flux. One footcandle is one lumen per square foot.
51 : Luminaire - a complete lighting system, which includes a fixture and any associated
52 freestanding pole or other similar structure.
53 : Luminaire Height - the measurement from a paved or landscaped surface at ground level
54 directly under the fixture to the top of the luminaire.

55
56 **S. Terms Defined Herein Shall Have the Following Meanings:**

- 57 : Spillover Light - light that is distributed into areas where the illumination is not needed or
58 intended.
59 : Spot Light - Any light fixture or luminaire that incorporates a reflector or a refractor to
60 concentrate the light output into a directed beam in a particular direction.

61
62 **T. Terms Defined Herein Shall Have the Following Meanings:**

- 63 : Temporary - a single period or an accumulation of periods not exceeding 90 days in any 365
64 day period unless further restricted.

65
66 **Section 3 Acronyms**

67 LLF Light Loss Factor

68 IESNA Illuminating Engineering Society of North America

Notes:

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

Part 3. Article 3.B.15.G.3.g, Lighting [Related to WCRAO] (page 33 of 125), is amended as follows:

Reason for amendment: Amend WCRAO provisions to refer to new lighting standards.

g. Lighting

All development shall comply with the following lighting standards, in addition to those requirements in Art. 5.E.3.~~ED~~, Outdoor Lighting.

~~1. Illumination shall be downcast and shall not overflow to adjacent property;~~

~~1.2. Attached wall fixtures shall be mounted no higher than five feet above the first story, and shall not be located on building roofs;~~

~~3. Parking lot lighting shall not exceed 25 feet in height, and shall be located a minimum of 40 feet apart;~~

~~2.4. Roof top lighting shall be prohibited, unless required by Florida Building Code, ; and~~

~~5. Lighting fixtures shall be sealed to pedestrians, and shall be compatible with building and site.~~

Part 4. Art. 3.C.1.C.2.b.3, Right to Farm (page 39 of 125), is hereby amended as follows:

Reason for amendment: Amend agricultural provisions to address new lighting standards.

3) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Article 5.E, PERFORMANCE STANDARDS of this Code for noise, vibration, smoke, and emissions and particulate matters ~~and outdoor lighting.~~

Part 5. Repealing ULDC Art. 5.E.3.D, Outdoor Lighting (Ord. 2003-067), page 42 of 63, and the PBC Security Code Ord. 87-26 adopting in its place a new Art. 5.E.3.D, Outdoor Lighting Standards

Reason for amendment: Reasons for amendment are addressed in "Lighting White Paper" at top of this attachment.

CHAPTER E PERFORMANCE STANDARDS

Section 3 Nuisances

D. Outdoor Lighting

1. Purpose and Intent

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaires and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

2. Applicability

All outdoor lighting shall be subject to the requirements of Table 5.E.3.D - , Illumination Levels , and Table 5.E.3.D - , Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Zoning Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In addition to the

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

standards in this Section, outdoor lighting shall be consistent with Article 14, Environmental Standards.

a. Conflict

In the case of a conflict between this Section and other provisions of this Code, or other applicable codes, the more strict regulation shall apply.

b. Non-conforming Lighting

All luminaires that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair and renovations pursuant to Art. 1.F, Non-conformities.

c. Exemptions

The following uses shall be exempt to the extent listed below:

1) Residential

Single-family, townhouses, multi-family dwellings up to two units shall not be subject to the requirements of this section.

2) Street Lights

Street lights in any public ROW that meet the requirements of the appropriate public utility.

3) Temporary Lighting

The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. The use of temporary lighting shall not exceed a period of 60 days per year.

d. Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited in unincorporated PBC:

1) Any light that creates glare observable within the normal range of vision onto a street or creates a safety hazard;

2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes with, misleads, or confuses vehicular traffic as determined by the Zoning Director or Traffic Director;

3) Beacon or searchlights, except for temporary grand openings and special events, as limited by State of Florida or Federal law;

4) Any drop lens fixtures; and

5) Animated lighting, unless authorized under Art. 8, Signage.

e. Deviations

Lighting may vary from this Section to the extent necessary to comply with the following:

1) F.S. § 655.962, related to ATM lighting;

2) F.S. § 812.173, related to Parking Lots for Convenience Businesses;

3) Lighting on schools required by FBC Chapter 423 and 424, and the SDPBC Electrical Design Criteria;

4) Airport Lighting regulated by State or Federal law;

5) Lighting for obstructions to air navigation as provided in U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;

6) Lights required on vehicles under state uniform traffic control statutes or for vessels under vessel safety statutes under F.S. § 316 and 327;

7) Lighting for public health required by F.S. § 381;

8) Electrical code statute requirements under state building code;

9) F.S. § 553.963 and F.S. § 553.904, Efficiency and Energy Conservation Statutes under Building Code Standards;

10) Lighting for outdoor theaters under F.S. § 555.07;

11) Lighting for communication towers under Art. 4.C.3.Q.2 of the ULDC; and

12) Other federal, state and local laws and regulations that may apply.

3. Submittal Requirements

a. Photometric Plan

All building permit applications that include the use of external luminaires, or luminaries visible from the exterior of a structure shall include an outdoor lighting plan and an outdoor security lighting plan showing location, type, and height of all luminaires, and photometrics in foot-candle output of all proposed and existing luminaires on-site. On-site lighting to be included in the calculations shall include, but is not limited to, lighting for parking lot, canopies, recessed lighting along the building and/or overhang. Each plan shall include any calculations or modifications required to comply with items listed in Article 5.E.3.D.2.e, Deviations. The photometric plans shall include the following:

1) A table showing the average, minimum, and maximum foot-candles, average to minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire heights. Maximum photometric calculation grid shall not exceed 10 feet.

2) Manufacturer's catalog cuts that provide a description of the luminaires, including wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.

3) All photometric plans must be signed and sealed by a licensed engineer or architect.

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

- 1 4) A Certificate of Compliance signed and sealed by a licensed engineer or architect
2 must be submitted prior to the issuance of a Certificate of Occupancy.
3 5) The photometric plan shall not include time averaging or other alternative methods of
4 measurement. A Light Loss Factor (LLF) shall be used for the calculations in a
5 photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal
6 Halide and 0.81 for High Pressure Sodium based on manufacturers' initial lamp
7 lumens.

8 **4. Standards**

9 **a. Confinement**

10 All outdoor lighting shall be full cutoff luminaires. No luminaires shall be directed
11 upwards to avoid urban sky glow, with exception to the following:

12 **1) U/S Tier**

13 Accent and landscape luminaires not exceeding 100 watts with a maximum
14 illumination of one-foot candle measured at twelve feet in height.

15 **b. Light Trespass**

16 The maximum illumination at the property line of an adjoining residential parcel or public
17 right-of-way is 0.33 horizontal and vertical footcandles measured at six feet above grade
18 level. Said illumination likewise measured at the property line of an adjoining non-
19 residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at
20 six feet above grade level.

21 **c. Security Lighting and Time Restrictions**

22 1) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area
23 lighting.

24 2) Outdoor Illumination, including but not limited to, areas used for outdoor sales and
25 display, eating, parking, assembly, service, storage of equipment and freight, loading
26 and unloading, repair, maintenance, commercial activities, and industrial activities
27 shall not continue after 11:00 P.M., or no more than one hour after active use of the
28 area ceases, whichever is later, except for security lighting.

29 3) Security lighting shall be required for all active entrances to buildings, parking lots
30 and access to buildings or parking lots. All security lighting shall maintain an average
31 of 1fc, a minimum of 0.5fc and a maximum of 3fc from dusk until dawn.

32 4) No outdoor recreational facility shall be illuminated after 11:00 PM except to conclude
33 a scheduled and sanctioned recreational or sporting event by PBC or other
34 authorized agency in progress prior to 11:00 PM. The luminaires shall be
35 extinguished after outdoor recreational events are completed and the site has been
36 vacated.

37 **a) Exceptions**

38 Public recreational facilities such as boat ramps, fishing piers, or other similar
39 facilities that operate or are open to the public on a 24 hour basis.

40 5) Automatic timing devices that control the hours of illumination shall be required for all
41 parking lots, car dealerships/outdoor display lots and parking garages. These
42 devices may remain on Eastern Standard Time throughout the year.

43 **d. Illumination Levels**

44 Table 5.E.3.D - Illumination Levels, indicates the minimum and maximum
45 illumination levels for specific site elements, as well as the maximum to minimum, and
46 average to minimum ratios.

Table 5.E.3.D - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
1. Buildings and Accessory Structures				
a. <u>Accent, Pathway and Landscape Lighting (2)</u>	<u>5.0 (5)</u>	<u>-</u>	<u>-</u>	<u>-</u>
b. <u>Canopies, Drive-thru and Overhangs</u>	<u>30.0</u>	<u>3.0</u>	<u>10:1</u>	<u>2.5:1</u>
2. Parking Lots				
a. <u>Multi-family Residential</u>	<u>3.0</u>	<u>0.3</u>	<u>8:1</u>	<u>-</u>
b. <u>All Others</u>	<u>12.0</u>	<u>1.0</u>	<u>12:1</u>	<u>3:1</u>
3. Parking Structures				
a. <u>Parking Area</u>	<u>10.0</u>	<u>1.0</u>	<u>10:1</u>	<u>4:1</u>
b. <u>Ramps – Day</u>	<u>20.0</u>	<u>2.0</u>	<u>10:1</u>	<u>-</u>
c. <u>Ramps – Night</u>	<u>10.0</u>	<u>1.0</u>	<u>10:1</u>	<u>-</u>
d. <u>Entrance Area – Day</u>	<u>50.0</u>	<u>5.0</u>	<u>10:1</u>	<u>-</u>
e. <u>Entrance Area – Night</u>	<u>10.0</u>	<u>1.0</u>	<u>10:1</u>	<u>-</u>
f. <u>Stairways</u>	<u>5.0</u>	<u>2.0</u>	<u>-</u>	<u>-</u>
4. Property Boundary	<u>Refer to Light Trespass</u>			
5. Specialty Lighting (4)				
a. <u>Golf Courses</u>	<u>Per IESNA Lighting Handbook</u>			
b. <u>Outdoor Entertainment</u>				
c. <u>Parks</u>				
6. Other Lighting Types				

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**LIGHTING ORDINANCE
SUMMARY OF AMENDMENTS
(Updated 06/01/05)**

a. <u>Outdoor Display and Storage for vehicle sales and rental.</u>	<u>15 (3)</u>	<u>1.0</u>	<u>15:1</u>	<u>4:1</u>
b. <u>Other Outdoor Display and Storage Areas.</u>	<u>20</u>	<u>1.0</u>	<u>15:1</u>	<u>4:1</u>
c. <u>Outdoor Work Areas</u>	<u>20</u>	<u>1.0</u>	<u>15:1</u>	<u>4:1</u>

Notes:
1. Measured in foot-candles.
2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels.
3. May be increased to 20 foot candles for the first row of display parking located adjacent, but not more than 100' from a ROW.
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot candles.

e. Luminaire Heights

Table 5.E.3.D - - Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 5.E.3.D - -Maximum Permitted Luminaire Height

<u>Location</u>	<u>Maximum Height</u>	
	<u>U/S Tier</u>	<u>Rural, Exurban and AGR Tiers</u>
<u>Buildings and Accessory Structures</u>		
a. <u>Buildings</u>	<u>25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code).</u>	
b. <u>Accessory Structures</u>	<u>10 feet</u>	<u>8 feet</u>
<u>Parking Lot</u>		
a. <u>Residential</u>	<u>20 feet</u>	<u>15 feet</u>
b. <u>Industrial</u>	<u>40 feet</u>	<u>-</u>
c. <u>Commercial, Civic and Institutional</u>	<u>30 feet, or equal to the height of the building up to a maximum of 40 feet</u>	
<u>Parking Structures</u>		
a. <u>Luminaires on top parking level.</u>	<u>20 feet or 25 feet (4)</u>	<u>15 feet</u>
<u>Property Boundary, Residential</u>		
a. <u>Luminaires within 100 feet of residential (2).</u>	<u>20 feet</u>	<u>15 feet</u>
<u>Specialty Lighting (3)</u>		
a. <u>Golf Courses</u>	<u>Per IESNA Lighting Handbook</u>	
b. <u>Outdoor Entertainment</u>		
c. <u>Parks</u>		

Notes:
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.
2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.
4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaires, except luminaires mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.

f. Measurement

- 1) Illumination levels shall be measured in foot candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level.
- 2) For the purposes of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level.

Part 6. Art. 5.E.3.A.5.f, AGR District (page 40 of 63), is hereby amended as follows:

Reason for amendment: To accommodate new light standards.

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, odors, ~~and outdoor lighting~~ by farm operations conforming to generally accepted agricultural and management practices in the AGR district.

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