

AGENDA

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD OCTOBER 12, 2005

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
Wednesday, October 12, 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 September 14, 2005 Minutes (Attachment A)

B. ULDC Amendments

Attachment B	Article 1, General Provisions
Attachment C	Article 2, Development Review Process
Attachment D	Article 3, Overlays and Zoning Districts
Attachment E	Article 4, Use Regulations
Attachment F	Article 5, Supplementary Use Standards
Attachment G	Article 6, Parking
Attachment H	Article 7, Landscaping
Attachment I	Article 11, Subdivision
Attachment J	Article 17, Decision Making Bodies
Attachment K	Cell Towers
Attachment L	Permanent Generators
Attachment M	Rooftop Screening of Mechanical Equipment

C. Public Comments

D. Staff Comments

E. Adjourn

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 10/6/05)

1
2 **Part 1. ULDC, Art. 1.B.1.E.1, Initiation [Related to Appeal] (page 6 of 96), is hereby amended as**
3 **follows:**
4

5 Reason for amendment: 1) Clarify to be consistent with Article 2.A.1.S.d, Interpretations and Decisions,
6 which states “The BA shall hear and decide appeals from interpretation or decisions of the Zoning
7 Director. Within ten days of an interpretation or decision...” and, 2) Glitch: Day is already defined as a
8 “working weekday” unless otherwise stated.
9

10 **CHAPTER B INTERPRETATION OF THE CODE**

11 **Section 1 Interpretations**

12 **E. Appeal**

13 **1. Initiation**

14 Within ~~ten~~ 20-working days after issuance of the written interpretation the applicant may
15 appeal the decision to the Board responsible for appeal, as provided in this Code.
16

17
18 **Part 2. ULDC, Art.1.F.1, Purpose and Intent [Related to Nonconformities] (page 15 of 96), is**
19 **hereby amended as follows:**
20

21 Reason for amendment: Glitch – To reinsert and clarify 1992 Code text inadvertently omitted during 2003
22 rewrite.
23

24 **CHAPTER F NONCONFORMITIES**

25 **Section 1 Purpose and Intent General**

26 **A. Purpose and Intent**

27 To establish regulations to address uses, structures and lots that were lawfully established before
28 this Code was adopted or amended, that now do not conform to the terms and requirements of
29 this Code. The purpose and intent of this Section is † to regulate and limit the continued
30 existence of uses, structures and lots, which do not conform to the provisions of this Code, and,
31 where possible, bring them into conformance with this Code.

32 **B. Applicability**

33 It is the intent of this Section to permit these nonconformities to continue, but not to allow
34 nonconformities to be enlarged or expanded, except under the limited circumstances established
35 in this Article. The provisions of this Article are designed to curtail substantial investment in
36 nonconformities to preserve the integrity of this Code and the Plan. In determining whether a use
37 is nonconforming and will be protected by the provisions of this Article, the following shall apply:

- 38 1. Nonconforming use status shall not be provided for any use, structure, or lot which was
39 illegally commenced, constructed, created or unlawfully continued, or commenced after the
40 use restrictions became applicable.
41 2. Nonconforming status shall only be provided where a use, structure or lot is actually
42 commenced, constructed or created, not merely contemplated. Further, a use must be
43 continuous during business hours and not an occasional or irregular use of the property.
44 3. An accessory nonconforming use shall not become the principal use.
45 4. Documents submitted in a form established by the Zoning Director shall be provided by the
46 property owner to establish that a use, structure or lot lawfully existed prior to the adoption of
47 applicable regulations. Affidavits alone are not sufficient evidence to establish
48 nonconforming status.
49

50
51 **Part 3. ULDC, Art. 1.1.2.C.91, Contiguous (page 40 of 96), is hereby amended as follows:**
52

53 Reason for amendment: Planning Division request to 1) clarify definition as applied to density
54 calculations; and, 2) clarify AGR preservation parcels to be consistent with the Plan.
55

56 **Chapter I DEFINITIONS AND ACRONYMS**

57 **Section 2 Definitions**

58 **C. Terms defined herein or referenced Article shall have the following meanings:**

59 **91. Contiguous**

- 60 **a. Lots that share a common border, or** lands separated only by streets, easements,
61 pipelines, power lines, conduits, R-O-W under ownership of the land owner of one of
62 the subject parcels, a POA or a governmental agency, or a public utility.

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

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ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 10/6/05)

- 1) ~~For density purposes only, contiguous lots that share a common border. Lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous for density calculations.~~
- 2) For the purpose of AGR preservation parcels, the following shall not be considered contiguous: lots that touch point-to-point or are separated by collector or arterial streets.

Part 4. ULDC, Art. 1.1.2, Definitions (page 63 of 96), is hereby amended as follows:

Reason for amendment: Health Department added definition of "objectionable odor" referenced in new Art. 5.E.3.D.4, Objectionable Odors.

Chapter I DEFINITIONS AND ACRONYMS

Section 2 Definitions

O. Terms defined herein or referenced Article shall have the following meanings:

- 2. Objectionable Odor** - An objectionable odor is defined as any odor percent in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with Rule 62-210 F.A.C.

Part 5. ULDC, Art. 1.1.2.W.30, Work/Live Space (page 92 of 96), is hereby amended as follows:

Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.

Chapter I DEFINITIONS AND ACRONYMS

Section 2 Definitions

W. Terms defined herein or referenced Article shall have the following meanings:

- 30. Work/Live Space** - a space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. **[Ord. 2004-040]**

Part 6. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 93 of 96), is hereby amended as follows:

Reason for amendment: To add commonly used acronyms for 1) Multi-family – MF; 2) Single-family Dwelling – SFD; and Townhouse – TH.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

- MF** Multi-family Dwelling
- SFD** Single-family Dwelling
- TH** Townhouse Dwelling

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**ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS**

(Updated 9/28/05)

1
2 **Part 1. ULDC, Art. 2.E.3.B.2, Conditional And Requested Uses, Planned Development Districts**
3 **(PDD) other than Planned Unit Developments and Traditional Marketplace and**
4 **Traditional Town Development Districts (page 37 of 49), is hereby amended as follows:**
5

6 Reason for amendment: Relocate U/S Tier TDD Phasing limitations to Art. 2.E, Monitoring, to ensure all
7 other Monitoring requirements are applicable. Amendment limits 25% requirement to TMDs only.

8
9 **CHAPTER E MONITORING**

10 **Section 3 Supplementary Regulations for Classes of Development Orders**

11 **B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a**
12 **Required Action**

13 **1. Residential District (Non-PDD or TDD) PUD and TND Districts**

14 The development order and master plan or final subdivision plan for the Residential District
15 (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B-1, Time
16 Limitation of Development Order for Each Phase, provides time requirements for recording
17 plats.

18 **2. Conditional And Requested Uses, PDDs other than PUDs, Planned Development**
19 **Districts (PDD) other than Planned Unit Developments TTDs and TMDs Traditional**
20 **Marketplace and Traditional Town Development Districts**

21 The Final site plan/Final Subdivision plan for ~~the~~ conditional and requested uses, PDDs other
22 ~~than then~~ PUDs, ~~traditional marketplace, or~~ TTDs, or TMDs, may provide for phasing. Table
23 2.E.3.B-1, Time Limitation of Development Order for Each Phase, provides the maximum
24 number of phases permitted for each type of development order. If there are multiple
25 phases, each of the first two phases shall contain a minimum of 20 percent of the land area
26 unless otherwise approved in the development order approved by the BCC or ZC. A TMD in
27 the U/S Tier shall include a minimum of 25 percent of the total project, unless otherwise
28 approved by the BCC. Table 2.E.3.B-1, Time Limitation of Development Order for Each
29 Phase, also provides time requirements for commencement of development.
30

31
32 **Part 2. ULDC, Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase (page 38**
33 **of 49), is hereby amended as follows:**
34

35 Reason for amendment: Relocate U/S Tier TDD Phasing limitations to Art. 2.E, Monitoring, to ensure all
36 other Monitoring requirements are applicable – specifically clarify U/S Tier TMD limitation on phasing.
37

Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER		MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....						
TDD	TRADITIONAL MARKETPLACE DEV. (TMD) IN THE AGR. RESERVE TIER	1	Commence development ¹	Three years ^{2,7}	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
	<u>TMD in the U/S Tier</u>	<u>4</u>				
	<i>TMD in all Other Tiers and TTD</i>	<i>No maximum</i>				
TDD: TMD IN ALL OTHER TIERS; and TRADITIONAL TOWN DEV. (TTD)		<i>No maximum</i>	<i>Commence development.¹</i>	<i>Three years^{2,7}</i>	<i>12 months</i>	<i>BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein</i>
....						

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/5/05)

Part 1. ULDC, Table 3.C.1.A-4, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (page 37 of 134), is hereby amended as follows:

Reason for amendment: To add additional FLU designations to table: Economic Development Center (EDC) [Policy 2.2.4-a.2, FLUE Page 50].

Table 3.C.1.A-4 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

FLU Designation	Zoning District (1)					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP ⁵		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM ⁶	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE ⁷			
<u>EDC</u>	<u>IL</u>	<u>IG</u>				
Institutional/Civic						
INST	AR	RE	RT	RS	RM	IPF
PARK	IPF	PO				
U/T	PO					

Key: Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.

¹ The PO District is consistent with all FLU designations.

² The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.

³ The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]

⁴ The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan

⁵ The AP District is consistent with the LR-1 designation in the Glades Tier only for properties located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002]

⁶ The RM District is consistent with the MR-5 designation only for those areas already zoned RM.

⁷ Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

Part 2. ULDC, Art. 3.C.1.C.2.a, Exempted Residential Uses (page 38 of 134), is hereby amended as follows:

Reason for amendment: Plan Amendment Round 05-01, item 2.B.1 Agricultural Reserve Clarifications, amending FLUE Policy 1.5-c, allowing for expansion of existing non-conforming AGR sub-divisions and residential PDD's, where such expansion will allow for the "squaring" off of the existing development. Includes: Willis Gliderport: 00-41-45-13-00-000-5040; Horseshoe Acres: 00-42-43-27-05-071-0740; and, Delray Lakes Estates: 00-42-46-20-01-000-0070, 0091, 0411, 0412, and 0421.

CHAPTER C STANDARD DISTRICTS

Section 1 Districts

C. Agricultural Districts

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be preserved primarily for agricultural, environmental and water resources and open space related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited

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ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS

(Updated 10/5/05)

1 to those uses serving farm workers and other residents of the district. Gaming, pari-mutual
2 wagering, off-track betting, events or activities held or broadcast for similar purposes shall be
3 prohibited.

4 **a. Exempted Residential Uses**

5 Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall
6 be exempt from the provisions of the AGR district to the minimum extent required to allow
7 for continued development pursuant to their original development order and the intent of
8 the provisions of the AGR district. The exemption applies to the following residential
9 developments that may continue to exist, however, they may not subdivide nor expand
10 the boundaries of the property: Willis Glider Port, Delray Lakes Estates, Tierra de Rey,
11 Tierra de Rey South, Rio POCO, Snow Ranch Estates, (a.k.a. Horseshoe Acres), and
12 Delray Training Center. An exception shall be permitted in accordance with FLUE Policy
13 1.5-c, whereas the aforementioned may be expanded, subject to BCC approval, to allow
14 development of contiguous residual parcels at a density that is consistent with the
15 existing development, where it would serve to establish uniform boundaries.

16 **b. Previously Approved and Nonconforming Uses**

17 All uses that are existing and were legally established or requested before the effective
18 date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall
19 be considered exempted uses or non-conforming uses as set forth below:

20 **1) Exempted Uses**

21 The following non-residential developments, may continue to exist and are to be
22 accommodated as part of the continuation of the AG Reserve Tier: Eternal Light
23 Cemetery, 11520 SR-7, Boynton Beach; Faith Farm Ministry, 9538 Hwy 441,
24 Boynton Beach; Our Lady Queen of Peace Church and service complex, W. Atlantic
25 Ave.; Caridad Clinic, West Boynton Beach Blvd.; Soup Kitchen, 9850 Boynton Beach
26 Blvd.; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station-Hey 4 U
27 trucking; and, Sunshine Meadows.

28 **2) Existing Nonconforming Uses**

29 Replacement, relocation or expansion of nonconforming uses shall be subject to
30 Class A conditional use approval and the following:

- 31 a) Existing uses eliminated due to R-O-W acquisition by eminent domain, and
32 relocation of the use on site is not feasible, may be relocated to an adjacent site.
33 b) Existing Nonconforming uses may expand up to 50 percent of the building
34 square footage. If a use is on less than one acre of property, the land area is
35 permitted to be expanded up to a total of one acre.
36 c) PDRs:
37 (1) Maximum FAR: .35
38 (2) Maximum Building Coverage: 25 percent
39 (3) Minimum Building setbacks: 30 feet on all sides

40 **3) Right to Farm**

41 All land in the AGR and AP districts are located in areas where land is used for
42 commercial agricultural production. Owners, residents, and other users of this
43 property or neighboring property may be subjected to inconvenience and discomfort
44 arising from generally accepted agricultural management practices, including but not
45 limited to noise, odors, dust, the operation of machinery of any kind, including aircraft,
46 the storage and disposal of manure, and the application of fertilizers, soil
47 amendments, herbicides, and pesticides. Owners, occupants, and users of
48 properties in these areas are hereby put on official notice that: (1) the state Right-to-
49 Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such
50 as a public or private nuisance; and (2) farm operations that conform to generally
51 accepted agricultural and management practices in the AGR and AP districts are
52 exempt from the following miscellaneous standards contained in Art. 5.E,
53 Performance Standards of this Code for noise, vibration, smoke, emissions and
54 particulate matters.
55

56
57 **Part 3. ULDC, Art. 3.E.2.E.1.b, Optional Residential (OR) Pod (page 73 of 134), is hereby**
58 **deleted as follows:**

59
60 Reason for amendment: Deleted OR provisions due to subjective guidelines for evaluation and difficult
61 applicability.

62
63 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

64 **Section 2 Planned Unit Development (PUD)**

65 **E. Pods**

66 **1. Residential Pod**

67 **~~b. Optional Residential (OR) Pod~~**

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**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 10/5/05)

~~An OR pod is intended to encourage and allow innovative residential development techniques which have not been contemplated by this Code but which provide adequate setbacks, open space around dwelling units, privacy, parking, recreation opportunities, and access. An OR pod is not intended as an alternative to a variance. The OR designation, therefore, shall not be applied as a corrective measure to existing development which does not conform to this Code. An OR pod may be designated on the master plan as follows:~~

~~1) **Site Plan**~~

~~The application for a PUD proposing an OR pod shall contain a site plan for the OR pod meeting the minimum technical information requirements of the DRO. The site plan and deviation from typical PDRs shall be justified in the Justification Statement submitted with the application and clearly indicated on the site plan. The OR pod designation shall only be applied to an undeveloped residential pod.~~

~~2) **Graphics**~~

~~The application shall contain graphic representations, which illustrate the provision of adequate setbacks, open space, privacy, parking, recreation, and access for each housing type in the pod.~~

~~3) **Flexibility**~~

~~The PDRs for the proposed housing type may be modified by a maximum of 50 percent. No other PDR reduction allowed by this Code shall be permitted.~~

~~a) **Exceptions**~~

~~The front setback may only be reduced for a garage or carport with the entrance parallel to a side property line. The minimum separation between detached units shall be ten feet.~~

~~4) **Other Codes**~~

~~All other requirements in applicable Codes shall apply.~~

~~5) **BCC Approval**~~

~~The OR designation shall be subject to approval by the BCC and reflected in the legal advertisement for the DO. The flexibility approved by the BCC may be applied in whole or in part to the pod. Lots or dwelling units in the pod, which do not utilize the flexibility, shall be developed in accordance with this Code.~~

[ReNUMBER accordingly.]

Part 4. ULDC, Art. 3.E.2.F.3, Preservation Area [Related to AGR PUD] (page 77 of 134), is hereby amended as follows:

Reason for amendment: 1) To clarify PDRs applicable to AGR Preserve parcels for PDDs and TDDs (by reference); and 2) Relocate buffer requirements to Art. 3.E.2.F.4, Development Area. Note: Includes amendment to Art. 3.E.2.F.3.c, Uses, as approved by LDRAB on September 14, 2005 [Reason: ERM specified uses permitted by the Code in the Preserve Management Plan.]; and, FLUE Policy 1.5.1-j defines requirements for Art. 3.E.2.F.3.h, Perpetual Preservation.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

3. Preservation Area

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

a. Location and Access

Preservation Areas which are not contiguous to Development Areas may be situated anywhere in the AGR FLU designations, provided they are accessible by a street.

b. Adjacency

Preservation Areas shall be located, to the greatest extent practical, adjacent to existing, planned, or projected Preservation Areas.

c. Uses

Uses allowed in a Preservation Area are indicted in Table 3.E.1.B-10, PDD Use Matrix, and specified by the Preserve Management Plan as approved by ERM.

d. Configuration

1) Property Development Regulations

A preserve area and any remaining portion of a lot used to create a preserve area shall meet the minimum PDRs of the AGR district, with exception to the following: lot width may be reduced to 100 feet for a rural parkway, as defined in the Plan, or for an equestrian use that meanders through a 60/40 development area; and, a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section.

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**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 10/5/05)

21) General

Preservation Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the preservation use. This shall be accomplished, in part, through the following:

a) Agriculture

Agricultural areas shall have boundaries that which allow for efficient agricultural operation, and shall not be encroached upon by a Development Area.

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

c) Buffer

~~A buffer shall be provided between a Preservation Area and residential, commercial, or civic pods in the Development Area to ensure mutual compatibility. The Development Area shall not adversely affect the Preservation Area, including the perpetuation of agriculture uses. This buffer shall be located in the Development Area and adhere to the provisions of Article 7, LANDSCAPING, and Article 14.C, VEGETATION PRESERVATION AND PROTECTION. Required buffers shall not be counted toward meeting the minimum Preservation Area required in Table 3.E.2.C-15, PUD Land Use Mix.~~

d) Width

~~The minimum width of a Preservation Area, in order to be counted toward the minimum preservation requirement, shall be 100 feet.~~

e. Contiguity

1) 80/20 Option

The Preservation Area in the 80/20 option shall be located contiguous to the Development Area.

2) 60/40 Option

The Preservation Area for the 60/40 option shall be a minimum 150 acres and contiguous to, but not intrusive into, the Development Area with the following exceptions:

a) Equestrian communities may have pastures designated as Preservation Area, which meander, in a contiguous fashion, throughout the PUD;

b) A Preservation Area in the 60/40 option may be located remote from its associated Development Area provided that at least one of the following conditions are met:

(1) the Preservation Area contains at least 150 acres and meets the requirements in Article 3.E.2.F.3.d, Configuration; or

(2) the Preservation Area shares at least one common boundary of which a minimum of 50 percent of its length the common boundary is contiguous with an existing Preservation Area, an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which, when combined with the adjacent existing area, has a land area equal to or greater than 150 acres.

f. Plans

Plans submitted to the DRO shall depict the Preservation Area as specified below.

1) Contiguous Area

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.

2) Non-contiguous Area

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.

g. Boundary Plat

All Preservation Areas shall be platted. The plat(s) shall be recorded simultaneously with the first plat in the Development area. The plat shall limit the land to the intended preservation use(s).

h. Perpetual Preservation

Prior to recording the plat for a Preservation Area, the Preservation Area shall be established in perpetuity in one of the following manners and in a form acceptable to the County Attorney.

1) Dedication and Acceptance

Dedication of the Preservation Area to the BCC and acceptance of the dedication by the BCC;

2) Conservation Easement

Notes:

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**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 10/5/05)

- 1 Recordation of an Agricultural Conservation Easement;
2 **3) Restrictive Covenant**
3 Recordation of a restrictive covenant, made in favor of PBC, stating the basis for and
4 limiting the land to the intended use(s).
5
6

7 **Part 5. ULDC, Art. 3.E.2.F.4.d, Landscape Buffer [Related to AGR PUD] (page 79 of 134), is**
8 **hereby amended as follows:**
9

10 Reason for amendment: Relocate buffer requirements from Art. 3.E.2.F.3, Preservation Area.

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

12 **Section 2 Planned Unit Development (PUD)**

13 **F. AGR PUD**

14 **4. Development Area**

15 **d. Landscape Buffer**

16 A Type 3 incompatibility buffer shall be required between the Development Area and all
17 adjacent properties zoned AGR, AP, SA, or AR. The buffer shall be a minimum of 50 feet
18 in width and installed in accordance with Article 7, Landscaping.

19 **1) Reduction**

20 A buffer required along the perimeter of a Development Area may be reduced by 50
21 percent if:

- 22 a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50
23 feet in width;
24 b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in
25 width; or
26 c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in
27 width.
28

29 **2) Preservation Area Buffer**

30 *A buffer shall be provided between a Preservation Area and residential, commercial,*
31 *or civic pods in the Development Area to ensure mutual compatibility. This buffer*
32 *shall be located in the Development Area. The Development Area shall not*
33 *adversely affect the Preservation Area, including the perpetuation of agriculture uses.*
34 *Required buffers shall not be counted toward meeting the minimum Preservation*
35 *Area required in Table 3.E.2.C-15, PUD Land Use Mix.*
36
37

38 **Part 6. ULDC, Art. 3.E.3.D.1, Work/Live Space (page 84 of 134), is hereby amended as follows:**
39

40 Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a
41 commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.

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

43 **Section 3 Multiple Use Planned Development (MUPD)**

44 **D. Property Development Regulations**

45 **1. Work/Live Space**

46 A space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or
47 industrial purposes, where the residential space is accessory to the primary use as a place of
48 work. Work/Live spaces shall comply with the following supplemental use standards:
49
50

51

52 **Part 7. ULDC, Art. 3.E.6.E.2.a, OR Pod (page 94 of 134), is hereby deleted as follows:**
53
54

55 Reason for amendment: Deleted OR provisions as a result of the removal of these provisions from Art.
56 3.E.2.E.1.b, OR Pod.

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

58 **Section 6 Mobile Home Planned Development District (MHPD)**

59 **E. Pods**

60 **2. Residential Pod**

61 The site design and layout for each residential pod shall be indicated on a site plan and/or
62 subdivision plan approved by the DRO. The site design shall include the fee simple, rental,
63 lease, or condominium lot configuration and circulation systems. The layout shall indicate
64

Notes:

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Language ~~crossed-out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 10/5/05)

1 compliance with Table 3.E.6.D-28, MHPD Property Development Regulations, and the
2 setbacks for accessory structures such as storage buildings, covered parking areas, screen
3 enclosures, and pools.

4 **a. ~~OR Pod~~**

5 ~~An optional residential pod may be provided in accordance with the standards for an OR~~
6 ~~pod in a PUD.~~

9 **Part 8 ULDC, Art. 3.F.1.H, Phasing and Platting (page 99 of 134), is hereby amended as**
10 **follows:**

12 Reason for amendment: All phasing requirements are to be in accordance with Table 2.E.3.B-1, Time
13 Limitation of Development Order for Each Phase. TMD U/S Tier relocated to Art. 2.E.

14 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

15 **Section 1 General Provisions for TDDs**

17 **H. Phasing and Platting**

18 **1. Phasing**

19 TDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E,
20 Monitoring. **[Ord. 2005 – 002]**

21 **a. ~~U/S Tier~~**

22 ~~Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four~~
23 ~~phases of up to three years each. The first phase of the project shall include a minimum~~
24 ~~of 25 percent of the total project, unless otherwise approved by the BCC. **[Ord. 2005 –**~~
25 ~~**002]**~~

26 **2. Platting**

27 All land in a TDD shall be platted in accordance with Art. 11, Subdivision, Platting and
28 Required Improvements. All land within the TDD, including private civic tracts and open
29 space areas (including but not limited to recreation and water retention) shall be platted prior
30 to Technical Compliance for the last residential or commercial tract. **[Ord. 2005 – 002]**

33 **Part 9. ULDC, Art. 3.F.4.E.8, Preserve Area and Open Space Requirements (page 131 of 134),**
34 **is hereby amended as follows:**

36 Reason for amendment: Glitch - correct reference to ensure that AGR TMD Preserve Area requirements
37 are consistent with amendments to AGR PUD.

39 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

40 **Section 4 Traditional Marketplace Development (TMD)**

41 **E. Standards Applicable to AGR Tier**

42 **8. Preserve Area and Open Space Requirements**

43 A TMD shall conform to Objective 1, Art. 1.E, Prior Approvals, and the following additional
44 requirements:

45 **a. Minimum Preserve Area**

46 A minimum of 60 percent of the gross acreage, less roadways identified on the
47 Thoroughfare Identification Map, shall be designated as preserve area. Rural parkway
48 easements may be counted toward the preserve requirement.

49 **b. Location**

50 The preserve area shall be contiguous with the TMD, or noncontiguous provided it has a
51 common border with other land that is at least 150 acres and:

- 52 1) In a Conservation district;
- 53 2) Designated as an AGR preserve; or
- 54 3) Has had development rights removed and is permanently restricted to useable open
55 space or agricultural uses through a conservation easement or other legal instrument
56 approved by the County Attorney's Office.

57 **c. Preserve Areas**

58 An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3 ~~3.F.4.E.8.e~~,
59 Preserve Preservation Area, and policies under Objective 1.5 of the FLUE of the Plan.

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**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

1
2 **Part 1. ULDC, Art. 4.B.1.A.72, Hotel, Motel (page 51 of 142), is hereby amended as follows:**

3
4 Reason for amendment: 1) Corrected title; and 2) Clarified CHO and CG limitations to be consistent with
5 Table 3.E.1.B-10, PDD Use Matrix and Table 4.A.3.A-1, Use Matrix.

6
7 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

8 **Section 1 Uses**

9 **A. Definitions and Supplementary Standards for Specific Uses**

10 **72. Hotel, Motel, SRO, and Rooming and Boarding House**

11 An establishment requiring a license by the State of Florida used, maintained or advertised
12 as a place where furnished sleeping accommodations are supplied for short term rent to
13 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and
14 rooming and boarding houses.

15 **a. Commercial CHO, CG, and CRE Districts**

16 If permitted by Table 3.E.1.B-10, PDD Use Matrix, or Table 4.A.2.A-1, Use Matrix, a A
17 hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU
18 designation are permitted shall comply with the following: in only the CHO, CG, and CRE
19 districts.

20 **1) Lot Size**

21 A minimum of one acre or the minimum required by the district, whichever is greater.

22 **2) Lot Width**

23 A minimum of 100 feet or the minimum required by the district, whichever is greater.

24 **3) Sleeping Units**

25 A maximum of one per 1,000 square feet of lot area.

26 **b. RM District**

27 A rooming and boarding house is permitted only in the RM district with an HR FLU
28 designation. The number of beds permitted shall be calculated consistent with a Type 3
29 CLF. Hotels, motels, and SROs are prohibited.

30 **c. CRE District**

31 A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU
32 designation as a Class A conditional use.

33 **d. Accessory Uses**

34 Hotels and motels may include typical accessory uses, such as fitness centers, meeting
35 rooms, conference centers, restaurants and lounges.

36 **e. Lounge**

37 An accessory lounge shall not exceed ten percent of the GFA of ~~the~~ a hotel or motel.

38
39
40 **Part 2. ULDC, Art. 4.B.1.A.121, Shade House, (page 78 of 142), is hereby amended as follows:**

41
42 Reason for amendment: Amendment requested by industry which provided documentation indicating that
43 hydroponic farming requires specific allowances for building coverage and FAR. [Note: FAR may be
44 increased by any amount up to .75 FAR to allow for greenhouses, other uses would still be limited to the
45 maximum FAR allowed in the Plan. (i.e. in the AGR District, the Plan allows for a .15 FAR. Therefore, a
46 site could be developed with a .15 FAR of other permitted uses, and up to .60 FAR for Greenhouses.]

47
48 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

49 **Section 1 Uses**

50 **A. Definitions and Supplementary Standards for Specific Uses**

51 **121. Shade House**

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

54 **a. Permits**

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

57 **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

58
Notes:

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**ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

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 a maximum of .75 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 property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational residential FLU designation or use. 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) Visual Screening

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 or use areas.

(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 in the designated areas indicated on the site plan.

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles.

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless waived by the DRO.

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

Greenhouses shall 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 properties with a residential FLU designation or use.

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements:

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) Impervious Surface Area

An exception to the requirements of Table 7.C.2-1, Minimum Tier Requirements may be made for Commercial Greenhouses to allow for an increase in impervious surface area up to 80 percent, provided all applicable agencies responsible for reviewing for adequate drainage, review and approve the application for compliance prior to DRO certification or issuance of a building permit.

Notes:

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ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/5/05)

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Part 3. ULDC, Art. 4.B.1.A.141, Work/Live Space (page 87 of 142), is hereby amended as follows:

Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.
--

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

141. Work/Live Space

A space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040]

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Notes:

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ARTICLE 5 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/05/05)

1 **Part 1. ULDC, Art. 5.B.1.A.9, Recreation Facility (page 12 of 56), is hereby amended as follows:**

2
3 Reason for amendment: Glitch – Reinserted omitted from 1992 Code text concerning setbacks
4 (previously 50 feet) and corrected reference to Table 3.C.1.A-4, FLU Designation and Corresponding
5 Standard Zoning Districts.

6
7 **CHAPTER B ACCESSORY AND TEMPORARY USES**

8 **Section 1 Supplementary Regulations**

9 **A. Accessory Uses and Structures**

10 **9. Recreation Facility**

11 Recreation facilities shall be subject to the following standards:

12 **a. Common Area**

- 13 1) Setbacks from residential uses shall be a minimum of 50 feet from any residential
14 property line consistent with the requirements of Table 3.C.1.A-4, Future Land Use
15 (FLU) Designation and Corresponding Standard Zoning Districts.
16 2) Swimming pools and spas shall be setback in accordance with Table 5.B.1.A-3,
17 Pool/Spa Setbacks.
18 3) Golf course structures and clubhouses shall be setback in accordance with Table
19 3.E.2.D-16, PUD Property Development Regulations.
20 4) If deemed necessary to ensure compatibility with surrounding uses, the DRO shall
21 require an incompatibility buffer in accordance with Article 7.F.9, Incompatibility
22 Buffer.

23 **b. Residential Lot**

- 24 1) The following setbacks shall apply to tennis courts:
25

Table 5.B.1.A-2 – Tennis Court Setbacks

Front	25 feet
Side	7.5 feet
Side Street	15 feet
Rear	7.5 feet

26
27
28 **Part 2. ULDC, Art.5.C.1.D, Effect [Related to Architectural Guidelines], (page 25 of 56), is**
29 **hereby amended as follows:**

30
31 Reason for amendment: Glitch - to correct outdated reference.

32
33 **CHAPTER C DESIGN STANDARDS**

34 **Section 1 Architectural Guidelines**

35 **D. Effect**

36 **1. Effect on Prior BCC and ZC Approvals**

37 These guidelines shall apply to all previously approved projects as a BCC or ZC condition of
38 approval as part of a DOA or Status Report. Previously approved architectural conditions of
39 approval shall remain in full effect unless amended by the BCC or ZC. Non-residential
40 projects previously approved by the BCC or ZC shall comply with Art. 5.C.H.1.a 1.E.1,
41 General.

42 **2. Effect on Prior DRO Approvals**

43 These guidelines shall not apply to projects or buildings which have a previously approved
44 site plan by the DRO, unless within a PDD or for any use specifically identified within Art. 4.B,
45 Supplementary Use Standards. Non-residential projects previously approved by the DRO or
46 ZC shall comply with Art. 5.C.H.1.a 1.E.1, General.

47 **3. Effect on Other Regulations**

48 These guidelines shall supplement architectural requirements of an Overlay District,
49 Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict
50 regulation shall apply.
51

52
53 **Part 3. ULDC, Art.5.E.3, Nuisances (page 36 of 56), is hereby amended as follows:**

54
55 Reason for amendment: Glitch – text inadvertently omitted from the 1992 Code.

56
57 **CHAPTER E PERFORMANCE STANDARDS**

58 **Section 3 Nuisances**

Notes:

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ARTICLE 5 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/05/05)

D. Smoke, Emissions and Particulate Matter

1. General Requirements

No use or activity shall be operated except in full compliance with the standards controlling air pollution as provided in the laws of the State of Florida and the ordinances of Palm Beach County.

2. Smoke

In all districts, unless otherwise covered by a specific visible emission limiting standard by a FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than twenty (20) percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Rule 62-296 F.A.C., is incorporated herein by reference. All measurements shall be at the point of emission.

3. Dust and Particulates

Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located, in accordance with Rule 62-296 F.A.C.

4. Objectionable Odors

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296 F.A.C.

5. Toxic or Noxious Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, land, or the use of land, or render unclean the waters of the state to the extent of being harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial purposes, recreation, or other legitimate and necessary uses.

[Renumber accordingly]

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ARTICLE 6, PARKING REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/03/05)

1
2 **Part 1. ULDC, Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements (page 8**
3 **of 34), is hereby amended as follows:**
4

5 Reason for amendment: To indicate parking requirements for new greenhouses, as a new subcategory
6 of Art. 4.B.1.A.121, Shadehouse. Industry, indicates that commercial greenhouses generally require two
7 employees per acre; however, most employees in this industry arrive by van or bus, thus reducing
8 needed parking.
9

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

Use Type: Agriculture	Parking ¹	Loading ²
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
Agriculture, light manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, research/development	1 space per 1,000 sq. ft.	B
Agriculture, sales and service	1 space per 250 sq. ft.	A
Agriculture, storage	1 space per 1,000 sq. ft.	A
Agriculture use, accessory	5 spaces or 1 space per employee, whichever is greater	N/A
Agriculture, transshipment	1 space per 2,000 sq. ft.	A
Aviculture	1 space per 200 sq. ft.	E
Community vegetable garden	4 spaces per garden	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
Grooms Quarters	1 space per unit	N/A
Farrier	1 space per 1,000 sq. ft.	N/A
Kennel, commercial or private	1 space per 500 sq. ft. of cage and retail area	N/A
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.	B
Nursery, wholesale	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. ^{4,5}	B
Packing plant	1 space per 2,000 sq. ft.	A
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	A
Produce stand, permanent	1 space per 200 sq. ft. including outdoor sales display area	N/A
Produce stand, temporary	2 spaces per 200 sq. ft. including outdoor sales display area	N/A
Shadehouse	N/A	N/A
<u>Commercial Greenhouse</u>	<u>1 space per acre of greenhouse</u>	<u>C</u>
Stable, commercial or private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A
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.		

[Ord. 2005-002]

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**ARTICLE 7, LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

1
2 **Part 1. ULDC, Art. 7.D.12.C, Detention/Retention Areas, Swales, Drainage Easements, and**
3 **Lake Maintenance Easements (page 26 of 52), is hereby amended as follows:**
4

5 Reason for amendment: Request from Land Development Division to correct error - lake maintenance
6 easements have to be in Water Management Tracts, which are outside of required buffer areas/tracts.
7 Thus, as all required landscaping has to be planted in a landscape buffer and you cannot have a lake
8 maintenance easement in a landscape buffer, the language, as written, did not make sense. The
9 proposed changes will have no impact on planting in lake maintenance easements.

10
11
12 **CHAPTER D GENERAL STANDARDS**

13 **Section 12 Landscape in Easements**

14 **C. Detention/Retention Areas, Swales, and Drainage Easements, ~~and Lake Maintenance~~**
15 **~~Easements~~**

16 Detention/retention areas, drainage easements, ~~lake maintenance easements~~, and sloped,
17 directional swales greater than one foot below finished grade, shall not be located in or overlap
18 required landscape buffers unless otherwise approved in writing by the Land Development
19 Division.
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ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 10/5/05)

1
2 **Part 1. ULDC, Art. 11.A.8.B.2, Decision by County Engineer, (page 13 of 45), is hereby**
3 **amended as follows:**
4

5 Reason for amendment: Land Development Division indicates that both the Building Division and PREM
6 have asked to be taken out of the review process for Plat Waivers.

7
8 **CHAPTER A GENERAL REQUIREMENTS**

9 **Section 8 Exceptions to General Requirements**

10 **B. Plat Waiver with Certified Survey**

11 **2. Decision by County Engineer**

12 In determining if platting may be waived, the County Engineer shall distribute each
13 application to, and consider recommendations received from the following agencies regarding
14 conformance with requirements of their respective regulations and program responsibilities:

- 15 a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the
16 Engineering Department;
17 b. The Directors of the Planning, *and* Zoning, ~~and Building~~ Divisions;
18 c. The Director of Environmental Resources Management;
19 d. The County Health Director;
20 e. The Director of Water Utilities;
21 f. The Chief of Fire-Rescue;
22 g. The Director of Parks and Recreation; *and*,
23 h. The County Attorney; ~~and~~
24 ~~i. The Director of Property and Real Estate Management~~
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Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 10/5/05)

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Part 1. ULDC, Art. 17.B.1.D (page 6 of 96), is hereby amended as follows:

Reason for amendment: Glitch – Delete reference to outdated/repealed BCC Resolution No. 1991-1003.
--

CHAPTER B GENERAL PROVISIONS

Section 1 Board Membership

D. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. ~~Members affected by this provision shall be governed by PBC Resolution No. 91-1003.~~

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**CELL TOWER
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

1 **Part 1. ULDC, Art. 1.1.2, Definitions, (pages 37, 41 and 70 of 96), is hereby amended as follows:**
2

Reason for Amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

3
4
5 **CHAPTER I DEFINITIONS AND ACRONYMS**

6 **Section 2 Definitions**

7
8 **C.** Terms defined herein or referenced Article shall have the following meanings:
9 41. **Collocation** - the placement of more than one service providers' antenna on an existing
10 commercial communication tower or structure. The term collocation also includes the ground-
11 mounted, structure-mounted or roof-mounted installation of the accessory equipment and
12 structures needed for the functioning of the wireless facility.

13
14 **D.** Terms defined herein or referenced Article shall have the following meanings:
15 12. Defined Search Area - the geographic area in which an antenna is proposed to be located to
16 provide the carrier's designed service.
17 **[ReNUMBER accordingly.]**

18
19 **P.** Terms defined herein or referenced Article shall have the following meanings:
20 84. **Propagation Study** - for the purposes of Art. 4, a method utilized by radio-frequency (RF)
21 engineers for site placement. The study indicates signal strength as it relates to adjacent
22 sites ~~to ensure quality calls and handoffs~~, including the potential for towers or tall structures
23 within the study area to be utilized for collocation and the avoidance of additional towers.

24
25
26
27 **Part 2. ULDC, Art. 4.C, Communication Tower, Commercial, (page 88 of 142), is hereby**
28 **amended as follows:**
29

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

30
31
32
33 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

34 **Section 2 States of Emergency**

35 The PZ&B Executive Director may request a waiver to the review timeframes for each case of a declared
36 emergency that directly affects the permitting activities of the local Government.

37
38 **[ReNUMBER Accordingly.]**
39

40
41 **Part 3. ULDC, Art. 4.C.3, Standards, (page 110 of 142), is hereby amended as follows:**
42

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

43
44
45
46 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

47 **Section 3 Standards**

48
49 **L. Location of Existing Towers**
50 At the time of any tower application submittal to the appropriate reviewing body, the applicant
51 shall comply with the following:
52 1. Provide or update previously submitted data indicating the location of their towers; latitude
53 and longitude; tower height; and tower type.
54 2. Submit ~~a search ring~~ an alternative structure map with a minimum ~~of~~ one mile radius around
55 the proposed site. The ~~ring~~ alternative structure map shall include the location of all existing
56 towers located within the ~~search one mile radius area.~~ Search-rings An alternative structural
57 map shall not be required for television towers.

58 **M. Propagation Study**
59 At the time of application submittal ~~to the appropriate reviewing body for a new commercial~~
60 communications tower, the provider shall submit a propagation study prepared by a professional

Notes:

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**CELL TOWER
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

1 engineer, licensed in the State of Florida, to justify the need to construct a new tower.
2 Propagation studies shall not be required for television towers.

3 **1. Required Information**

4 Propagation studies shall include the following information:

- 5 a. the location of other sites considered, including potential options for collocation and
6 alternative sites or properties;
7 b. desired signal strength in the area to be served; and
8 c. current ~~RF coverage~~ and predicted RF coverage following installation and use of the new
9 tower facility; ~~and~~
10 ~~d. the number of existing users within the area to be served denied access due to lack of~~
11 ~~capacity.~~

12

13 **Q. Additional Standards and Requirements**

14 **1. Aircraft Hazard**

- 15 a. Towers shall not be a hazard to air navigation as determined by the FAA.
16 b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable
17 requirements of the FAA and Art. 16, Airport Regulations; of the Code, shall be provided
18 in a manner acceptable to the Zoning Director.

19 **2. Lighting**

20 The least intensive nighttime method of illumination acceptable to the FAA shall be utilized.
21 To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All
22 required lighting shall be maintained on an as needed basis by the owner of the tower.

23 **3. Inspections**

24 All towers shall be inspected in compliance ~~with FCC regulations or~~ as required by the
25 Building Division.

26

27
28
29 **Part 4. ULDC, Art.4.C.4.A, Replacement [Related to Tower Replacement and Height Increases]**
30 **(page 113 of 142), is hereby amended as follows:**

31
32 Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate
33 Bill S620.

34
35 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

36 **Section 4 Tower Replacement and Height Increases**

37 **A. Replacement**

38 **1. Conforming Towers**

39 An existing conforming tower may be replaced subject to the criteria below. If the criteria is
40 not met, the replacement tower shall comply with the ~~siting~~ siting requirements of this
41 Section.

- 42 a. The ~~replacement~~ tower shall accommodate a minimum of two providers.
43 b. The ~~replacement~~ tower shall be of the same or lesser impact than the existing structure
44 pursuant to the defined tower hierarchy.
45 c. The tower may be required to be relocated on site to lessen the impact on adjacent
46 parcels.
47 d. The ~~replacement~~ tower shall be subject to review by the Zoning Division through the
48 DRO, Art. 2.D.1, Development Review Officer, administrative amendment process.
49 e. The tower may be structurally modified to allow collocation.

50 **2. Nonconforming Towers**

51 An existing nonconforming tower may be replaced subject to the criteria below. If the criteria
52 is not met, the replacement shall comply with the ~~siting~~ siting requirements of this Section.

- 53 a. The ~~replacement~~ tower shall accommodate a minimum of two providers.
54 b. The ~~replacement~~ tower shall be of ~~equal the same~~ or lesser impact than the existing
55 structure pursuant to the defined tower hierarchy.
56 c. The tower may be required to be relocated on site to lessen the impact on adjacent
57 parcels.
58 d. The ~~replacement~~ tower shall be subject to review by the DRO.
59 e. The tower may be structurally modified to allow collocation

60
61
62 **Part 5. ULDC, Art.4.C.5, Shared Use/Collocation (page 114 of 142), is hereby amended as**
63 **follows:**

64
65 Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate
66 Bill S620.

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**CELL TOWER
SUMMARY OF AMENDMENTS
(Updated 10/5/05)**

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 5 Shared Use/Collocation

C. Review Process

1. Collocations on Commercial Communication Towers Including Non-conforming Towers

Collocation of antennas on commercial communication towers that meet the following requirements shall be exempt from all other requirements of this Section of the ULDC and shall only be subject to a Building Permit Review:

- a. The collocation does not increase the height of the existing tower, as measured to the highest point of any part of the tower or any existing antenna attached to the tower;
- b. The collocation does not increase the area of the approved ground compound for accessory equipment and structures;
- c. The collocation shall be consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement onto the tower itself.

2. Collocations on Structure Other Than Commercial Communication Towers

Collocation of antennas, on a structure other than a commercial communication tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to Art. 4.C.6, Communication Panel Antennas, Commercial.

- a. Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
- b. Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and
- c. The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement.

CD. Review Procedures

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

Part 6. ULDC, Art.4.C.6, Communication Panel Antennas, Commercial, (page 115 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.
--

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 6 Communication Panel Antennas, Commercial

These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations).

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**PERMANENT GENERATORS
SUMMARY OF AMENDMENTS
(Updated 10/03/05)**

1
2 **Part 1. ULDC, Art. 3.E.1.C.2, Performance Standards (page 62 of 134), is hereby amended as**
3 **follows:**
4

5 Reason for amendment: To require PDD clubhouses 2,500 square feet or greater to provide an emergency
6 generator.
7

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

9 **Section 1 General**

10 **C. Objectives and Standards**

11 **2. Performance Standards**

12 Planned developments shall comply with the following standards:

13

14 **i. Recreation Clubhouse Emergency Generators**

15 A permanent emergency generator shall be required for all PDD clubhouses 2,500 square
16 feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.
17

18
19 **Part 2. ULDC, Art.3.F.2.A, Applicability (page 105 of 134), is hereby amended as follows:**
20

21 Reason for amendment: To require TDD clubhouses 2,500 square feet or greater to provide an emergency
22 generator.
23

24 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICT (TDDS)**

25 **Section 1 General Standards**

26 **A. Applicability**

27

28 **7. Recreation Clubhouse Emergency Generators**

29 A permanent emergency generator shall be required for all TDD clubhouses 2,500 square feet
30 or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.
31

32
33 **Part 3. ULDC, Art. 4.B.1.A.34. Congregate Living Facility (page 37 of 142), is hereby amended as**
34 **follows:**
35

36 Reason for amendment: To require Type II and Type III CLFs to provide an emergency generator.
37

38 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

39 **Section 1 Uses**

40 **A. Definitions and Supplementary Standards for Specific Uses**

41 **34. Congregate Living Facility**

42

43 **o. Emergency Generators**

44 A permanent emergency generator shall be required for all Type II and Type III CLFs, and
45 shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.
46

47
48 **Part 4. ULDC, Art. 4.B.1.A.90, Nursing or Convalescent Facility (page 58 of 142), is hereby**
49 **amended as follows:**
50

51 Reason for amendment: To require nursing or convalescent facilities to provide an emergency generator.
52

53 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

54 **Section 1 Uses**

55 **A. Definitions and Supplementary Standards for Specific Uses**

56 **90. Nursing or Convalescent Facility**

57

58 **e. Emergency Generators**

59 A permanent emergency generator shall be required for all nursing or convalescent
60 facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Notes:

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**PERMANENT GENERATORS
SUMMARY OF AMENDMENTS
(Updated 10/03/05)**

Part 5. ULDC, Art. 5.B.1.A, Accessory Uses and Structures (page 20 of 56), is hereby amended as follows:

Reason for amendment: To add provisions governing permanent generators used during times of power outages associated with natural disasters or a BCC declared state of emergency.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

18. Permanent Generators

a. Applicability

- 1) Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency.
- 2) **Type II and III CLF, Club Houses and Nursing or Convalescent Facility**
A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 2,500 square feet, or greater.

b. Standards

1) General

The following standards shall apply to all permanently installed generators.

a) Maximum Permissible Sound Level

Refer to Art. 5.E.3.B.2, Maximum Sound Levels.

b) Screening

Generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public R-O-W or parcels with a conservation or residential FLU or use. Screening may include the use of fences, walls or hedges, or a combination thereof.

c) Maintenance Cycle

Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 5:00 p.m.

d) Location and Setbacks

Generators shall meet the setback requirements of the district for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless expressly stated otherwise herein.

2) Residential

The following shall be applicable to SFD, ZLL, TH, and MF units.

a) Number

A maximum of one generator shall be allowed on a SFD, ZLL or TH lot. A maximum of one generator per structure shall be permitted for multi-family developments, with exception to condominiums, which shall be permitted one generator per unit.

b) Setback Exceptions

Generators no higher than four feet from grade may be allowed within the required side and rear setbacks in accordance with Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height.

Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height ¹

	<u>Side</u>	<u>Rear</u>
<u>SFD</u>	<u>3 feet</u>	<u>5 feet</u>
<u>ZLL</u>	<u>5 feet</u>	<u>5 feet</u>
<u>TH</u>	<u>NA</u>	<u>5 feet</u>
<u>Note:</u>		
¹	<u>Refer to FBC for additional location criteria.</u>	

3) Type II and III CLF, PUD Club Houses and Nursing Homes

Required generators shall have a minimum operating capacity to provide service for the following:

a) Essential Functions

Essential electrical systems within the building, including but not limited to, exit lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans, and, bathroom hot water heaters.

b) General Lighting

Notes:

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**PERMANENT GENERATORS
SUMMARY OF AMENDMENTS
(Updated 10/03/05)**

Lighting for a minimum of 30 percent of the building's GFA, including but not limited to, main meeting or gathering area, hallways, and bathrooms.

c) Multipurpose Room

Air conditioning for 30 percent of the building's GFA including the largest meeting or gathering room.

d) Fuel Storage

Sufficient to operate the generator for the minimum of 72 hours at the full load capacity.

4) Non-Residential

a) There is no limitation to the number of generators.

Part 6. ULDC, Table 5.E.3.C-12, Maximum Sound Levels (page 37 of 56), is hereby amended as follows:

Reason for amendment: To increase allowable sound levels for permanent generators used during the times of power outages associated with natural disasters or states of emergency.

Table 5.E.3.C-12- Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Maximum Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
<u>Residential</u>	<u>Permanent Generator</u>	<u>See Art. 5.B.1.A.18</u>	<u>75 dB</u>	<u>75 dB</u>
Residential	All other sources	7 AM to 8 PM	60 dB	55 dB
		8 PM to 10 PM	55 dB	50 dB
		10 PM to 7 AM	50 dB	50 dB
Commercial Nonresidential	All sources	Any time	70 dB	70 dB
<u>Non-Residential</u>	<u>Permanent Generator</u>	<u>See Art. 5.B.1.A.18</u>	<u>75 dB</u>	<u>75 dB</u>

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**ROOFTOP SCREENING OF MECHANICAL EQUIPMENT
SUMMARY OF AMENDMENTS
(Updated 10/03/05)**

WHITE PAPER:

Reason for Amendment:

Clarify existing ULDC language and interpretation to ensure adequate screening of rooftop mechanical equipment is implemented. The main function of the screening requirement is to promote aesthetically pleasing visual impacts of structures within PBC.

Background and Summary:

Screening provisions outlined in the current code have been difficult to enforce through plan review, construction and code enforcement. The following are several references to rooftop screening in both the previous and current ULDC.

Request for Amendment:

A request along with proposed text amendments pertaining to screening of rooftop mechanical equipment requirement was received from Industry on August 16, 2005. An LDRAB Architectural subcommittee meeting was held on August 19, 2005 as an introduction to the topic. A follow-up meeting was scheduled for September 12, 2005 to present staff's recommendations and draft amendments based on input received during the previous meeting.

Staff Recommendation:

Staff is proposing to amend the existing ULDC language, which requires screening of rooftop mechanical equipment on all sides. That screening shall be of equal height to that of the equipment. Moreover, exemptions for screening of mechanical equipment (see Part 1 and Part 4) are being proposed.

Part 1. ULDC, Art. 3.D.1.E.4.a (page 88 of 125), is hereby amended as follows:

Reason for amendment: See white paper.
--

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPDP)

4. Height Exceptions

The following structures shall be exempt from the height restrictions in this Section, unless otherwise stated:

a. Uses Exempted from Height Restrictions

....
22) Mechanical equipment, less than five feet in height, measured from the roof deck.

Part 2. ULDC, Art. 3.E.4.E.2.d [Related to MXPDP Commercial Uses] (page 88 of 125), is hereby deleted as follows:

Reason for amendment: Redundant provision, see new Art. 5.C.1.H.1.b, Mechanical equipment screening.
--

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPDP)

~~All roof-top mounted mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six inches above the height of the object intended for screening.~~

Part 3. ULDC, Art. 5.C.1.H.1.a.3 [Related to General and Non-residential Design Elements], (page 27 of 56), is hereby amended as follows:

Reason for amendment: See white paper

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

Notes:

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**ROOFTOP SCREENING OF MECHANICAL EQUIPMENT
SUMMARY OF AMENDMENTS
(Updated 10/03/05)**

The following guidelines shall apply to all nonresidential projects or buildings that meet the threshold in Art. 5.C.1.B and are not exempt in Art. 5.C.1.C: **[Ord. 2005 – 002]**

a. General

....

~~3) All electrical, air conditioning, and fixed mechanical equipment, such as satellite dishes, shall be screened from view on all sides by an opaque barrier constructed of compatible materials, color, and character the building or equivalent landscaping.~~

b. Mechanical Equipment Screening

All electrical, air conditioning, and fixed mechanical equipment, including satellite dishes, shall be screened on all sides by an opaque barrier constructed of compatible materials, color, and character the building or equivalent landscaping, to a minimum height equal to the highest point of the equipment.

1) Exemption

The following shall be exempt from screening requirements:

a) Mechanical equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing.

b) Mechanical equipment adjacent to properties with an Industrial FLU or use, unless visible, from a R-O-W or non-industrial property or use.

[Renumber Accordingly.]

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Notes:

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