

Continued from Page 1

Summary: The proposed ordinances will account for minor revisions, scrivener's errors, and omitted text from the 2005 Unified Land Development Code (ULDC), as well as several specific amendments, including:

- Exhibit A Article 3 – Overlays and Zoning Districts
- Exhibit B Article 4 – Use Regulations
- Exhibit C Board of Adjustment
- Exhibit D ERM
- Exhibit E Functional Integration
- Exhibit F Signage
- Exhibit G Special Master
- Exhibit H Commercial Kennel
- Exhibit I Department of Airports
- Exhibit J Okeechobee Boulevard CRALLS Point System

Background and Policy Issues: The proposed ULDC Amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) on April 24, 2006, May 24, 2006, and June 28, 2006. All proposed ULDC amendments, with the exception of Exhibit G, amendments concerning the Department of Airports, were found to be consistent with the Plan. Upon the effective date of the amendments to the PBC Comprehensive Plan adopted in Round 2006-01, the Department of Airports amendments will be consistent with the Plan.

ORDINANCE 2006 _____

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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
5 COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE
6 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** – GENERAL PROVISIONS; CHAPTER I
7 – DEFINITIONS AND ACRONYMS; **ARTICLE 2** – DEVELOPMENT REVIEW PROCESS;
8 CHAPTER A – GENERAL; CHAPTER B – PUBLIC HEARING PROCEDURES; CHAPTER D –
9 ADMINISTRATIVE PROCESS; **ARTICLE 3** – OVERLAYS & ZONING DISTRICTS; CHAPTER
10 B - OVERLAYS; CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F
11 – TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4** – USE REGULATIONS;
12 CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE
13 STANDARDS; CHAPTER D – EXCAVATION; **ARTICLE 5** – SUPPLEMENTARY
14 STANDARDS; CHAPTER C – DESIGN STANDARDS; **ARTICLE 6** – PARKING; CHAPTER A
15 – PARKING; **ARTICLE 8** - SIGNAGE; CHAPTER B – EXEMPTIONS; CHAPTER C –
16 PROHIBITIONS; CHAPTER F – GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER
17 G – STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 10** – ENFORCEMENT; CHAPTER
18 C – GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; **ARTICLE 12** –
19 TRAFFIC PERFORMANCE STANDARDS; CHAPTER Q – OKEECHOBEE BOULEVARD
20 CRALLS POINT SYSTEM; **ARTICLE 14** – ENVIRONMENTAL STANDARDS; CHAPTER A –
21 SEA TURTLE PROTECTION AND SAND PRESERVATION; CHAPTER B – WELLFIELD
22 PROTECTION; CHAPTER C – VEGETATION PRESERVATION AND PROTECTION;
23 CHAPTER D – PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL
24 ORDINANCE; **ARTICLE 17** – DECISION MAKING BODIES; CHAPTER B – GENERAL
25 PROVISIONS; CHAPTER C – APPOINTED BODIES; PROVIDING FOR: INTERPRETATION
26 OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE;
27 BOARD OF ADJUSTMENT PENDING APPLICATIONS; INCLUSION IN THE UNIFIED LAND
28 DEVELOPMENT CODE; AND AN EFFECTIVE DATE.
29
30

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

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

37 **WHEREAS**, the BCC desires to further amend the ULDC, based upon public
38 participation and advice from the Palm Beach County Land Development Regulation
39 Advisory Board; and

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

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

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

1 **Section 5(b) Board of Adjustment Pending Applications**

2 Notwithstanding any other provision of this Ordinance, the Board of Adjustment shall
3 continue to hear applications for variances or appeals until its final public hearing on
4 December 21, 2006. All pending applications for variances or appeals not finally
5 decided by the Board of Adjustment as of that final public hearing shall be reviewed
6 according to the procedures established by this Ordinance.

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

8 The provisions of this Ordinance shall be codified in the Unified Land Development
9 Code and may be reorganized, renumbered or relettered to effectuate the codification of
10 this Ordinance.

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

12 The provisions of this Ordinance contained in Exhibits A, B, C, D, E, F, G, H and J
13 shall become effective upon filing with the Department of State. The provisions of this
14 Ordinance contained in Exhibit I-Department of Airports, shall become effective upon
15 the effective date of the amendments to the Palm Beach County Comprehensive Plan
16 transmitted as 2.B.4 Congress Ave. CRALLS - South in amendment round 2006-01.

17
18 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
19 Beach County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

20
21
22
23
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EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 20_____.

EXHIBIT A

**ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/13/06)**

1
2 **Part 1. ULDC, Art.3.B.4.D.2.a, Single Family Dwelling Unit [Glades Area Overlay] (page 14 of**
3 **134), is hereby amended as follows:**
4

5 Reason for amendment: Per Zoning, SFD is not permitted in the AP zoning district in accordance with
6 the Comp Plan policy.

7
8 **CHAPTER B OVERLAYS**
9 **Section 4 GAO, Glades Area Overlay**

10 **D. Use Regulations**
11 ...
12 **2. Special Uses**

13 ...
14 **a. ~~Single Family Dwelling Unit~~**
15 ~~Any single family dwelling unit required to relocate because of an eminent domain~~
16 ~~proceeding may relocate to lands in the AP district subject to special use approval; and~~
17 **ba. Nonconforming Use**
18 Any nonconforming use may be expanded subject to a sSpecial Permit use approval.
19

20
21 **Part 2. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 54 of 134), is hereby amended as**
22 **follows:**
23

24 Reason for amendment: Per Planning, Farm residence is not permitted in AGR Preserve in accordance
25 with FLU Policies 1.5.1-g, 1.5.1-i.6.c) and 1.5.1-k.
26

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N
	Pods					Land Use Designations						Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	D	P	T
S	M	C	V	R			O	O		D	S			O	O	D	M	D	L	D	E
				P																	
Residential Uses																					
...																					
Farm Residence				P																	50
...																					

[Ord. 2005 – 002]
Notes to Table 3.E.1.B-10, PDD Use Matrix:
P Permitted by right
D Permitted subject to approval by the DRO
S Permitted in the district only if approved by Special Permit
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

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Notes:
Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

Part 1. ULDC, Art. 4.B.1.A.110.b, Use Limitations and Approval Process (page 68 of 142), is hereby amended as follows:

Reason for amendment: Glitch in approval processes for Type II Restaurants. Oversight caused by consolidation of various restaurant types and related Use Matrices.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 USES

A. Definitions and Supplementary Standards for Specific Uses
110.Restaurant, Type II

b. Use Limitations and Approval Process [Ord. 2005 – 002]

1) ~~DRO Approval CN and CLO Districts and CLO PDDs~~

a) CLO and CHO Districts/PDDs and TNDs

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development.

b) ~~CHO District and CHO PDDs~~

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO.

c) CRE District, and CL, CR and Commercial Pods of a PDD

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO.

2) ~~CRE, and CL and CR PDDs~~

~~A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO.~~

3) ~~CHO District and CHO PDDs~~

~~If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO.~~

34) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval.

45) Take Out Service

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service.

56) TNDs and TMDs

~~A Type II Restaurant less than 3,000 square feet of GFA per establishment in a TND, may be approved by the DRO. A Type II Restaurant shall not exceed 5,000 square feet of GFA, except that an additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 6,500 square feet of GFA. Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building.~~

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

WHITE PAPER

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Introduction

In response to a need to streamline the Board of Adjustment (B of A) process concurrently with recent Zoning Division reorganization efforts, Zoning is proposing to redefine the methods and approval processes by which variance relief can be granted. These improvements address the need to expand the administrative capacity for granting variances. Also addressed is the need to establish a more cohesive review process for applications subject to ZC and/or BCC approval that also require variance relief.

Background and Summary

The primary goals of this amendment are to: categorize frequent requests for minor variances that could be better handled administratively, as opposed to more intense requests for variance relief; establish an improved administrative review and approval process for minor variances; and, abolish the existing B of A and utilize the Zoning Commission (ZC) to review and approve more intensive variance requests. It is important to note, that the current process separates variance requests from required ZC or BCC approval requests. This situation sometimes results in the piecemeal granting of variances that may not coincide with the project being reviewed by the ZC or BCC. The benefits of these amendments would include improved internal efficiency and coordination, and greatly improved customer service, while ensuring that more intense requests for variance relief are considered concurrently with other site specific requests for Development Orders.

Research: Zoning staff conducted an analysis of both national and local municipal variance review procedures, with emphasis on 14 municipalities/counties within the State of Florida regarding their procedure for granting/denying variances. Staff used 6 cities within PBC and 8 counties of comparable or larger size to PBC.

Summary: The objective of this research was to determine which jurisdictions have moved away from traditional B of A approval processes and have opted to delegate greater authority to administrative level review. Of the 14 selected jurisdictions, 8 process variances administratively and through a Planning Board, with other responsibilities, rather than using a separate board such as PBC currently does.

Zoning Staff Recommendations: Staff has met with six BCC Commissioners to discuss and review the following proposed changes. All of the Commissioners that we have met with to date are supportive of the proposed changes enumerated below.

- The B of A will be abolished
- Staff will be authorized to approve Type IA and Type IB administrative variances for requests not exceeding: 15% of a required setback for residential and non-residential projects, and 15% of the number of required parking spaces for non-residential projects.
- The ZC will be authorized to approve Type II variances for: requests exceeding 15% of certain property development regulations; projects requiring ZC or BCC public hearing approval; and, any project requesting 5 or more variances.
- The Hearing Officer will hear appeals of special permits, interpretations and decisions, and administrative variance decisions.
- Appeals of ZC variance decisions will be filed with the circuit court.

Part 1. ULDC, Art. 2.A.1.D, General [Related to Processes], Processes, (page 7 of 49), is hereby amended as follows:

Reason for amendment by Zoning: The Board of Adjustment is being dissolved in order to streamline and create a more efficient procedure for assessing variances. Zoning Director will have the authority to grant Administrative variances (Type IA and Type IB), whereas the ZC will approve Type II variances.

CHAPTER A GENERAL

Section 1 Applicability

....
D. Authority
1. Processes

For the purposes of this Article, the authority of the BCC, ZC, BA, DRO and Zoning Director shall be limited to the development order applications specified below.

Notes:

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

....
b. Zoning Commission (ZC)

The ZC shall consider the following types of development order applications:

- 1) Class B conditional use;
- 2) DOA;
- 3) Abandonment; and
- 4) Status Reports; and

c. Board of Adjustment (BA)

~~5) The BA ZC shall is also granted the authority to consider, take action, and make decisions on applications for Type II variances. The BA ZC is not authorized granted the authority to hear and take action and decide variances from only the to grant variances from the following Articles of the ULDC:~~

- 1) Art. 1, General Provisions;
- 2) Art. 2, Development Review Procedures;
- 3) Art. 3.B.3, COZ, Conditional Overlay Zone;
- 4) Art. 4, Use Regulations (excluding provisions in Art. 4.D.5.C, Type IA Excavation, and Art. 4.D.5.D, Type IB Excavation);
- 5) Art. 5.D, Park and Recreation – Rules and Recreation Standards;
- 6) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);
- 7) Art. 5.G, Density Bonus Programs;
- 8) Art. 13, Impact Fees;
- 9) Art. 14, Environmental Standards;
- 10) Art. 15, Health Regulations;
- 11) Art. 17, Decision Making Bodies; and
- 12) Art. 1.I, Definitions and Acronyms. [Ord. 2005-002]

c d. Development Review Officer (DRO)

The DRO, in accordance with the procedures, standards and limitations of this Article and Art. 2.D, Administrative Process, shall consider the following types of development order applications:

- 1) Master Plan;
- 2) Site Plan;
- 3) Subdivision Plan; and
- 4) Uses indicated as "D" in Table 4.A.3.A-1, Use Matrix.

d e. Zoning Director

The Zoning Director, in accordance with the procedures, standards and limitations of this Article, shall approve, approve with conditions, withdraw, deny or revoke the following types of development order applications:

- 1) Special Permit;
- 2) Alternative Landscape Plan (ALP);
- 3) Administrative Variances (Type IA and Type IB);
- 4) Alternative Sign Plan (ASP); and
- 5) Administrative Development Order Abandonment.

....
H. Consolidated Application

1. Small Scale, TMD and MLU Amendments

If a land use amendment requires a rezoning, conditional use, requested use, development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. An application for a Type II variance may be submitted concurrently or separately. Applications that are contingent upon the approval of variances must be submitted separately. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted within 45 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn.

2. Zoning Applications

Applications for development orders may be consolidated for review, subject to approval by the Zoning Director. When applications for development orders are consolidated the review period shall not be less than the time frame established for the application with the longest review period.

I. Review and Certification

1. Review

All rezoning, conditional use, requested use and development order amendment, and concurrent Type II variance applications, shall be reviewed and certified by the DRO.

....
J. Notification

Notice for any required public hearing shall be provided by publication of an advertisement, mailed notice and posting of property in accordance with this Section.

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1 1. Publication

2 Public notice shall be published in a newspaper of general circulation in PBC in accordance
3 with the following standards:

4 a. ZC and BCC

5 Notice shall be required in accordance with F.S. §125.66 and Chapter 163.

6 ~~b. BA~~

7 ~~The public hearing for BA shall be held not less than 15 days after the advertisement is~~
8 ~~published.~~

9 2. Courtesy Mailing

10 a. A notice shall be mailed to all property owners within 300 feet for Type IB and Type II
11 variance applications, and appeals being heard before the Hearing Officer, and within
12 500 feet or greater for all other public hearings, as required by the Zoning Director. This
13 distance shall be measured from the property line of the affected area and shall include:
14

15
16 3. Posting

17 The land subject to the application shall be posted by the applicant with a notice of the public
18 hearing on a sign provided by the PBC at least 15 days in advance of any public hearing.
19 One sign shall be posted for each 100 feet of frontage along a street up to a maximum of ten
20 signs. All signs shall be evenly spaced along the street or in a location acceptable to the
21 Zoning Director. All signs shall be setback no more than 25 feet from the property line. All
22 signs shall be erected in full view of the public. Where land does not have significant
23 frontage on a street, signs shall be in a location acceptable to the Zoning Director. The
24 failure of any such posted notice to remain in place after it has been posted shall not be
25 deemed a failure to comply with this requirement or be grounds to challenge the validity of
26 any decision made by the approving authority.

27 K. Public Hearing Procedures

28
29 3. Board Action

30 a. Action by ZC

31 The ZC shall conduct a public hearing on the application pursuant to the procedures in
32 Art. 2.B, Public Hearing Procedures.

33 1) Scheduling

34
35 3) Class B Conditional Use and Type II Variance

36 The ZC shall consider the application, staff report the relevant support materials, the
37 DRO certification, and the public testimony, and evidence for the public record and
38 given at the hearing. An application for a development permit for a Class B
39 conditional use, which does not receive the required rezoning, shall be decertified. At
40 the close of the public hearing, the ZC shall by not less than a majority of a quorum
41 present approve, approve with conditions, modify, postpone, or deny the application
42 based on ~~the standards in~~ Art. 2.B.2.B and Art. 2.B.3.E Standards, applicable to all
43 Conditional and Requested Uses, and any standards specifically applicable to the
44 use as required in Art. 4.B, Supplementary Use Standards, thereby adopting a
45 resolution approving, approving with conditions, or denying the proposed use or Type
46 II variance. The resolution shall be filed with the Clerk of the Circuit Court.

47 b. Action by BCC

48
49 c. Action by ~~BA~~ the Hearing Officer

50 At the public hearing(s), the BA Hearing Officer shall consider the application, all relevant
51 support materials, staff report, testimony given, and evidence introduced into the record
52 at the public hearing(s) and decide to approve, approve with conditions, deny, continue,
53 postpone, modify or withdraw the request.

54
55 L. Actions by Decision Making Bodies or Persons

56
57 5. Continuance or Postponement

58 a. BCC and ZC, ~~BA~~

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

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

a copy to the applicable agencies for review and comment within 15 days after the application is determined sufficient.

2. ~~Airport Variance~~ (*Language moved under Type IB variance*)

~~A variance from Art. 16.B.1, Airports Height Regulation shall require the applicant to submit a copy of the application by certified mail to the FDOT Aviation Office, and the FAA. The FDOT shall have 45 days from receipt of the application to provide comments to the applicant and the BA, after which the right to comment is waived. The BA may proceed with consideration of an application only upon receipt of FDOT comments or upon the applicant's filing a copy of a certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's intent to waive the right to comment. [Ord. 2005-002]~~

2. Noise Variance

See Art. 5.E, Performance Standards.

3. Sequence of Submittal

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Art. 16, Airport Regulations.

....

D. Review and Recommendation

1. Zoning and Subdivision Variances

The applicable PBC Departments shall review the application and forward a report to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in Art. 2.A.1.L, Actions by Decision Making Bodies or Persons.

2. ~~Airport Zoning Variances~~

~~An application for a variance from the requirements of Art. 16, Airport Regulations, shall not be considered until a copy of the application has been furnished by the Department of Airports to the County Attorney and FDOT Aviation Section at least 50 working days prior to the BA public hearing.~~

a. ~~Airport Variances~~

~~When reviewing variances from the Art. 16, Airport Regulations, the BA may approve, approve with conditions, postpone, or deny with or without prejudice a variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on the basis that the proposed will not exceed Federal obstruction standards. If applicable, the standards in Art. 2.B.3.E, Standards, shall be used to evaluate the variance application.~~

2. Airport Variance

A variance from Art. 16, Airport Regulations, shall require the applicant to submit a copy of the application by certified mail to the FDOT Aviation Section and DOA. The FDOT and DOA shall have 45 days from receipt of the application to provide comments to the applicant and ZC, after which the right to comment is waived. The ZC may proceed with consideration of an application only upon receipt of FDOT and DOA comments or upon the applicant's filing a copy of a certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's and DOA's intent to waive the right to comment. [Ord. 2005-002]

- a. When reviewing variances from the Art. 16, Airport Regulations, the ZC may approve, approve with conditions, postpone, or deny with or without prejudice a variance for the erection, alteration, or modification of any structure which would cause the structure to exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23, 77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on the basis that the proposed will not exceed Federal obstruction standards. Except as otherwise provided in Chapter 333, Fla. Stat., the standards in Art. 2.B.3.E, Standards, shall be used to evaluate the variance application.

E. Standards

The BA ZC shall consider and find that all seven criteria listed below have been satisfied by the applicant prior to making a motion for approval, of a zoning or subdivision variance:

....

F. Conditions

The Zoning Director, or County Engineer, or Airport Director, whichever is appropriate, may recommend, and the BA ZC may impose, such conditions in a development order for a variance

Notes:

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

as are necessary to accomplish the goals, objectives and policies of the Plan and this Code, including limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. Any violation of the variance or a condition shall be a violation of this Code.

G. Effect of Development Order

3. Conforming

Approval of a variance by the BA ZC shall render a parcel of land, building or the structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code.

Part 3. ULDC, Art. 2.D.3, Administrative Variance [Related to Types of Administrative Variances] (page 25 of 49), is hereby amended as follows:

Reason for amendment by Zoning: To add provisions governing Type IA (reduction up to 5%) and Type IB (reduction from 5%-15%) variances.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

A. Purpose

To allow minor deviation from certain standards of this Code when special circumstances ...

B. Type IA of Administrative Variances

The Zoning Director may issue the following three types of administrative variances:

Type IA variances may be considered for the following:

1. Structural Encroachments into Setbacks

A variance may be requested for a setback reduction of up to five percent of the minimum requirement a required setback.

A variance may be requested for a setback reduction up to five percent of the minimum requirement.

2. Preservation of Vegetation

Variance requests that will to accommodate the preservation of existing native tree(s) pursuant to Art. 14.C, Vegetation Preservation and Protection, variance may be granted for: as follows:

- a. Up to five percent of a required setback; and
b. Up to five percent of the required number of parking spaces.

3. Native Ecosystem Overlay District (NEO)

A variance may be issued from off-street parking, off-street loading, density-intensity, heights and setbacks provided the following criteria are met pursuant to the extent permitted Art. 3.B.8, NEO, Native Ecosystem Overlay.

4. Vacant Lots

The owner of a lot that is subject to the requirement in Art. 7.E.4.B, Vacant Lots, may apply to the Zoning Director for an administrative a variance from the time frames, landscaping, and amount of coverage required based on consideration of the following criteria: [Ord. 2005 - 002]

C. Type IB Administrative Variances

Type IB variances may be considered for the following:

1. Single or Multi Family Residential Projects

A variance may be requested for a setback reduction greater than five percent but not exceeding 15 percent of the minimum requirement.

2. Non Residential Projects

A variance may be requested for a setback reduction greater than five percent but not exceeding fifteen percent of the minimum requirement, and for reductions in the number of parking spaces not exceeding fifteen percent of the minimum requirement.

G. D. Limitations

D. E. Conditions

E. F. Time Limitation

Notes:

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

F.G. Standards

1. Type IA

- 1- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;
- 2- b. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district;
- 3- c. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
- 4- d. All viable options to address the situation have been exhausted;
- 5- e. The request is the minimum variance necessary to make possible a reasonable use of the parcel of land.

2. Type IB

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;
- b. Special conditions and circumstances do not result from the actions of the applicant;
- c. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, structures or buildings in the same district;
- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
- e. Granting the variance is the minimum variance that will make possible a reasonable use of the parcel of land, building, or structure;
- f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and
- g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

H. Effect of Development Order

Approval of a variance shall render a parcel of land, building or structure to be conforming. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code.

Part 4. ULDC, Art. 17.C.1 Board Of Adjustment, (page 8, 9 of 25), is hereby amended as follows:

Reason for amendment by Zoning: Changes to ensure consistency with the disbandment of the Board of Adjustment as a decision making body.

CHAPTER C APPOINTED BODIES

Section 4 Board Of Adjustment

A. Establishment

There is hereby established a Board of Adjustment (BA).

B. Powers and Duties

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

- 1. ~~to hear, review, consider and approve, approve with conditions, or deny variances to the terms of sections of this Code as described in Art. 2, Development Review Process;~~
- 2. ~~to hear, review, consider and approve or reverse decisions of the Zoning Director on zoning matters, unless otherwise provided in this Code;~~
- 3. ~~to hear, review, consider and approve or reverse decisions of the County Engineer on matters relating to Subdivision requirements, unless otherwise provided in this Code;~~
- 4. ~~to hear, review, consider and approve or reverse decisions of the Zoning Director or Airport Director on matters pertaining to the enforcement of the airport zoning regulations of Art. 16, Airport Regulations, as provided in F.S. Chapter 333, as amended;~~
- 5. ~~to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, or commission of PBC; and~~
- 6. ~~to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the BA proceedings.~~

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EXHIBIT C

BOARD OF ADJUSTMENT
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

C. Board Membership

1. Qualifications

Although no specific experience requirements shall be necessary as a pre-requisite to appointment, consideration shall be given to applicants who have experience in planning, the law, architecture, natural resource management, real estate and related fields. No two members of the BA shall represent the same occupation or business.

2. Appointment

The BA shall be composed of seven members appointed by the BCC. Each PBC Commissioner shall appoint one member to the BA. The BCC shall also appoint two alternate members, a first alternate and a second alternate. The alternates shall be appointed at large by a majority of the BCC. The alternates shall serve a three year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member that is absent.

3. Terms of Office

Members of the BA shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

4. Vacancy

When a member resigns or is removed, the first alternate member shall vote in the resigned or removed member's absence until a permanent member can be appointed.

D. Staff

The Zoning Division of PZB shall be the professional staff for the BA. In instances where relevant and appropriate, staff from DEPW, ERM, DOA, and the PBCHD and other PBC departments shall also assist the BA.

E. Meetings

1. General

General meetings of the BA shall be held at least once a month or more frequently as needed to dispose of matters properly before the Board. Special meetings may be called by the Chair, or in writing by a majority of the members of the BA. A 24-hour written notice shall be given to each BA member before a special meeting.

Part 5. ULDC, Art. 17.C.14.B, Powers and Duties (page 19 of 25), is hereby amended as follows:

Reason for amendment by Zoning: Added provisions that authorize ZC to grant Type II variances.

CHAPTER C APPOINTED BODIES

Section 14 Zoning Commission

B. Powers and Duties

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

-
- 4. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications.
-
- 8. to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; and
- 9. to hear appeals of interpretations or determinations of Art. 5, Supplementary Standards, and waive certain requirements made by the Zoning Director. ;

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Notes:

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

Part 1. ULDC Art. 1.1.2, Definitions (page 32 of 56), is hereby amended as follows:

Reason for amendment by ERM: To add three new definitions and minor corrections to Cone of Depression and Zones of influence.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....
15. Beach Obstruction- Any natural or artificially constructed structure(s) that: 1) does not constitute fixed structure(s), 2) does not require a building permit, 3) is not required for public safety, 4) upon review by the County Administrator or his/her designee does not present an actual or potential threat to the beach and the dune system and adjacent properties.

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

....
78. Cone of Depression - means an area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site or quarry. The aerial extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage pumping rates and recharge rates.

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

....
26. Irreparable or Irreversible Harm - A substantial injury that is beyond the possibility of repair; the injury suffered cannot be undone; damage or destruction of a natural resource that is so substantial and permanent that it is beyond the possibility of being repaired or restored to its previous condition. A natural resource shall be deemed irreparably harmed when an activity taken or caused by a person or persons alters the natural resource to such a degree that it cannot reasonably be restored or returned to the condition existing immediately prior to such alteration. A non-renewable natural resource shall be deemed irreparably harmed when the resource has been permanently removed or consumed. There shall be a rebuttable presumption that a natural resource has been irreparably harmed when the nature or extent of the alteration makes it impossible to ascertain the pre-alteration condition of the natural resource. A natural resource shall not be deemed irreparably harmed when the alteration of the natural resource is authorized by County law.

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

....
32. Light Fixture- any device that holds protects and provides the optical system and power connections for a lamp or emits illumination.

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

....
2. Zones of Influence Maps - Aerial photographs Zones of Influence contour lines that overlay the latest digital ortho-photography prior to BCC adoption at scales determined by ERM showing the location on the ground of the limits of Zones of Influence for present and future public water supply wells and wellfields permitted for 100,000 gallons per day or more.

Part 2. ULDC, Art. 4.D.5.E.3.A, Separations and Setbacks (page 123 of 142), is hereby amended as follows:

Reason for amendment by ERM: Correction of a scrivener's error.

CHAPTER D EXCAVATION

Section 5 Excavation Standards

E. Type II Excavation

3. Separations and Setbacks

A. Approval process for agricultural excavation is administered by ERM and PZB. Application procedures and requirements are subject to in Art. 4.D.5.A, Agricultural Excavations. Agricultural excavations in the WCAA are administered by ERM. Application procedures and requirements within the WCAA are subject to requirements in Art. 4.D.5.A B, WCAA Excavations.

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

Part 3. ULDC, Art. 10.C, Groundwater and Natural Resources Protection Board, Irreparable or Irreversible Harm (page 9 of 11), is hereby amended as follows:

Reason for amendment by ERM: This is an undefined term in the Code. This explanation of the term has been reviewed and approved by the County Attorney's Office and the Groundwater and Natural Resources Protection Board.

CHAPTER C GROUND WATER AND NATURAL RESOURCES PROTECTION BOARD

Section 7 Irreparable or Irreversible Harm

- A. A tree resource is irreparably harmed when an action alters the resource as a whole so that it cannot be restored to or returned to its original or pre-disturbance condition in a reasonable time. A non-renewable resource (such as groundwater, sea turtles, etc.) is irreparably harmed when it is destroyed, removed or consumed.
 - B. A renewable resource is irreparably harmed when it is destroyed, removed or consumed without reasonable provision for the renewal of the resource.
 - C. Injury is not remote or speculative but actual or imminent.
 - D. The injury must be of a peculiar nature, (such as a specimen tree) so that a monetary award is not adequate compensation or cannot atone for the harm done. This may include damage to the surrounding habitat (worms, birds, squirrels, etc.) and /or damage to the quality of life (shade, beauty, etc.).
 - E. The damage may be incalculable.
 - F. Further judicial action (appeal/injunction) is incapable of preventing the injury. A remedy at law is not full, complete, and adequate because the resource cannot be restored. No fair and reasonable redress may be had in a court of law.
 - G. The harm must be substantial in extent, duration or magnitude.
 - H. The resource being harmed must constitute an environmental resource.
 - I. Irreparable harm will not be found where mitigation measures can substantially restore or replace the benefits provided by the resource.
- PBC has the burden of proving irreparable harm by the preponderance of evidence - a determination that a greater amount of credible evidence supports one side of an issue more than the other. The maximum penalty the BCC can impose is \$15,000 per violation. In determining the fine, the BCC shall consider:
1. The gravity of the violation;
 2. Any actions of the violator to correct the violation; and
 3. Any previous violations committed by the violator.

[Renumber accordingly]

Part 4. ULDC, Art. 14.A.6.F, Sea Turtle Protection and Sand Preservation (page 7 of 56), is hereby amended as follows:

Reason for amendment by ERM: This section attempts to correct a deficiency in the Code that will require that temporary beach obstructions, such as beach furniture, be removed from the beach at sunset during sea turtle nesting season to reduce potential impacts to nesting and hatchling sea turtles.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 6 Jurisdiction

- F. Beach obstructions are exempt from the requirements of this Section. However, this exemption shall not be in effect during sea turtle nesting season (March 1 – October 31) unless the structures are removed daily from the beach prior to 9:30 p.m., and are not moved onto, or placed on the beach before completion of monitoring conducted by personnel with prior experience and training in nest survey procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily sea turtle monitoring), or unless the beach furniture is being actively used or attended during the period of time from 9:30 p.m. until the next days monitoring. Beach obstructions shall be removed from the beach or placed as close to the toe of the dune as possible in an area that does not impact native vegetation or significantly affect sea turtles. Exemptions under this provision are not intended to authorize any violation of F.S. § 370.12 or any of the provisions of the Endangered Species Act of 1973, as may be amended. (Ord. No. 05-27, § 3.QQ)

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

1
2
3 Part 5. ULDC, Art. 14.A.8.F.5.a, [Related to Sea Turtle Protection Light Plan] (page 8 of 56), is
4 hereby amended as follows:
5

6 Reason for amendment by ERM: This will make the reference consistent with the definition.
7

8 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

9 Section 8 Sea Turtle Protection Light Plan

10 F. STLP approval shall not be issued or processed until the application fee and any and all
11 information necessary to fully understand the extent, nature, and potential impacts of a
12 proposed lighting plan are received by ERM. Such information may include, but is not limited
13 to:

- 14 ...
15 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights
16 and windows within line of sight of the beach. Light and window tinting information shall
17 include:
18 a. The location, number, wattage, elevation, orientation, light fixture cut sheets,
19 photometric illustrations and all type(s) of proposed artificial light sources.
20 ...
21

22 Part 6. ULDC, Art. 14.A.11, Standards for Existing Beachfront Lighting (page 10 of 56), is
23 hereby amended as follows:
24

25 Reason for amendment by ERM: This will make the reference consistent with the definition.
26

27 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

28 Section 11 Standards for Existing Beachfront Lighting

29 A. Adjustment to Essential Lighting

30 In some cases, it may be desirable to retrofit light fixtures and install and shield low pressure
31 sodium vapor lights producing wavelengths between 589 and 590 nanometers.
32 ...

33 F. Recommended Corrective Action

34 The following measures can be used to reduce or eliminate the effects of any exterior lighting on
35 hatchlings and nesting sea turtles:

- 36 1. permanently remove the light fixture;
37 2. disconnect the light fixture;
38 3. reposition the light fixture so the point source of light is no longer visible from the beach;
39 4. replace light fixtures having an exposed light source with light fixtures containing recessed
40 light sources or shields;
41 5. replace non-directional light fixtures with directional light fixtures pointing down and away
42 from the beach;
43 6. replace light fixtures having translucent or transparent coverings with light fixtures having
44 opaque shields covering an arc of at least 180 degrees and extending an appropriate
45 distance below the bottom edge of the light fixture on seaward side so the light source is not
46 visible from the beach;
47 ...
48 10. modify the light fixture by adding a shield.
49

50
51 Part 7. ULDC, Art. 14.B.6.A.2, Basis (page 17 of 56), is hereby amended as follows:
52

53 Reason for amendment by ERM: Updating existing criteria.
54

55 CHAPTER B WELLFIELD PROTECTION

56 Section 6 Zones of Influence

57 A. Maps

58 The Zones of Influence Maps, developed as described in Art. 14.B.6.A.2, Basis, are incorporated
59 herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

Notes:

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

....
2. **Basis**

The Zones of Influence Maps are based upon travel time contours and one foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells in an inverted head/velocity field. The travel time contours and the one foot drawdown contours are calculated by using finite difference computer modeling techniques that incorporate the effects of an extensive canal system and Year 2010 build out pumpage rates. The pumping rates were determined by first projecting population figures for the Year 2010 for each public utility service area and multiplying this by a per capita consumption rate determined by the SFWMD and by consultation with public utilities regarding wellfield expansion and development, groundwater flows and SFWMD Consumptive Use Permit approved public water supply pumping rates. Additional considerations may be incorporated into the modeling methodology as approved by ERM.

Part 8. ULDC, Art. 14.C.11.A, Applicability (page 36 of 56), is hereby amended as follows:

Reason for amendment by ERM: Correction to numbering.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

A. **Applicability**

A parcel owner may apply for a standard permit to:

-
- 6. Mitigate the removal of native vegetation, provided that the activity furthers the preservation and protection of native vegetation.
 - 7. With the exception of bonafide agricultural, equestrian, and roadway production activities, a standard permit shall be issued with the applicable building permit land development permit, or written notification of technical compliance, and is valid for two years unless extended in writing by ERM.

Part 9. ULDC, Art. 14.C.11.B.2, Incorporation or Relocation of Existing Native Vegetation (page 36 of 56), is hereby amended as follows:

Reason for amendment by ERM: Relocating existing criteria, from Art. 14.C.11.B.3, Specimen Tree Removal.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. **Technical Requirements for a Standard Permit**

2. **Incorporation or Relocation of Existing Native Vegetation**

-
- j.* Off-site replacement shall be allowed if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area;
 - k.* In lieu of replacement planting, a donation may be made to PBC for the Natural Area Stewardship Endowment Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting specimen trees;
 - l.* The parcel owner shall provide irrigation, mulch, and other practical means to ensure the survivorship of any relocated specimen tree. If a relocated specimen tree does not survive, it shall be replaced with a native pursuant to Table 14.C.16-1, Tree Replacement.
 - m.* Replacement planting consisting of native scrub vegetation may be approved on a case by case basis where appropriate soil characteristics exist, and amount of remaining canopy and other understory vegetation will be sufficient;
 - n.* Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on table 14.C.16-1,

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

- 1 *Tree replacement, on 10 foot centers, +/-1 foot and grouped as shown on a planting plan*
- 2 *Table approved by ERM;*
- 3 o. *At least 50 percent of the trees planted as replacement planting for removal of native*
- 4 *trees shall be the same species as the trees removed provided that the replacement*
- 5 *vegetation is locally available.*

Part 10. ULDC, Art. 14.C.11.B.3, Specimen Tree Removal (page 36 of 56), is hereby amended as follows:

Reason for amendment by ERM: Relocating existing criteria to Art. 14.C.11.B.2, Incorporation or Relocating of Existing Native Vegetation.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. Technical Requirements for a Standard Permit

....
3. Incorporation or Relocation of Existing Native Vegetation

- c. This requirement is in addition to Landscape Code requirements and any other conditions of approval. ~~Off-site replacement shall be allowed if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area;~~
- d. ~~In lieu of replacement planting, a donation may be made to PBC for the Natural Area Stewardship Endowment Fund. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting specimen trees;~~
- e. ~~The parcel owner shall provide irrigation, mulch, and other practical means to ensure the survivorship of any relocated specimen tree. If a relocated specimen tree does not survive, it shall be replaced with a native pursuant to Table 14.C.16-1, Tree Replacement.~~
- f. ~~Replacement planting consisting of native scrub vegetation may be approved on a case by case basis where appropriate soil characteristics exist, and amount of remaining canopy and other understory vegetation will be sufficient;~~
- g. ~~Sabal palms may be allowed as replacement plantings for canopy trees if approved by ERM and planted at 3:1 (palms: required replacement trees) based on table 14.C.16-1, Tree replacement, on 10 foot centers, +/- 1 foot and grouped as shown on a planting plan Table approved by ERM;~~
- h. ~~At least 50 percent of the trees planted as replacement planting for removal of native trees shall be the same species as the trees removed provided that the replacement vegetation is locally available; and~~
- i.d. For bonafide agricultural activities, mitigation for removal of specimen trees may be accomplished by incorporation of relocatable trees on the parcel, use of relocatable trees as nursery stock, donation of relocatable trees to public agencies, sale of relocatable trees, or relocation to off-site areas approved by ERM.

Part 11. ULDC, Art. 14.C.15.A, Violations (page 42 of 56), is hereby amended as follows:

Reason for amendment by ERM: Adding to and updating existing criteria.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 15 Violations

A. Violations

-
- 9. Introduction of structures, grade changes, debris or utilities into a preserve without approval by ERM.
-

Part 12. ULDC, Art. 14.C.16, Mitigation or Restoration (page 42 of 56), is hereby amended as follows:

Notes:

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS
(Updated 06/13/06)

Reason for amendment by ERM: Correction to Art. 14.C.16.B [Related to Mitigation or Restoration].

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 16 Mitigation or Restoration

When native trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate shown in Table 14.C.16-1, Tree Replacement and Art 14.C.16.B, below.

- B. Replacement Palms shall be at least 12 feet in height. Sabal palms shall be replaced at a ratio of 2:1 for mitigation and this number doubled for restoration. A mitigation ratio of 2:1 shall be applied to permitted palm removal.

Part 13. ULDC, Art. 14, Appendix 12, Incentive Program (page 55 of 56), is hereby amended as follows:

Reason for amendment by ERM: Clarification of Appendix 12, Incentive Program.

APPENDIX 12 INCENTIVE PROGRAM

COST SHARE PROGRAM FOR ALL OTHER PROHIBITED PLANT SPECIES

The cost share program will remain available for the removal of prohibited invasive non-native vegetation in the buffer areas as long as the vegetation is removed on an accelerated schedule. Using best available economic indicators such as poverty levels, population and median property value, certain municipalities may qualify for a reduced match requirement at 25 percent/75 percent. Those municipalities eligible for the reduced match requirement based upon the most recently available census data will be listed in the grant cycle application package for each calendar year.

Part 14. ULDC, Art. 14.B.5.A.4.e, Application of Pesticides, Herbicides, Fungicides and Rodenticides (page 14 of 56), is hereby amended as follows:

Reason for amendment by ERM: To remove the requirement for Pesticide Applicators to obtain a Wellfield Operating Permit to Apply in wellfield zones as the Florida Department of Agriculture and Community Affairs (State) already oversees their application activities and emergency plan and the wellfield operating permit conditions are duplicative with the State requirements for certified pesticide applicators.

CHAPTER B WELLFIELD PROTECTION

Section 5 Exemption

A. General Exemptions

4. General Exemption Activities and Criteria

e. Application of Pesticides, Herbicides, Fungicides and Rodenticides

- 3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticide shall be noted in the records of the certified operator. ~~Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;~~

- 5) ~~all nonresidential applicators of pesticides, herbicides, fungicides, and rodenticide who apply these substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of Art. 14.B.6.C.2.b.3)-6), Emergency Plan.~~

Part 15. ULDC, Art. 14.B.7.B.4.e, Application of Pesticides, Herbicides, Fungicides and Rodenticides (page 14 of 56), is hereby amended as follows:

Notes:

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EXHIBIT D

ENVIRONMENTAL RESOURCES MANAGEMENT
SUMMARY OF AMENDMENTS

(Updated 06/13/06)

Reason for amendment by ERM: To remove the requirement for Pesticide Applicators to obtain a Wellfield Operating Permit to Apply in wellfield zones as the Florida Department of Agriculture and Community Affairs (State) already oversees their application activities and emergency plan and the wellfield operating permit conditions are duplicative with the State requirements for certified pesticide applicators.

CHAPTER B WELLFIELD PROTECTION

Section 7 Wellfield Protection (Operating and Closure Permits)

B. Applications

4. Bond Required

- e. No bond or letter of credit is required for issuance of a permit for the following:
 - 1) ~~Pesticide applicators, unless the pest control facility is located in Zones 1, 2 or 3.~~
 - 21) Closure of a facility, provided that the conditions listed in Art. 14.B.7.B.2.a.3), above for waiver of certification by an engineer or geologist are applicable. [Ord. 2005-002]
 - 32) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in Art. 14.B.6.C.4.b.3), Revocation or Revision for Spill or Art. 14.B.13.C, Spills.
 - 43) Retail/wholesale activities which meet the conditions for this exemption set forth in Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities.
 - 54) Activities subject to regulation due to the accumulation of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in Art. 14.B.5.A.4.i, Activities Subject to Regulation Due to Accumulation.

Part 16. ULDC, Art. 14, Appendix 10, Natural Areas (page 53 of 56), is hereby amended as follows:

Reason for amendment by ERM: Update of approved Natural Areas.

CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

APPENDIX 10 NATURAL AREAS

INCORPORATED PALM BEACH COUNTY

Boca Raton: Blang Blazing Star Preserve (R42 T47 S25)

Jupiter: Delaware Scrub Natural Area (R42 T41 S02)

UNINCORPORATED PALM BEACH COUNTY

- East ~~Buffer~~-Conservation Area (R41 T45 S14/23/24)
- North County Airport Preserve Sweetbay Natural Area (R41 T41 S34; R41 T42 S01/02/03)
- Butts Tract Natural Area (~~R41 T45 S14~~)
- Pal-Mar Natural Area Pine Glades Natural Area

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Notes:

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EXHIBIT E

FUNCTIONAL INTEGRATION
SUMMARY OF AMENDMENTS

(Updated 06/13/06)

Part 1. ULDC Art. 1.I.2, Definitions (page 54 of 96), is hereby amended as follows:

Reason for amendment: By Planning and Zoning to clarify what constitutes connectivity within mixed use developments.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

20. Integration – For the purposes of Art. 3.B.15.E.1, Mixed Use and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas and public spaces, ~~while adequately buffering incompatible uses.~~

Part 2. ULDC Art. 5.C.1.B, Thresholds [related to Architectural Guidelines] (page 24 of 56) is hereby amended as follows:

Reason for amendment: To provide architectural guidelines to mixed used.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

This Chapter shall apply to the following projects, buildings and related signs:

1. General

- a1. All nonresidential projects or buildings requiring approval by the BCC or ZC;
- b2. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A-1, Use Matrix, and Table 3.D.1.A-5, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A-2, Thresholds for Projects Requiring DRO Approval;
- c3. Multi-family buildings with more than 16 units;
- d4. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and
- e5. The following uses, regardless of building size:
 - 1)a-Automotive paint or body shop;
 - 2)b-Repair and maintenance, general; and
 - 3)c-Retail sales, automotive parts and accessories.

2. Mixed Use

Mixed use development that includes a combination of residential and one or more non-residential uses that do not trip the thresholds listed above, shall comply with the following guidelines to ensure the project is vertically or functionally integrated:

- a. Art. 5.C.1.H.a.a, General;
- b. Art. 5.C.1.H.1.d, Entries
- c. Art. 5.C.1.H.1.f, Pedestrian Amenities; and,
- d. Art. 5.C.1.H.1.g, Walkways.

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Notes:

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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1

Petitioner's Request	Staff's Recommendation	Pg.																														
<p>Section 2 Computation of Maximum Sign Area</p> <p>The methodology for computing the sign area for all sign types shall be as follows:</p> <p>A. Single-faced Signs Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color <u>all areas of the sign containing informational and/or directional wording or symbols (for residential projects, this would mean the project name and project logo) as measured by inscribing a continuous line around all the letters or symbols contained thereon. The sign face shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of the sign area, borders, panel, trim, decorative tile, color, and materials.</u> Supporting structures such as poles, sign bases, decorative elements, details, columns are not included in the sign area calculation provided no lettering or graphics except for addresses or required tags.</p>	<p>Section 2 Computation of Maximum Sign Area</p> <p>The methodology for computing the sign area for all sign types shall be as follows:</p> <p>A. Single-faced Signs Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and <u>contrasting colored background and materials, unless stated otherwise herein.</u></p>																															
<p>Table 8.G.2.C-10 – Entrance Sign Standards</p> <table border="1"> <tr> <td>Maximum Number</td> <td>2 signs per entrance</td> </tr> <tr> <td>Maximum Sign Area Per Sign</td> <td>60 sq. ft.</td> </tr> <tr> <td>Maximum Sign Face</td> <td><u>Not to exceed 2'-2" in each cardinal direction surrounding the sign area.</u></td> </tr> <tr> <td>Maximum Height</td> <td>8 ft. ⁽¹⁾⁽²⁾</td> </tr> <tr> <td>Maximum Projection</td> <td>24 inches from surface of wall</td> </tr> <tr> <td>Location</td> <td><u>Attached to a buffer wall, fence or project identification feature located at or within 100 feet of the entrance to a development.</u></td> </tr> <tr> <td>Sign Copy and Graphics</td> <td><u>Shall be limited to the name and address of the development.</u></td> </tr> </table> <p>⁽¹⁾ One pair of entrance wall signs per road frontage may exceed eight feet in height subject to meeting the structural setback standards of the zoning district in which it is located, up to maximum height of 20 feet for a project fronting a road with a R-O-W 110 feet or greater and 15 feet for a project fronting a road with a R-O-W 80 to 109 feet in width.</p> <p>⁽²⁾ If the projects perimeter property line is setback from the ultimate road R-O-W by more than 50 feet due to an intervening canal, scenic corridor, etc., the maximum sign height shall be established as the maximum structural height of the zoning district in which the project is located.</p>	Maximum Number	2 signs per entrance	Maximum Sign Area Per Sign	60 sq. ft.	Maximum Sign Face	<u>Not to exceed 2'-2" in each cardinal direction surrounding the sign area.</u>	Maximum Height	8 ft. ⁽¹⁾⁽²⁾	Maximum Projection	24 inches from surface of wall	Location	<u>Attached to a buffer wall, fence or project identification feature located at or within 100 feet of the entrance to a development.</u>	Sign Copy and Graphics	<u>Shall be limited to the name and address of the development.</u>	<p>Table 8.G.2.C-10 – Entrance Sign Standards</p> <table border="1"> <tr> <td>Maximum Number</td> <td>2 signs per entrance</td> </tr> <tr> <td>Maximum Sign Face Area Per Sign</td> <td>60 sq. ft.</td> </tr> <tr> <td>Additional Residential Sign Face Area Option</td> <td><u>If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 2 feet measured from the sign face area in each cardinal direction. The addition of the decorative background element is subject to a minimum 25-foot setback or the district setback, whichever is greater.</u></td> </tr> <tr> <td>Maximum Height</td> <td>8 ft</td> </tr> <tr> <td>Additional Residential Height Option</td> <td><u>The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O-W > 80 or = to 110 feet in width, or 12 feet for a R-O-W > 110 feet, subject to a 25 foot setback or the district setback, whichever is greater.¹</u></td> </tr> <tr> <td>Maximum Projection</td> <td>24 inches from surface of wall</td> </tr> <tr> <td>Location</td> <td><u>Attached to a wall, fence or project identification feature located at or within 100 feet of the entrance to a development.</u></td> </tr> <tr> <td>Sign Copy and Graphics</td> <td><u>Shall be limited to the name and address of the development.</u></td> </tr> </table> <p>¹ <u>The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR zoning district.</u></p>	Maximum Number	2 signs per entrance	Maximum Sign Face Area Per Sign	60 sq. ft.	Additional Residential Sign Face Area Option	<u>If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 2 feet measured from the sign face area in each cardinal direction. The addition of the decorative background element is subject to a minimum 25-foot setback or the district setback, whichever is greater.</u>	Maximum Height	8 ft	Additional Residential Height Option	<u>The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O-W > 80 or = to 110 feet in width, or 12 feet for a R-O-W > 110 feet, subject to a 25 foot setback or the district setback, whichever is greater.¹</u>	Maximum Projection	24 inches from surface of wall	Location	<u>Attached to a wall, fence or project identification feature located at or within 100 feet of the entrance to a development.</u>	Sign Copy and Graphics	<u>Shall be limited to the name and address of the development.</u>	
Maximum Number	2 signs per entrance																															
Maximum Sign Area Per Sign	60 sq. ft.																															
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Maximum Number	2 signs per entrance																															
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Maximum Projection	24 inches from surface of wall																															
Location	<u>Attached to a wall, fence or project identification feature located at or within 100 feet of the entrance to a development.</u>																															
Sign Copy and Graphics	<u>Shall be limited to the name and address of the development.</u>																															

Notes:

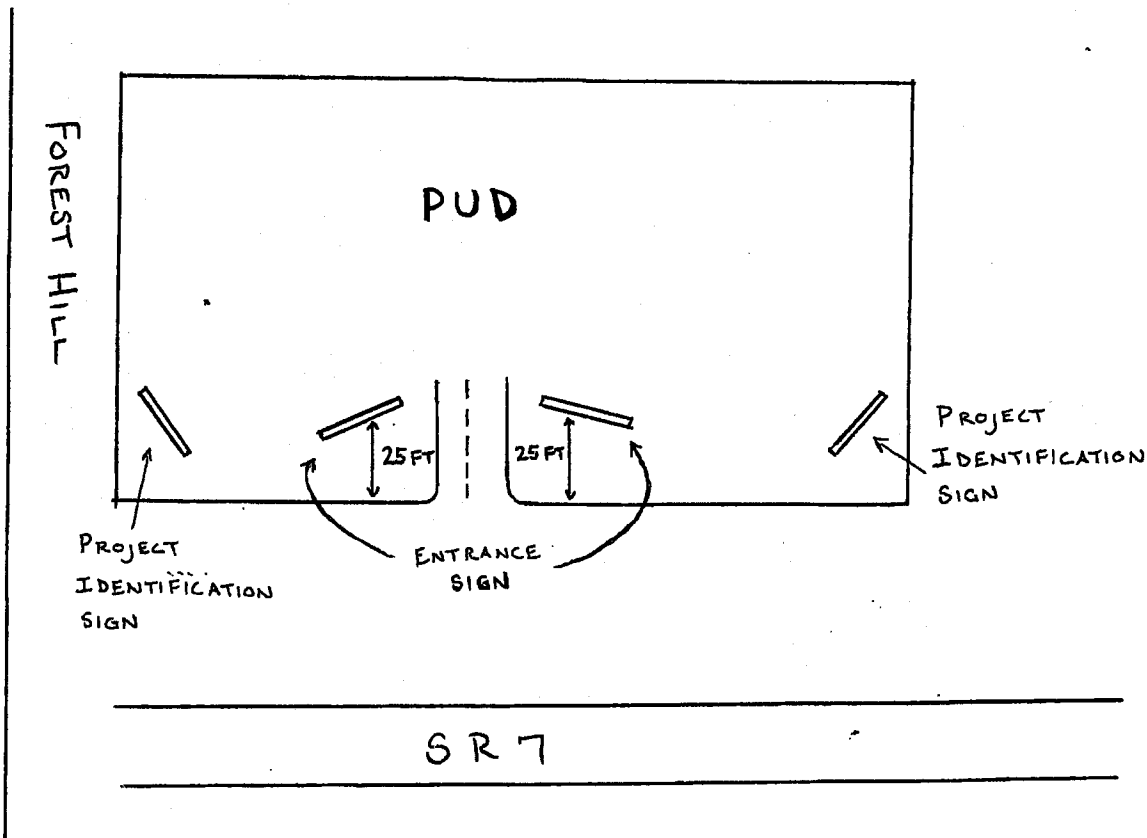
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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

Table 8.G.3.E-14 - Project Identification Sign Standards		Table 8.G.3.E-14 - Project Identification Sign Standards	
Maximum Number	2 signs per road frontage with PUD access	Maximum Number	2 signs per road frontage with PUD access
Maximum Sign Area Per Sign	24 sq. ft.	Maximum Sign Area Per Sign	24 sq. ft.
Maximum Sign Face	<u>Not to exceed 2'-2" in each cardinal direction surrounding the sign area.</u>	<u>Additional Residential Sign Face Area Option</u>	<u>If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.</u>
Maximum Height	U/S Tier: 8 ft. Ag. Reserve Tier: 6 ft. Exurban, Rural, & Glades Tiers: 6 ft.	Maximum Height	U/S Tier: 8 ft. Ag. Reserve Tier: 6 ft. Exurban, Rural, & Glades Tiers: 6 ft.
Minimum Setback from Base Building Line	U/S Tier: 5 ft. AGR Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft.	Minimum Setback from Base Building Line	U/S Tier: 5 ft. AGR Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft.

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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1 Part 1. ULDC, Art. 1.1.2, Definitions (page 61, 77 and 78 of 134), is hereby amended as follows:
2

3 Reason for amendment: Zoning staff added a definition of a natural disaster to accommodate the new
4 section on temporary signs allowed after natural disaster (see below) and other definitions not included in
5 the ULDC.
6

7 CHAPTER I DEFINITIONS & ACRONYMS

8 Section 2 Definitions

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

- 10
11 7. Natural Disaster - natural disaster is the consequence or effect of a hazardous event,
12 occurring when human activities and a natural phenomenon (a physical event, such as a
13 hurricane or landslide etc.) become enmeshed. The resulting fatalities, or property damages
14 depend on the capacity of the population to support or resist the disaster.
15 [renumber accordingly]

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

- 17 44. Sign - ...
18 a. Sign Types
19 17) Equipment - for the purposes of Art. 8, signs incorporated into displays, machinery,
20 or equipment by a manufacturer, distributor, or vendor that identifies or advertises
21 only the product service dispensed by the machine or equipment, such as signs
22 customarily fixed to automated teller machines (ATMs), gasoline pumps, vending
23 machines, menu boards, and umbrellas.
24 [renumber accordingly]
25 31) Mobile Vendor - for the purposes of Art. 8, signs fixed to mobile vending carts that
26 identify or advertise the name, product, or service provided by the vendor.
27 [renumber accordingly]
28 40) Parking and Directional - for the purposes of Art. 8, on-site parking and directional
29 signs, that do not include any advertising messages or symbols may be wall or
30 ground mounted.
31 [renumber accordingly]

32
33
34 Part 2. ULDC, Art. 8.B, Exemptions (page 8 of 39), is hereby amended as follows:
35

36 Reason for amendment: County Attorney/Zoning staff consolidated and clarified provisions dealing with
37 small signs that are exempt from the permitting process. Additional minor changes have been added to
38 remain consistent with evolving case law.

39 CHAPTER B EXEMPTION

40
41 The following signs shall be exempt from the permitting requirements of this Article and may be
42 constructed or attached without a permit, except as prohibited in Art. 8.C, Prohibitions. An electrical
43 permit shall still be required for signs using electrical service. [Ord. 2005 - 002]

44 Section 1 Change of Ownership Business Signs

45 ...

46 Section 2 Small Signs Construction Signs

47 Small signs shall include but not be limited to the following types of signage and corresponding limitation
48 on sign face area. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum
49 of eight square feet in sign face area and five feet in height. Other small signs shall include but not be
50 limited to temporary signs such as real estate for sale and for rent signs; construction signs which
51 typically include names of the project, contractors, architects and other entities associated with the
52 project; freedom of speech signs; campaign signs, provided such signs are removed within ten days after
53 the election date; permanent signs such as public warning signs; official government signs and
54 commemorative plaques. Other small signs shall be limited to a maximum of eight square feet of sign
55 face area and five feet in height on residential properties less than five acres in size, and a maximum of
56 32 square feet fo sign face area and ten feet in height for all non-residential properties and residential
57 properties greater than five acres in size. A temporary construction sign that includes information such as
58 the project name, financial arrangements, architect, engineer, landscape architect, planner, or contractor

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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1 may be erected on a construction site for which a building permit has been issued, provided it is
2 immediately removed after issuance of a Certificate of Occupancy (CO), Certificate of Completion or
3 abandonment of work and the sign complies with the following standards:

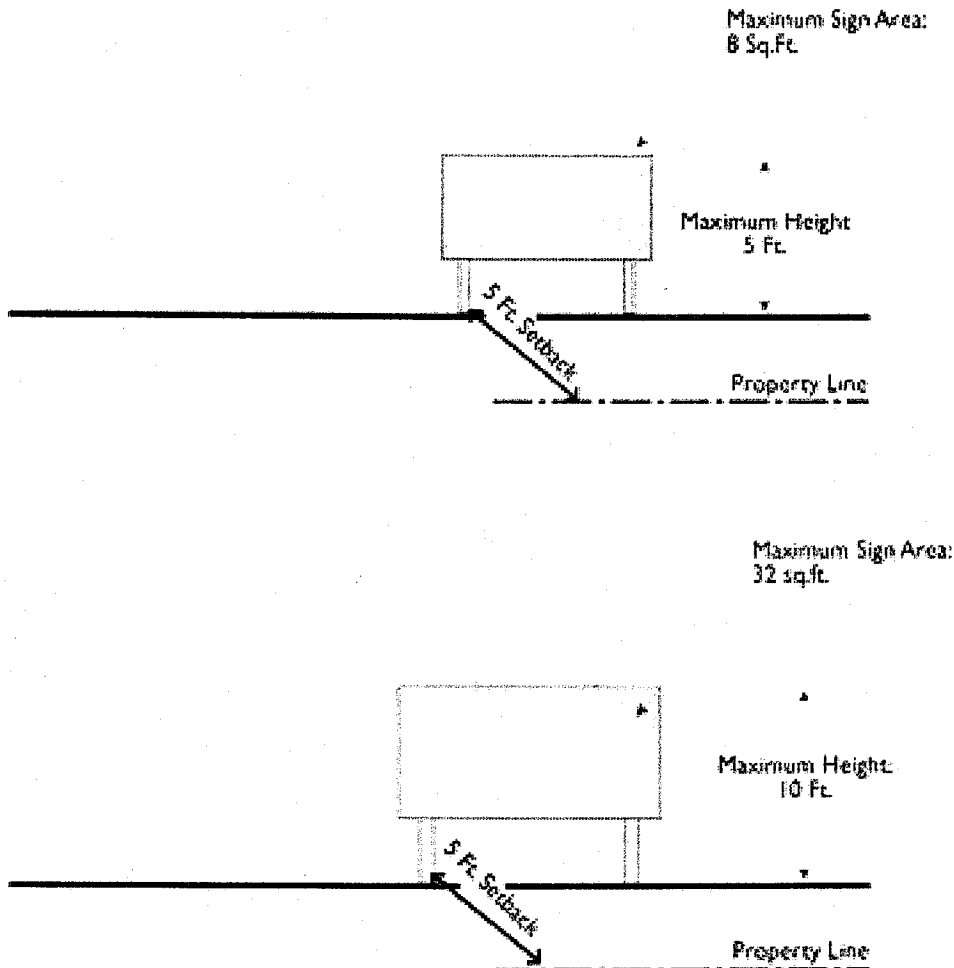
4 **A. Residential Developments Less Than Five Acres**

5 Signs up to eight square feet in sign area per sign and not more than five feet in height.

6 **B. Residential Developments Over Five Acres and Non-Residential Lots**

7 Signs up to 32 square feet in sign area per sign and not more than ten feet in height.
8

Figure 8.B.2.B-2 - Construction Signs



(Fig.1) Parcel 5 acres or less

(Fig.2) Parcel greater than 5 acres

Residential Developments over 5 Acres and Non-Residential Developments

9 **Section 3 — Equipment Signs**

10 Signs, not more than eight square feet in sign area, incorporated into displays, machinery, or
11 equipment by a manufacturer, distributor, or vendor that identify or advertise only the product service
12 dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines
13 (ATMs), gasoline pumps, vending machines, menu boards, and umbrellas.
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Notes:

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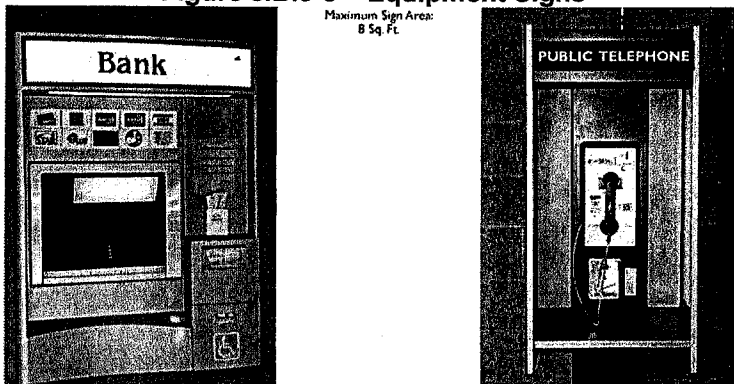
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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

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Figure 8.B.3-3 – Equipment Signs



3 **Section 4 — Interior Signs**

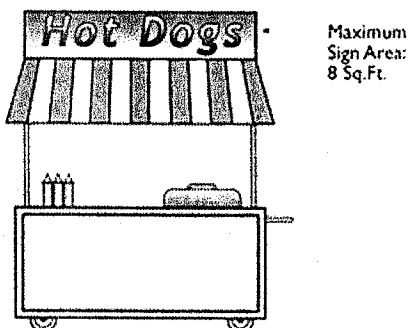
4 ~~Signs, including electronic message center signs, not visible from public streets or adjacent properties,~~
5 ~~that are located in interior areas of a building or recreation/entertainment uses such as ball parks,~~
6 ~~stadiums, and arenas.~~

7 **Section 5 — Mobile Vendor Signs**

8 ~~Signs fixed to mobile vending carts that identify or advertise the name, product, or service provided by the~~
9 ~~vender. Each mobile vending cart is limited to a maximum sign area of eight square feet.~~

10

Figure 8.B.5-4 - Mobile Vendor Signs



11 **Section 6 — Official Flags**

12 ~~Official flags and other emblems and insignia representing a national, federal, state, or local~~
13 ~~governmental organization are exempt. Flag poles and related structures designed to display an official~~
14 ~~flag require a building permit.~~

15 **Section 7 — Official Government Signs**

16 ~~Official notices issued by a court, public body or office and posted in the performance of a public duty;~~
17 ~~notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person~~
18 ~~given due legal notice; historical markers erected by a governmental body; or other signs required or~~
19 ~~authorized by law.~~

20 **Section 8 — Parking and Directional Signs**

21 ~~On-site parking and directional signs, that do not include any advertising messages or symbols may be~~
22 ~~wall or ground mounted provided they do not exceed eight square feet in sign area and five feet in height.~~
23 ~~Other types of directional signs are subject to the requirements of Art. 8.G.3.D, On-site Directional Signs,~~
24 ~~and Art. 8.H.1, Off-Site Directional Signs. [Ord. 2005 – 002]~~

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Notes:

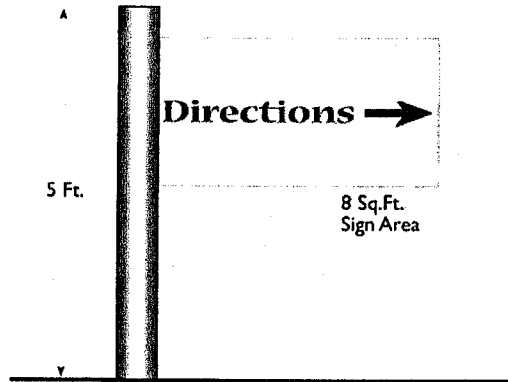
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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

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Figure 8.B.8-5 - On-Site Directional Sign



2 **Section 9 Political Campaign Signs**

3 A political sign used in connection with a local, state, or national election campaign, provided it complies
4 with the size standards below and is removed within ten days after the election date.

5 **~~A. Residential Developments Less Than Five Acres~~**

6 ~~Signs up to eight square feet in sign area and not more than five feet in height and with a~~
7 ~~minimum setback of five feet from the property line.~~

8 **~~B. Residential Developments Over Five Acres and Non-Residential Developments~~**

9 ~~Signs up to 32 square feet in sign area and not more than ten feet in height and with a minimum~~
10 ~~setback of five feet from the property line.~~

11 **Section 10 Public Warning Signs**

12 Public warning signs such as "No Trespassing", "No Parking", "No Swimming" and similar warnings,
13 provided they do not exceed eight square feet in sign area and 15 feet in height, unless specifically
14 provided for by law. These limitations may be waived by the Executive Director of PZB if deemed
15 necessary to protect the public.

16 **Section 11 Real Estate for Sale, or for Rent Signs**

17 Real estate signs conveying information about the sale, rental, or lease of a lot, premises, dwelling or
18 structure, provided they comply with the following standards. Upon completion of the sale, rental or lease
19 transaction, the sign shall be removed. If the sign contains any message not pertaining to the sale or
20 rental of real property, then it is not exempt under this Section.

21 **~~A. Residential Developments Less Than Five Acres~~**

22 ~~One real estate sign per frontage, not more than eight square feet in sign area and not more than~~
23 ~~five feet in height.~~

24 **~~B. Residential Developments Over Five Acres and Non-Residential Developments~~**

25 ~~One real estate sign per frontage, not more than 32 square feet in sign area and not more than~~
26 ~~ten feet in height.~~

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Notes:

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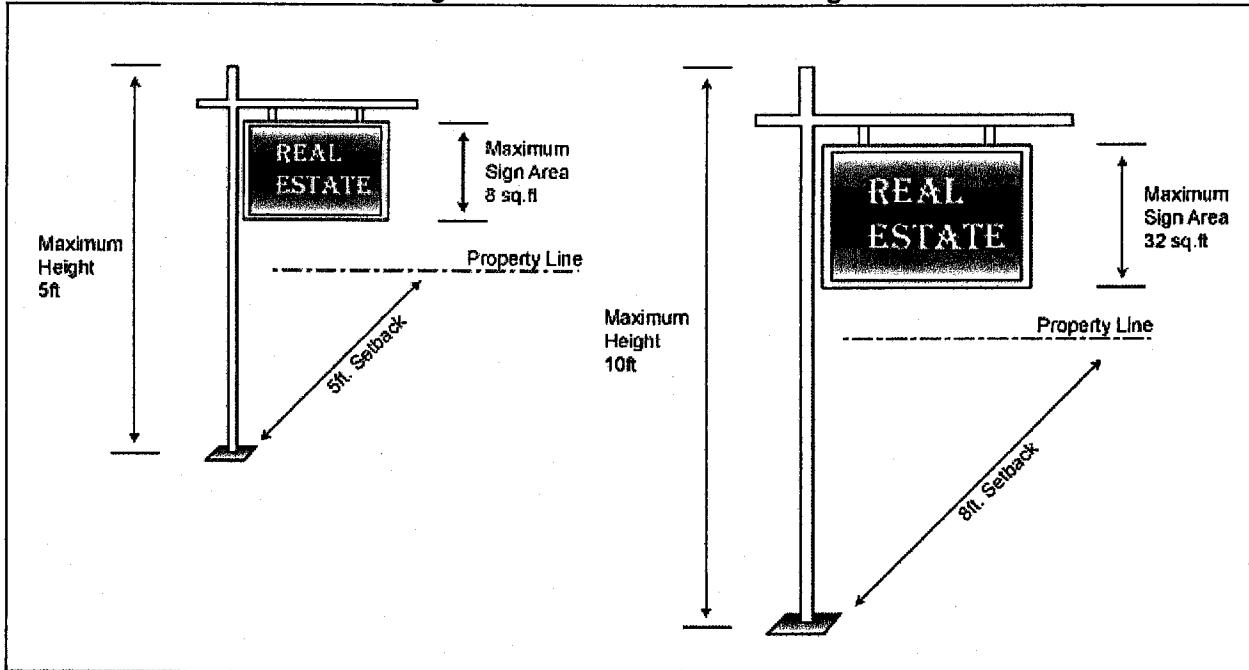
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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

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Figure 8.B.11.B-6 - Real Estate Sign



[Ord. 2005-002]

4 **Section 12 — Small Signs**

5 ~~Except as regulated elsewhere in this Code, any freestanding or building mounted sign, no larger than~~
6 ~~eight square feet in area and no higher than five feet in height. This exception may include freedom of~~
7 ~~speech signs, organization identification signs, and commemorative plaques. [Ord. 2005-002]~~

8 **Section 3.43 Transportation-Related Signs**

9 ...

10 **Section 4.44 Window Signs**

11 ...

12 ...
13 **Part 3. ULDC, Art. 8.B, Exemptions (page 13 of 39), is hereby amended as follows:**

14 ...
15 Reason for amendment: To add new provisions regulating temporary signs erected or modified after a
16 Natural Disaster is declared.

17 **CHAPTER B EXEMPTIONS**

18 **Section 15 Ground Mounted Signs Damaged during Natural Disaster**

19 In the event of a natural disaster, which destroys or damages legally permitted ground-mounted signs, a
20 temporary sign may be erected or an existing sign modified subject to the following limitations and
21 requirements:

22 **A. Temporary Sign Certificate**

23 A temporary sign certificate shall be issued by the Building Division in conjunction with a
24 complete building permit application for the replacement of the damaged sign. This certificate will
25 allow a temporary sign, as stated above, for a period no more than six months from the date of
26 issuance. A copy of the temporary sign certificate shall be provided to Code Enforcement.

27 **B. Damaged Sign Face**

28 A temporary attachment or covering of plastic, or canvas over an existing sign, which was
29 damaged during a natural disaster. The attachment shall be no larger than the previous legally
30 permitted permanent sign.

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EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

C. Damaged Structure

A temporary sign may be installed, in place of a previously permitted sign, not more than 32 square feet in sign face area and not more than five feet in height. The temporary sign shall meet the minimum setback requirements, as stated in this Article or any conditions of approval, whichever is more restrictive.

Part 4. ULDC, Art. 8.C.12, Signs on Water Vessels (page 13 of 39), is hereby amended as follows:

Reason for amendment: 1) To add text that matches language in a Fort Lauderdale Ordinance that withstood recent legal challenge.

CHAPTER C PROHIBITIONS

Section 12 Signs On Water Vessels

Any nonexempt sign painted on or attached to a vessel, for the purpose of displaying advertisements, which is docked or anchored in the coastal waterways of PBC. This restriction does not apply to vessels passing through PBC on the Intracoastal Waterway.

Part 5. ULDC, Art. 8.C.13, Signs Using Live Animals or Humans (page 15 of 39), is hereby amended as follows:

Reason for amendment: To eliminate prohibition on signs using live animals or humans since this prohibition falls outside the purview of the zoning authority.

CHAPTER C PROHIBITIONS

Section 13 Signs Using Live Animals or Humans

Outdoor advertising of any kind where any live animal or human being is used as part of the advertising and is visible from any public street or public place. This restriction shall not include religious displays.

Part 6. ULDC, Art. 8.F.2.A, Single Faced Signs (page 19 of 39), is hereby amended as follows:

Reason for amendment: Zoning staff's recommendation to clarify method for measuring sign face area.

Table 8.G.2.A-7 - Freestanding Sign Standards

Table with 4 columns: Sign Standard, U/S Tier, AGR Tier, and Exurban, Rural, and Glades Tiers. Rows include Maximum Number Per Project, Maximum Sign Area (per lineal ft. of frontage), Maximum Sign Area (per individual sign), and Minimum setback.

- Notes: 1. Number per frontage based on the frontage of the entire project or development... 2. Number per frontage based on the frontage of the entire project or development... 3. Freestanding signs shall have a minimum setback of 75 feet from a residential zoning district. [Ord. 2005 - 002]

Part 7. ULDC, Table 8.G.2.A-7, Freestanding Sign Standards (page 27 of 39), is hereby amended as follows:

Reason for amendment: For consistency with the minimum separation standards for freestanding signs which are 75 feet from a residential zoning district. Footnote 3 currently exists in the ULDC under Art. 8.G.2.A.1, Minimum Separations.

Notes:

- Underlined language indicates proposed new language. Language crossed out indicates language proposed to be deleted. (ellipses) indicates language not amended which has been omitted to save space. Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 2 Computation of Maximum Sign Area

The methodology for computing the sign area for all sign types shall be as follows:

A. Single-faced Signs

Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein.

....

Part 8. ULDC, Art. 8.G.2.C, Entrance Signs (page 29 of 39), is hereby amended as follows:

Reason for amendment: To allow for increase in the residential sign height based on the width of the R-O-W and minimum 25-foot setback or the setback for the applicable zoning district in response to the petitioner's request concerning PUD signage.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 2 Ground Mounted Signs

C. Entrance Signs

Entrance signs shall be permitted for the purpose of identifying a the development, subject to the standards in Table 8.G.2.C-10, Entrance Sign Standards. Entrance signs shall be permitted on an entrance wall to the development only. Sign copy and graphics shall identify only the name of the development and the address, and shall be attached to a wall or fence.

Table 8.G.2.C-10 - Entrance Sign Standards

Table with 2 columns: Standard Name and Description. Rows include Maximum Number, Maximum Sign Face Area Per Sign, Additional Residential Sign Face Area Option, Maximum Height, Additional Residential Height Option, Maximum Projection, Location, and Sign Copy and Graphics.

1 The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR zoning district.

Part 9. ULDC, Fig. 8.G.2.C-25, Entrance Signs (page 30 of 39), is hereby amended as follows:

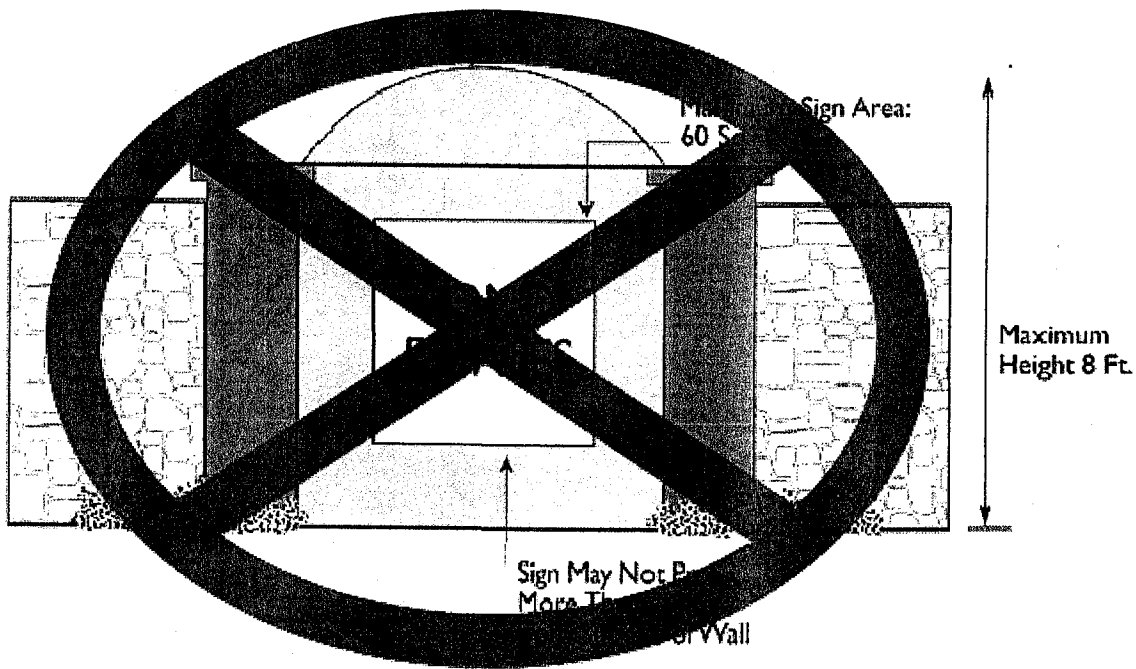
Reason for amendment: Zoning staff amended the graphics to reflect the new changes to height and sign face area calculation.

Notes:

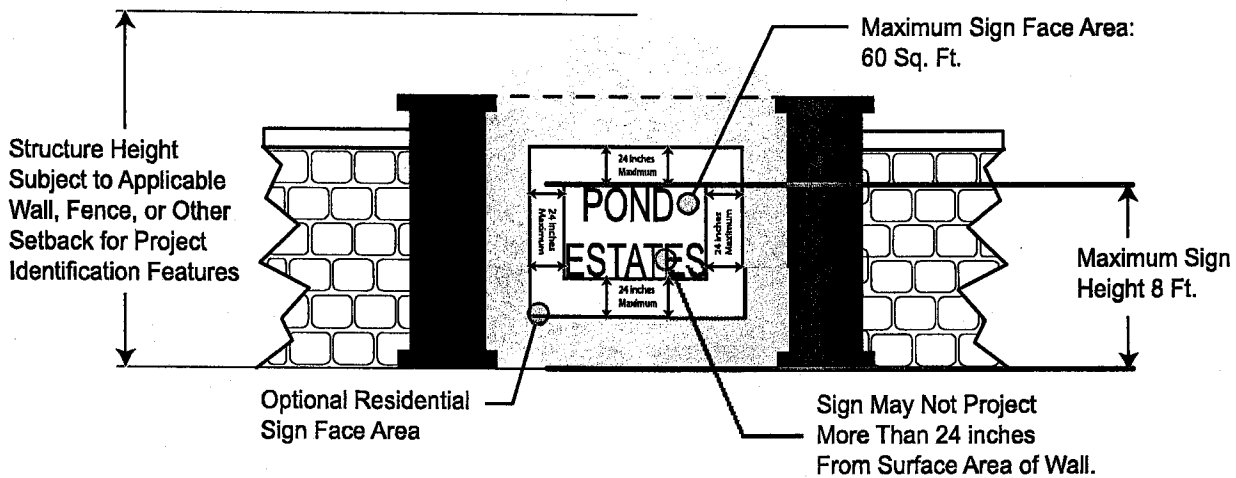
- Underlined language indicates proposed new language.
Language crossed-out indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)



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Part 10. ULDC, Fig. 8.G.3.C-27, Flags and Freestanding Flagpoles (page 32 of 39), is hereby amended as follows:

Reason for amendment: Glitch - Zoning staff amended the graphics to reflect recommendations put forth by of the sign task team during 2004 Code re-write.

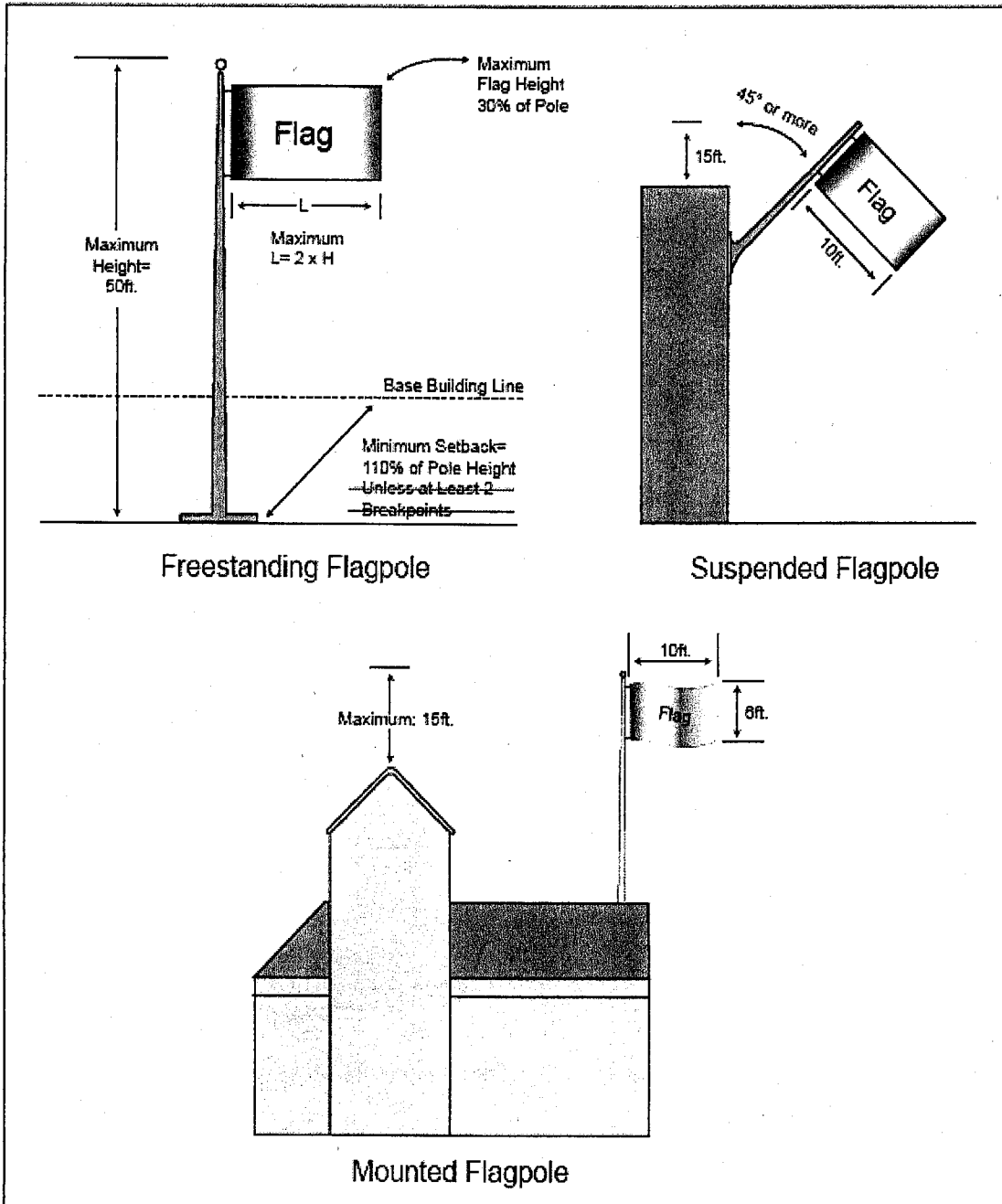
Notes:

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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.

EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1 Fig. 8.G.3.C-27, Flags and Freestanding Flagpoles



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Part 11. ULDC, Art. 8.G.3.E, Project Identification Signs (page 33 of 39), is hereby amended as follows:

Reason for amendment: To allow for increase in the residential sign face area in response to the petitioner's request concerning PUD signage.

Notes:

Underlined language indicates proposed new language.
~~Language crossed out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT F

SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1 CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

2 Section 3 Other Sign Types

3 E. Project Identification Signs

4 Project identification signs are allowed for residential projects for the purpose of identifying the
5 limits of the project. Project identification signs shall be subject to the standards in Table 8.G.3.E-
6 14, Project Identification Sign Standards, and the following:

- 7 1. Project identification signs shall be attached to a buffer wall or project identification feature.
- 8 2. Project identification signs shall contain no advertising copy other than the project name or
9 logo.
- 10 3. Project identification signs shall be permitted at the project corners only.

11 Table 8.G.3.E-14 - Project Identification Sign Standards

Maximum Number	2 signs per road frontage with PUD access
Maximum Sign Area Per Sign	24 sq. ft.
Additional Residential Sign Face Area Option	<u>If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.</u>
Maximum Height	U/S Tier: 8 ft. Ag. Reserve Tier: 6 ft. Exurban, Rural, & Glades Tiers: 6 ft.
Minimum Setback from Base Building Line	U/S Tier: 5 ft. AGR Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft.

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Notes:

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EXHIBIT G

SPECIAL MASTER
SUMMARY OF AMENDMENTS
(Updated 6/13/06)

1
2 Part 1. ULDC, Art. 17.B.6, Compensation (page 8 of 25), is hereby amended as follows:
3

4 Reason for amendment: County Attorney's Office submitted the amendment to reflect recent
5 determination made by BCC that authorizes payment for Code Enforcement Special Masters. Special
6 Masters may serve *ex officio* as Hearing Officers.
7

8 CHAPTER B GENERAL PROVISIONS

9 Section 6 Compensation

10 Board members shall receive no compensation for their services, with exception of Code Enforcement
11 Special Master and Hearing Officers who may be compensated for their services at discretion of the BCC.
12 Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC
13 necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall
14 be made only when sufficient funds have been budgeted and are available, and upon prior approval of
15 the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC
16 staff that are necessary to fulfill the responsibility of membership on the particular board.
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Notes:

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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

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Part 1. ULDC, Art. 1.1.2, Definitions (page 54 of 134), is hereby amended as follows:

Reason for amendment by Zoning: New language to add definition of Commercial Kennels.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....

- 2. **Kennel, Commercial – Type II:** a commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit; and, Type III: A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit.
- 3. **Kennel, Type I (Private)** - any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises.

....

Part 2. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 96 of 134), is hereby amended as follows:

Reason for amendment by Zoning: To add new acronym for Palm Beach County Division of Animal Care and Control.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

PBCACC Palm Beach County Division of Animal Care and Control

Part 3. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 59 of 134), is hereby amended as follows:

Reason for amendment by Zoning: 1) To label prior private kennel as Type I, and commercial kennel as Type II, and 2) to add new Type III commercial kennel use (enclosed kennel) and districts permitted.

(This space intentionally left blank.)

Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed out~~ indicates language proposed to be deleted.
- (ellipses) indicates language not amended which has been omitted to save space.
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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N
	Pods					Land Use Designations						Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N			
S	M	C	V	R			O	O		D	S			O	O	D	M	D			
				P							T					L	G				
Agricultural Uses																					
....																					
<u>Kennel, Type I Private</u>	P																		74-73		
<u>Kennel, Type II Commercial</u>		R					R						R				P		734-1		
....																					
Commercial Uses																					
....																					
<u>Kennel, Type III Commercial</u>		R					R	R					R	R			P		74-2		

[Ord. 2005 - 002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

Part 4. ULDC, Table 3.F.1.F-32, TDD Permitted Use Schedule (page 100 of 134), is hereby amended as follows:

Reason for amendment: To add new Type III commercial kennel to use schedule and Districts.

Table 3.F.1.F-32 - Traditional Development Permitted Use Schedule

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
Land Use Zone	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Commercial Uses											
....											
<u>Kennel, Type III Commercial</u>							R	R	R		734-1

[Ord. 2005 - 002]

Notes Table 3.F.1.F-32, Traditional Development Permitted Use Schedule:

P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested Use

Part 5. ULDC, Table 4.A.3.A-1, Use Matrix (page 15 of 142), is hereby amended as follows

Reason for amendment: 1) To add new Type III commercial kennel use (enclosed kennel) and districts permitted; and, 2) to label prior commercial kennel as Type II, and private kennel as Type I.

Notes:

- Underlined language indicates proposed new language.
- Language crossed out indicates language proposed to be deleted.
- (ellipses) indicates language not amended which has been omitted to save space.
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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

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Table 4.A.3.A-1 - Use Matrix (continued)

Use Type	Zoning District/Overlay																NOTE						
	Agriculture/Conservation			Residential				Commercial					Industry/Public										
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I		I	P	I			
C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P					
				S	S						O		O	E				F					
				A	A																		
Agricultural Uses																							
....																							
Kennel, Type I (Private)		B												B	B	D							74 73
Kennel, Type II (Commercial)		P	P	P	P	P	D	D	D														734-1
....																							
Commercial Uses																							
Kennel, Type III (Commercial)												A		B	B	D							74-2

Key:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- B Permitted in the district only if approved by the Zoning Commission (ZC)
- A Permitted in the district only if approved by the Board of County Commissioners (BCC)

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Part 6. ULDC, Art. 4.B.1.A.43, Dog Daycare (page 43 of 142), is hereby amended as follows:

Reason for amendment by Zoning: Amend to use consistent reference or acronym for Palm Beach County Division of Animal Care and Control.

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CHAPTER B SUPPLEMENTARY USE STANDARDS

10

Section 1 Uses

11

A. Definitions and Supplementary Standards for Specific Uses

12

43. Dog Daycare

13

An establishment which provides daytime care and training for domestic dogs.

14

a. Use Approval

15

Prior to review by DRO, approval shall be obtained from PBCACC the ~~Division of Animal Care and Control~~.

16

b. Waste Disposal

17

A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.

18

c. Number of Dogs

19

The number of dogs permitted shall be based on the square footage of the facility pursuant to PBCACC limitations and requirements ~~the PBCACD~~.

20

d. Runs and Drop-Off

21

Facilities shall be subject to the following standards:

22

1) outdoor runs, play areas, yards, etc., shall be prohibited;

23

2) adequate drop-off areas shall be provided; and

24

3) three drop off spaces measuring 12 feet by 20 feet shall be provided for every 50 dogs.

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Notes:

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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

Part 7. ULDC, Art. 4.B.1.A.73 (page 52 of 142), is hereby amended as follows:

Reason for amendment by Zoning: 1) To label prior commercial kennel as Type II; 2) revise reference from 73 to 73-1 to accommodate new Type III commercial kennel; and, 3) to clarify accessory residential use.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

734 -1. Kennel, Type II (Commercial)

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. ~~A commercial kennel may be operated in conjunction with a residence and shall be subject to the following supplementary use standards.~~

a. Limitations of Use

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats).

1) Lot Size

A minimum of two acres.

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street.

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district.

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area.

b. Accessory Residential Use

A Type II commercial kennel may be operated in conjunction with a residence on properties with a residential or underlying residential FLU designation.

Part 8. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (page 52 of 142), is hereby amended as follows:

Reason for amendment by Zoning: 1) To add new Type III commercial kennel (enclosed) and related standards. Note: New category created in response to a related request made by Geoff Sluggett and Associates on behalf of Petsmart, to allow for accessory commercial kennels to a retail sales use specializing in pet retail and related activities.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

74-2. Kennel, Type III (Commercial)

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit.

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following:

1) Maximum Square Footage

Notes:

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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

1 Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in
2 any other permitted district.

3 **2) Drop Off Spaces**

4 Adequate drop off spaces shall be provided. One designated drop off space a
5 minimum of 12 feet in width shall be provided for each 25 dogs or cats boarded.

6 **3) Number of Animals Permitted**

7 Prior to review by DRO, preliminary approval shall be obtained from the PBCACC
8 demonstrating that the proposed location can comply with all PBCACC requirements,
9 and indicating the maximum number of animals permitted.

10 **4) Standards**

11 All use areas shall be within an enclosed building constructed, maintained and
12 operated so that no noise or odor nuisances related to the kennel operations can be
13 detected outside the building. With exception to designated drop off areas, no
14 outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted.

15 **5) Waste Disposal**

16 A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to
17 all applicable rules and regulations of the FDEP, PBCHD and SWA.

18 **b. Approval Process**

19 A Type III kennel that is collocated and operated in conjunction with and accessory to a
20 related general retail sales use for animal care products, shall be permitted subject to
21 DRO approval if less than 30 percent of the overall GFA of the combined uses.

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23
24 **Part 9. ULDC, Art. 4.B.1.A.74, Private Kennel, (page 52 of 142), is hereby amended as follows:**

25
26 Reason for amendment by Zoning: 1) To label prior private kennel as Type I.

27
28 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

29 **Section 1 Uses**

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

31 **74 73. Kennel, Type I (Private)**

32 Any building or land used, designed or arranged to facilitate the non-commercial care of
33 domestic animals, such as dogs and cats, owned by the occupants of the premises.

34 **a. Limitations of Use**

35 A private kennel shall be limited to domestic animals owned by the occupants of the
36 premises only. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or
37 any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by
38 PBCACC PBCAD. The raising of domestic animals for sale is prohibited. The sale of
39 domestic animals on site is prohibited. Property size and restrictions on the number of
40 animals permitted shall be regulated by the PBCACC PBCAD.

41 **b. Setbacks**

42 Enclosed structures or runs shall comply with the minimum setbacks applicable to the
43 principal dwelling unit provided that openings do not face adjacent residential uses.

44 **1) Hobby Breeder**

45 A person who breeds and/or raises, on his/her property, purebred dogs or cats
46 capable of registration with the national or international dog or cat registry and does
47 not engage in the sale to the public, during a consecutive 12 month period, of more
48 than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further
49 defined by the PBCACC PBCAD pursuant to Ord. 89-2, as amended.

50 **2) Outdoor Runs**

51 Safety fences not to exceed six feet in height shall be required around outdoor runs.
52 If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of
53 four feet at installation, shall be provided around the outdoor run. Outdoor runs or
54 non-enclosed structures used by a hobby breeders shall not be located within 50 feet
55 of any property line adjacent to a residential district or 25 feet of any property line
56 adjacent to a non-residential district.

57 **3) Private Kennel**

58 Outdoor runs or non-enclosed structures shall not be located within 25 feet of any
59 property line.

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62 **Part 10. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, (page**
63 **8 of 34), is hereby amended as follows:**
64

Notes:

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
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EXHIBIT H

COMMERCIAL KENNEL
SUMMARY OF AMENDMENTS
(Updated 6/23/06)

1 Reason for amendment: To update private and commercial kennels to reflect changes to Type I, II and
2 III, and update parking requirements for Type II and III commercial kennels.
3

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

Use Type: Agriculture	Parking ¹	Loading ²
....		
Kennel, commercial or Type I (private)	1 space per 500 sq. ft. of cage or kennel area and retail area	N/A
Kennel, Type II or III (commercial)	1 space per employee; 1 space for each 200 sq. ft. of sale, grooming or office area; and, one drop off space for each 25 dogs or cats	E ⁽⁶⁾
....		
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]

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

1. In addition to the parking requirements of Table 6.B.1.B-1, Minimum Off-Street Parking and Loading Requirements, us with company vehicles shall provide 1 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, 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. The loading zone may be waived for a Type II or III kennel operated as an accessory use to general retail sales.

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Notes:

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EXHIBIT I

DEPARTMENT OF AIRPORTS
SUMMARY OF AMENDMENTS
(Updated 5/18/06)

WHITE PAPER

Introduction: Included in Round 06-01 of the Palm Beach County Comprehensive Plan Text Amendments, the description of the Utilities/Transportation (U/T) Designation in the Future Land Use Element of the Comprehensive Plan was changed to recognize approved Airport Master Plans and to allow additional uses on Airport Properties, which include: (1) Palm Beach International Airport, (2) PBC Glades Airport, (3) PBC Park Airport (aka Lantana Airport), and (4) North Palm Beach County General Aviation Airport. The changes to the Airport Zoning Overlay (AZO) proposed herein are to recognize that additional related and non-related uses may be established on Airport properties, to establish a use classification and property development regulations, and to set forth a procedure for development review.

Background and Summary: The change to the U/T land use description to recognize Airport Master Plans as the guiding development plan for uses and general layout for Airport properties is based on the recognition that Airport Master Plans are reviewed through outside processes and by many entities. As required by Objective 1.7 and Policy 1.7-a, the Palm Beach County Board of County Commission receives regular updates and approves the Airport Master Plan. Other policies in the Comprehensive Plan, and Federal airport regulations, require the FAA, MPO, Aviation and Airports Advisory Board, and other federal, state and regional authorities to review and sign off on the Airport Master Plans prior to them being implemented. Therefore, if a use gets incorporated into an Airport Master Plan, it is assumed that it is an acceptable use due to the extent of the external reviews that must occur prior to it being incorporated.

The changes to the U/T text to recognize and allow uses as shown on the Airport Master Plans recognizes that there are airport-related and subsidiary (non-airport related) uses that are appropriate on Airport that may not be referenced directly or indirectly in the U/T land use description. This change provides the flexibility to accommodate these uses without having the make frequent amendments to the Comprehensive Plan (limited to twice a year and taking up to 8-10 months to complete) yet provides protection to the public as Airport Master Plans are reviewed by many qualified entities prior to being implemented.

The added text in the Comprehensive Plan transmitted in Round 06-01 is shown below as underlined.

8. Transportation and Utilities Facilities (U/T)

Transportation Uses. Transportation uses include streets and other transportation corridors, expressways, interchanges, public and private airports and landing strips, ports, and railroad facilities. Airports and related facilities include, but are not limited to, airport and aircraft operations and maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, and offices. County owned or operated airports may include additional allowable uses as included on the Airport Master Plans.

Utility Uses. Utility Facilities include a full range of utility uses such as water and sewage treatment plants, solid waste transfer stations and facilities, and electrical transmission facilities, towers, substations and power plants.

Communication Facilities include such facilities as television and radio station, towers and relay structures and telephone facilities.

The justification for the Plan amendment is as follows:

The amendment to the text of the Utilities/Transportation Designation in the Future Land Use Element of the Comprehensive Plan recognizes approved Airport Master Plans and additional uses on Airport Properties. This is in response to the growth and modernization that continues to occur at the four County-operated airports in accordance with approved Airport Master Plans, as required by Objective 1.7 Future Airport Expansion as outlined in the Transportation Element of the Comprehensive Plan. Additional uses that are not directly or indirectly airport-related may be desirable and may be included as part of the Airport Master Plan updates, which are regularly reviewed and approved by the Palm Beach County Board of County Commission, the FAA and the Aviation and Airports Advisory Board. As these entities review and approve each Airport Master Plan, they have the opportunity to consider additional uses that may compliment the airport or generate revenue to offset airport operation costs.

Notes:

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EXHIBIT I

DEPARTMENT OF AIRPORTS
SUMMARY OF AMENDMENTS
(Updated 5/18/06)

1
2
3 Part 1. ULDC, Art. 1.I.3, Abbreviations and Acronyms (page 93 of 96), is hereby amended as
4 follows:
5

6 Reason for amendment by DOA: To add a new acronym.
7

8 CHAPTER I DEFINITIONS & ACRONYMS

9 Section 3 Abbreviations and Acronyms

10 AAAB Airports and Aviation Advisory Board
11

12 Part 2. ULDC, Art. 3.B.2, AZO, Airport Zoning Overlay (page 13 of 134), is hereby amended as
13 follows:
14

15 Reason for amendment by DOA: To allow for development and expansion of airport and non-airport
16 related uses within the boundaries of the airport Master Plan on parcels with a U/T land use designation
17 and in the PO zoning district.
18

19 CHAPTER B OVERLAYS

20 Section 2 AZO, Airport Zoning Overlay

21 A. Purpose and Intent

22 The purpose and intent of the Airport zoning regulations is to promote the maximum safety of
23 aircraft using publicly-owned airports, the safety of residents and property in areas surrounding
24 the airports, and the full utility of the airports, including non-airport related uses. These
25 regulations apply to properties around publicly owned airports in PBC; and uses located on the
26 Airport Master Plans required by Plan Objective TE 1.7.

27 B. Applicability

28 1. Off-Airport Uses

29 For those properties around publicly owned airports, the provisions of the Airport zoning
30 regulations create zones, based on the approach and departure pattern of aircraft, and
31 regulate the height of structures and the use of land within these zones. The Airport zoning
32 regulations for properties around publicly owned airports are contained in Art. 16, Airport
33 Regulations.

34 2. Uses on Airport Properties

35 The provisions of this Section shall apply to airport-related and non-airport related uses
36 within the boundaries of the Airport Master Plans for those parcels with a U/T Land Use
37 designation and in the PO district for the four County-operated airports identified as
38 follows: Palm Beach International Airport, PBC Glades Airport, PBC Park Airport (aka
39 Lantana Airport), and North Palm Beach County General Aviation Airport. Development
40 of these airports shall be in accordance with the Airport Master Plans as required by Plan
41 Objective TE 1.7, Future Airport Expansion.

42 a. Use Regulations

43 1) Airport-Related Uses

44 Airport-related uses are directly related to general airport operations and
45 maintenance including, but not limited to, maintenance facilities, cargo distribution
46 terminals, car rental operations, warehouses, hotels, airport administrative offices,
47 and communication facilities, as well as uses found within the terminals, including,
48 but not limited to, restaurants, general retail sales and personal services.

49 2) Non-Airport Related Uses

50 Non-airport related uses are not related to the operation and maintenance of the
51 airport, and can coexist in close physical proximity to airports and their related
52 facilities. Non-airport related uses are additional uses that are encouraged by the
53 Federal Aviation Administration (FAA) to generate income to help offset the costs of
54 operating the airport and are compatible with surrounding development. These uses
55 may include, but are not limited to, commercial, public and civic, recreation,
56 agricultural, utilities and excavation, and industrial uses, but more specifically
57 including, but not limited to, professional, business, and medical offices, retail
58 centers, restaurants and hotels.

Notes:

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EXHIBIT I

DEPARTMENT OF AIRPORTS
SUMMARY OF AMENDMENTS
(Updated 5/18/06)

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3) Prohibited Uses

Prohibited uses include adult entertainment, and billboards.

4) Specific Use Regulations

The following uses are permitted in the AZO on airport properties:

(This space is intentionally left blank)

Notes:

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EXHIBIT I

DEPARTMENT OF AIRPORTS
SUMMARY OF AMENDMENTS
(Updated 5/18/06)

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Table 3.B.2.A-1 Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Utilities & Excavation					
Excavation, Type II	P	P	CG or IG	49	All
Recycling Center	S	S	CG or IG	103	All
Recycling Collection Station	S	S	CG or IG	106	All
Recycling Drop Off Bin	S	S	CG or IG	104	All
Recycling Plant		D	IG	105	All
Utility, Minor	P	D	CG or IG	134	All
Industrial Uses					
Asphalt or Concrete Plant	P	D	IG	13	All
Data Information Processing	P	D	CG or IG	38	All
Film Production Studio		D	CG or IG	54	All
Gas and Fuel, wholesale	P	D	IG	61	All
Laboratory, Industrial Research		D	IG	76	All
Manufacturing and Processing		D	IG	81	All
Medical or Dental Laboratory		D	CG or IL	84	All
Transportation Facility	B	B	CG or IG	133	All
Warehouse	P	D	IG	138	All
Wholesaling, General	P	D	IG	140	All

Notes Related to Table 3.B.2.A-1, Airport Use Regulations
 For purposes of determining the applicable property development regulations for non-airport related uses, the Corresponding Zoning District's property development regulations identified in Table 3.D.1.A-5, Property Development Regulations shall apply for lot dimension, density, FAR, building coverage and setbacks.
 Reference Art.4.B, Supplementary Use Standards for additional requirements.

(1)

(2)

Key:

- P Permitted by right.
- D Permitted subject to approval by the DRO.
- S Permitted only if approved by special permit.
- B Permitted only if approved by the Zoning Commission (ZC)
- A Permitted only if approved by the Board of County Commission (BCC)
- 1 Palm Beach International Airport (PBI/A)
- 2 PBC Glades Airport
- 3 PBC Park Airport (aka Lantana Airport)
- 4 North PBC General Aviation Airport
- All PBI/A, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport

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5) Development Review Procedures

The approval process for airport and non-airport related uses shall be in accordance with the above Table 3.B.2.A-1, Airport Use Regulations and Art. 2, Development Review Process. It is not necessary for the parcels to be rezoned.

a) Development Requirements

Only airport-related uses owned, operated or directly regulated by the DOA or other governmental entity shall be eligible for PO district exemptions. Examples of these uses include tenants leasing space in airport terminal or other related service facilities. Leased land areas used for non-airport related development, including vehicle rental, restaurants, hotels and other non-airport related uses, shall be subject to applicable ULDC requirements.

b) Development Exceeding PDD or TDD Design Thresholds

Any such development that meets or exceeds the maximum square footage thresholds of Table 3.B.2.A-2, PDD or TDD Design Thresholds, shall be subject to either the property development regulations of a PDD or TDD. The DOA shall be responsible for determining which specific PDD or TDD shall apply. It is not necessary for the parcels to be rezoned.

Table 3.B.2.A-2 – PDD or TDD Design Thresholds

Use	Maximum Square Footage (sf)
Commercial	50,000
Public and Civic	50,000
Recreation	50,000
Utilities	50,000
Industrial	100,000

23
24

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EXHIBIT I

DEPARTMENT OF AIRPORTS
SUMMARY OF AMENDMENTS
(Updated 5/18/06)

c) Other Development

All other development shall be in accordance with the property development regulations for the corresponding Zoning districts indicated in Table 3.B.2.A-1, Airport Use Regulations.

d) Other Requirements

All proposed Airport-Related and Non-Airport Related Uses must be developed in accordance with all applicable Federal and State guidelines, regulations and requirements, as amended, including but not limited to all Federal Aviation Regulations (F.A.R.), FAA Advisory Circulars, and all FAA Orders, as well as all applicable Florida Statutes and Florida Department of Transportation guidelines.

e) Conflict with Other Applicable Regulations

(1) Where the provisions of this Section are in conflict with other regulations applicable to this district, the provisions of this Section shall prevail. Where provisions of the AZO district are not in conflict with other applicable regulations, the most restrictive regulations shall prevail.

Part 3. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (page 47, 51, 52 of 142), is hereby amended as follows:

Reason for amendment by DOA: 1) To permit Gas and Fuel sales as an airport-related use only when associated with sales of aviation fuel; 2) To allow for a hotel, motel, SRO, or rooming and boarding house uses on airport properties; 3) To permit Commercial Kennel as an airport-related use only when associated with services provided to passengers and/or airport employees.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

61. Gas and Fuel, Wholesale

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site. Wholesale of gas and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel.

72. Hotel, Motel

a. CHO, CG, and CRE Districts and the AZO Overlay

A hotel, motel, SRO, or rooming and boarding house are permitted in only the CHO, CG, and CRE districts and in the AZO Overlay.

74-1 3. Kennel, Type II (Commercial)

a. Limitations of Use

4) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees.

74-2. Kennel, Type III (Commercial)

a. Limitations of Use

6) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees.

U:\zoning\CODEREV\2006\BCC Hearings\2006-01 Round\7-11 RFP to Advertise\Exhibit I-DOA.doc

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS

(Updated 7/5/06)

White Paper
(Updated July 5, 2006)

Introduction: In order to approve new developments impacting Okeechobee Boulevard, the County has adopted a Constricted Roadway at Lower Level of Service (CRALLS) designation lowering the required level-of-service for traffic concurrency purposes. However, in order for the CRALLS to go into effect, the County must adopt a "Point System" or menu of required traffic mitigation measures that new developments can choose from. All new developments wishing to take advantage of the CRALLS must implement one or more of these mitigation measures in order to accrue sufficient points based upon their impacts on Okeechobee Boulevard.

Background and Summary: During a Board of County Commissioner (BCC) workshop in October 2001, the BCC directed staff to pursue a temporary CRALLS designation for Okeechobee Boulevard segments between Benoist Farms Road and Jog Road and a permanent CRALLS designation for Okeechobee Boulevard segments between Jog Road and Military Trail. Also, the BCC directed staff to establish a point system to rank projects impacting Okeechobee Boulevard and requiring traffic concurrency. This was prompted by discussions with the Florida Department of Community Affairs (DCA) and Florida Department of Transportation (FDOT). These discussions (requiring the County to adopt mitigation measures to address ways to improve mobility in corridors affected by any future CRALLS) were formalized in a settlement agreement with DCA dated November 2001 and also included in Policy 1.2-q of the Transportation Element of the County Comprehensive Plan. Subsequently, another BCC Workshop was held in December 2003 to get Board direction on the Point System. In July 2005, the Okeechobee CRALLS numbers were revised because traffic growth had been underpredicted in the original version and had excluded the western Okeechobee segments between Royal Palm Beach Boulevard and Benoist Farms Road which were now also expected to be overcapacity.

The Point System has been developed as a joint effort by the staffs of the County Engineering and Public Works Department, County Planning Division, County Zoning Division, and County Attorney's Office, FDOT District 4, and Carter & Burgess consulting firm (under contract to FDOT District 4). The 14 mitigation measures included in the final staff recommendation include both traffic as well as land use strategies. It is important to note, however, that County authority is limited within municipal boundaries by the 1989 Charter amendment that allowed for the Countywide Traffic Performance Standards. Aspects of a point system dealing with land use regulations can apply to a municipality only if that municipality agrees to impose the regulation.

Comments and Recommendations:

Zoning Division: Zoning and Traffic Division staff met on February 9, 2006, to address several Zoning concerns with the proposed strategies, including but not limited to: monitoring limitations, methods for identifying affected parcels, Zoning application procedures, and the fact that not all jurisdictions will have the needed Zoning Code of Plan language in place needed to ensure use of all 14 strategies. The revised draft addressed several of Zoning's key concerns, including the requirement that the County Engineer be responsible for additional monitoring requirements associated with the proposed mitigation strategies. While Zoning staff would have preferred a map or other up front method of defining which parcels would potentially be subject to the mitigation strategy, Engineering staff have clarified that a determination cannot be made until a traffic study is completed for proposed development, that includes an analysis of significant traffic impacts. To this end, Zoning Division applications will be modified to ensure that applicants have taken these requirements into consideration prior to submittal. Engineering is encouraged to address similar issues for any projects that might be located within another jurisdiction.

League of Cities: As described in its May 25, 2006 letter, the League took action at its most recent general membership meeting to recommend that the Point System not be

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS

(Updated 7/5/06)

1 implemented until the construction of Roebuck Road from SR 7 to Jog Road has been
2 added to the County's 5-Year Road Program to provide traffic relief to Okeechobee
3 Boulevard. This segment of Roebuck Road is on the County's Thoroughfare Map and is
4 the subject of an inter-local agreement between the City of West Palm Beach and Palm
5 Beach County that was approved by the BCC on December 20, 1994. However, the
6 current County 5-Year Road Program does not include any construction funds for this
7 road segment, only design funds in FY 2007 are budgeted for this project.
8

9 **Land Development Regulation Advisory Board (LDRAB)/Land Development
10 Regulation Commission (LDRC):**

- 11 - Wednesday, June 7, 2006 (Special meeting-canceled due to lack of quorum)
- 12 - Wednesday, June 28, 2006 – The LDRC found the proposed amendments to be
13 consistent with the Plan. LDRAB recommended approval of the proposed
14 amendments with the additional recommendation to delete five of the proposed 14
15 mitigation strategies. The following summarizes the reasons for the recommended
16 deletions, and the Traffic Divisions response:
17
- 18 - Strategy #3 Feeder Bus Service to Rail Stations or Multi-Modal Transit Centers;
19 New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit
20 Passes.
21 [LDRAB concerned about minimum 2-year commitment and what would
22 happen afterwards - would government have to pick up cost of service?]
- 23 - Strategy #4 Parking Management.
24 [LDRAB considered this strategy more appropriate for older cities with high
25 development intensities and limited parking availability - rather than Palm
26 Beach County. LDRAB did not want private sector involvement in a parking
27 fee collection/management system.]
- 28 - Strategy #5 Ridesharing Programs
29 [LDRAB did not consider this monitorable/enforceable.]
- 30 - Strategy #6 Telecommuting Programs
31 [LDRAB did not consider this monitorable/enforceable]
- 32 - Strategy #13 Compressed Work Week/Non-Peak Hour Work Hours
33 [LDRAB did not consider this monitorable/enforceable]

34
35 Traffic Engineering staff consulted with FDOT to discuss LDRAB's
36 recommendations. FDOT indicates that the deletion of the five mitigation strategies
37 specified above (most of which fall into the category of Transportation Demand
38 Management [TDM]), would result in an unbalanced Okeechobee CRALLS Point
39 System for mitigation purposes. Consequently, FDOT and DCA might have difficulty
40 with such a minimal point system.
41

42 FDOT feedback suggests that monitoring/enforcement for the more "intangible" TDM
43 mitigation strategies can be enhanced by specifying "commuter trip reduction goals"
44 for each site that must be achieved within given time frames and can be periodically
45 verified through driveway counts.
46

47 Subsequently, Traffic Engineering is recommending that the proposed Okeechobee
48 CRALLS be adopted with all 14 mitigation strategies.
49

50 **BCC Public Hearings: Pending**

- 51 - Tuesday, July 11, 2006 – BCC Hearing, Request for Permission to Advertise for
52 First Public Reading on July 27, 2006.
- 53 - Thursday, July 27, 2006 – BCC Zoning Hearing, 1st Reading and Request for
54 Permission to Advertise for 2nd Reading and Adoption on Thursday, August 24,
55 2006.
- 56 - Thursday, August 24, 2006 – BCC Zoning Hearing, 2nd Reading/Adoption.
57
58

59 **Proposed ULDC Amendments:**
60

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS

(Updated 7/5/06)

Part 1. ULDC Art. 1.1.2, Definitions (pages 37, 47, 56, 57, 59, 60, 61, 64, 69, 85, 87, 90 of 96), is hereby amended as follows:

Reason for amendment by Traffic: To add new definitions to coincide with adoption of Okeechobee CRALLS and related mitigation strategies.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

52. Commuter Bus – For the purposes of Art. 12, transit service connecting communities to employment centers.

107. Credit Factor – For the purposes of Art. 12, a multiplier used in calculating points available as a result of a project’s use of congestion mitigation strategies.

[renumber accordingly]

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

9. Feeder Transit Services – For the purposes of Art. 12, transit service connecting communities and/or employment centers directly to rail stations or bus terminals.

18. First Directly Accessed Link – For the purposes of Art. 12, Roadway(s) providing a main entrance to a project.

[renumber accordingly]

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

42. Local Bus – For the purposes of Art. 12, transit service interconnecting communities with employment centers and/or other attractions.

46. Local Shuttle – For the purposes of Art. 12, transit service connecting two developments: a) residential to interrelated services, or b) residential to employment centers.

[renumber accordingly]

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

22. Master Plan or Site Plan – For the purposes of Art. 12, a Master Plan or Site Plan shows how parcels and uses in a mixed-use development will integrate with one another. The plan dictates access and mitigation strategies and dictates the build-out timeframe and any associated conditions and shall be the controlling document for a mixed-use development. All development, access, density, and intensity in the project shall be consistent with the plan. All site plans, subdivisions and plats shall be consistent with the plan. In cases of conflict between plans, the most recent approved Master Plan or Site Plan shall control to the extent of the conflict. Approval of a Master Plan or Site Plan shall be binding upon the landowners subject to the Development Order, their successors and assigns, and shall constitute development regulations for the land. Development of the land shall be limited to the uses, intensities, access, configuration, mitigation strategies, and all other elements and conditions set forth in the Master Plan or Site Plan.

40. Mixed-Use Strategy – For the purposes of Art. 12, the development of a neighborhood, tract of land, building, or structure combining residential development with a variety of complementary and integrated uses, such as, but not limited to, office, manufacturing, retail, public, and recreation, in a compact urban form. The purpose of a mixed-use development strategy for the Okeechobee Boulevard corridor is to internalize as much site-generated traffic as possible so as to reduce impact on the external streets. However, not all mixed use developments will necessarily maximize internalization and limit the amount of additional external traffic impact. Studies (such as the ITE Trip Generation Handbook) which show interactions between various land use combinations should be used as a guide in determining the optimal mix and quantities of land uses for a particular site.

[renumber accordingly]

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

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

1 ...
2 11. Net Acreage – For the purposes of Art. 12, a measure of the net area of the site that is
3 available for development, excluding non-site related areas donated to and accepted by a
4 governmental agency, by deed or easement, in perpetuity, for utility, drainage, roadway, and
5 preservation purposes.

6 ...
7 [renumber accordingly]

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

9 ...
10 79. Project – ...

11 ...
12 c. For the purposes of Art. 12, a land use or group of land uses, or land development
13 activity or activities, or amendment thereto, which require the issuance of a Development
14 Order.

15 ...
16 [renumber accordingly]

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

18 ...
19 44. Ridesharing – For the purposes of Art. 12, shall mean the use of one motor vehicle by two or
20 more employees to commute to and from the project site for at least of 60 percent of the total
21 number of days the ridesharing employees travel to and from the project site.

22 ...
23 [renumber accordingly]

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

25 ...
26 17.Telecommuting – For the purposes of Article 12, a system whereby employees are allowed
27 to work from home or another location (such as a neighborhood office) an average of at least
28 two week days per week in order to reduce commute travel.

29 ...
30 49.Transit – For the purposes of Article 12, a bus, train, or other public conveyance system.

31 50.Transit Center – For the purposes of Article 12, a rail station or a transfer location for fixed-
32 route service routes.

33 51.Transit Corridor – For the purposes of Article 12, a roadway segment which (1) is located on
34 a bus line with at least 30-minute peak headways and that connects directly to at least two
35 transit centers, and (2) contains a transfer point to at least one other bus route.

36 ...
37 [renumber accordingly]

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

39 ...
40 6. Vanpool – For the purposes of Article 12, a vehicle carrying six or more persons to and from
41 work and on a regular basis.

42 ...
43 [renumber accordingly]

44
45
46 Part 2. ULDC, Art. 6.A.1.D, Off Street Parking (page 29 of 34), is hereby amended to add new
47 Art. 6.A.1.D.20, CRALLS Reductions:

48
49 Reason for amendment: To allow for required 10% reduction for employee parking areas associated with
50 Strategy 4.

51
52 CHAPTER A PARKING

53 Section 1 General

54 D. Off-Street Parking

55 ...
56 20. CRALLS Reductions

57 A ten percent reduction in the minimum number of required parking spaces may be approved
58 by the DRO if required to comply with Art. 12.Q.4.D, Strategy 4 Parking Management. The
59 reduction may only be implemented if the mitigation strategy is approved by the County
60 Engineer.

61
62
63 Part 3. ULDC, Art. 12, Traffic Performance Standards is hereby amended to add new
64 CHAPTER Q, Okeechobee Boulevard CRALLS Point System, as follows:

Notes:

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

Reason for amendment: See white paper.

CHAPTER Q OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

Section 1 Purpose and Intent

The purpose of the Okeechobee Boulevard CRALLS Point System is to provide a means for approving new land development/redevelopment projects that will have significant traffic impacts on Okeechobee Boulevard, but will provide acceptable mitigation for those impacts. In the case of Okeechobee Boulevard, there are few undeveloped properties without development approvals that could still have significant traffic impact on the roadway. To allow for reasonable and beneficial economic use of these properties, the PBC BCC has determined that Okeechobee Boulevard from Military Trail to Royal Palm Beach Boulevard is a constrained roadway facility where significant traffic impacts from new development can be evaluated at a lower LOS standard than what is normally allowed. The mitigation of impacts for Okeechobee Boulevard by the Strategies contained in this Point System will be accomplished in the following ways:

- A. Reduction of single occupant vehicle trips by encouraging ridesharing, diversion to alternate travel modes, and telecommuting.
- B. Reduction of peak hour vehicle trips by shifting these trips to other time periods.
- C. Reduction of land use densities and intensities for proposed development/redevelopment.
- D. Increase in land use densities and intensities for proposed development/redevelopment only in cases where land use mix maximizes internal trip capture and promotes feasibility of mass transit modes.

Section 2 Applicability

In addition to the standards imposed by this Article, all proposed Projects with significant Project Traffic on the Okeechobee Boulevard corridor from Royal Palm Beach Boulevard to Military Trail shall be subject to the Okeechobee Boulevard CRALLS Point System.

Section 3 Procedure

A. General

Applicants must choose from 14 mitigation strategies set forth in this Chapter to accumulate points necessary for Development Order approval. Point totals shall be calculated pursuant to the point system methodology. Applicants meeting the minimum required point totals will receive traffic concurrency approval provided all of the other standards of this Article have been met.

B. Application Requirements

Applications must include a Traffic Study demonstrating compliance with Test One and Test Two of this Article. Applications must also include a study identifying the mitigation strategies to be used by the Project, and a calculation of total points earned as a result. Applications shall initially be submitted to the County Engineer for review and comment to determine completeness. An application shall be found complete if it contains sufficient and accurate data and analysis for the County Engineer to determine whether or not the application complies with this Chapter. Any deficiencies in the completeness of an application identified by the County Engineer must be corrected and resubmitted in order for the application to be considered.

C. Conditions of Approval

PBC shall impose conditions of approval and the recording of restrictive covenants as necessary to ensure compliance with the requirements of this Chapter. All conditions of approval shall be made part of the Traffic Concurrency and Development Order approved by the County or municipality, as the case may be.

D. Condition Monitoring

Development order conditions imposed upon projects in the unincorporated area will be monitored by the County Engineer. For development orders imposed upon projects within municipalities, monitoring reports with prescribed format and documentation shall be submitted to the relevant municipality, as well as the County Engineer as required in Section 4 of this Chapter. Failure to meet the requirements of any strategy, any condition of approval imposed pursuant to this Chapter, or any monitoring report required by this Chapter, may result in enforcement action including but not limited to Code Enforcement actions and actions to modify or revoke the concurrency approval, Development Order, or both.

E. Substitution of Alternative Strategies or Alteration of Existing Strategy at a Later Date.

If the property owner wishes to alter an existing strategy or substitute another mitigation strategy or strategies after receiving initial Development Order conditions of approval for qualification under the Point System, then an application for a Development Order amendment must be filed for approval by PBC. For Projects located in municipalities, alteration or substitution of alternative strategies must be reviewed and approved by the County Engineer before the application for

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

1 Development Order amendment is submitted to the municipality. If an approvable mitigation
2 strategy of equivalent or greater points is substituted, or if the County Engineer determines that
3 an alteration of an existing strategy provides mitigation equal to or greater than originally
4 approved, the development will not need to qualify again for approval under the Point System.

5 **F. Time Limits**

6 Each approval shall be subject to specific time limitations. Expiration of the concurrency or failure
7 to commence development as set forth in Table 2.E.3.B-1, Time Limitation of Development Order
8 for Each Phase, will result in actions to modify or revoke the concurrency approval, Development
9 Order, or both. If revoked, the capacity reserved will be returned to the system.

10 **G. Municipal Review**

11 Notwithstanding the peak hour trip threshold set forth in Art. 12.E, Procedure, projects located in
12 municipalities that require the Okeechobee Boulevard CRALLS in order to meet the County
13 Traffic Performance Standards shall be subject to the requirements of this Chapter. Additional
14 land use regulations may be imposed by the municipality in conjunction with point system review.

15 **Section 4 Mitigation Strategies**

16 **A. Strategy 1. Mixed Use Development Around Transit Corridors**

17 **1. Applicability**

18 This strategy consists of providing a mixed-use development near a transit corridor. (This
19 strategy cannot be combined with Strategy 2.)

20 **2. Qualifying Criteria**

- 21 a. The transit corridor must be no more than ¼ mile walking distance from the nearest
22 building entrance, and must include ADA accessible pedestrian pathways and provide
23 access to transit services and adjoining uses.
24 b. Off-street parking areas shall be located and designed in a manner that supports and
25 does not conflict with pedestrian activity.
26 c. A Master Plan or Site Plan must be developed to show how parcels will integrate with
27 one another, and to dictate the build-out timeframe.
28 d. Uses must be identified within the Master Plan or Site Plan.
29 e. The Master Plan or Site Plan shall be approved as part of the Development Order.
30 f. Minimum floor area ratio must be 0.5 per net acre.
31 g. Minimum residential floor area must equal 60 percent of total and net residential trips
32 must constitute at least one-quarter of total net AM or PM trips for the development.
33 h. Non-residential land uses shall include retail or a combination of retail and office or
34 industrial, with retail constituting a minimum of 10 percent of the total floor area for all
35 land uses. Retail uses shall constitute a limited commercial facility of a convenience
36 nature, serving residential neighborhoods within a one-half mile radius, located on a
37 local, collector or arterial street.

38 **3. Implementation Timeframe**

39 The implementation timeframe will be defined as part of the Master Plan/Development Order.
40 Master Plans and Development Orders for phased developments must include interim
41 qualifying criteria consistent with the above criteria. At each phase of development, before
42 CO will be granted, the interim criteria must be met.

43 **4. Monitoring and Enforcement**

- 44 a. At the conclusion of each phase of development, the County Engineer must confirm that
45 the interim or final criteria are met prior to issuance of the first CO for the following phase.
46 b. As part of the development approval process, a restrictive covenant must be recorded
47 against all parcels of the development indicating the minimum and maximum
48 percentages allowed for each land use. PBC shall be granted the authority to enforce the
49 covenants, along with other parties, if any, to be determined during development review.
50 PBC shall not allow the conversion of uses that would result in a project's failure to meet
51 specified requirements.
52 c. By April 1 of each year, starting April 1 after the first full year after the first CO, the
53 developer, or their agent, must supply a service report to the County Engineer as well as
54 municipality if applicable, identifying the uses on site and the percentage or square
55 footage each use encompasses.
56 d. Two years following Project Buildout, the developer, owner or agent as appropriate may
57 request alteration of existing strategy or substitution of alternative strategies pursuant to
58 Art. 12.Q.2.F, Time Limits.

59 **5. Credit Factor**

- 60 a. 0.2 for FAR 0.5 or higher per net acre, and at least 60 percent of the total square footage
61 must be dedicated to residential use;
62 b. 0.3 for FAR 0.75 or higher per net acre, and at least 70 percent of the total square
63 footage must be dedicated to residential use; or
64

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS

(Updated 7/5/06)

c. 0.4 for FAR 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use.

B. Strategy 2. Mixed Use Development Around Transit Centers

1. Strategy

This strategy consists of developing a mixed-use project near a transit center located on a transit corridor as either a unified or parcelized development. This strategy cannot be combined with Strategy 1.

2. Qualifying Criteria

a. The transit center must be no more than ¼ mile walking distance from the nearest building entrance, and must include ADA accessible pedestrian pathways and provide access to transit services and adjoining uses.

b. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity.

c. A Master Plan must be developed to show how parcels will integrate with one another, and to dictate the build-out timeframe.

d. Uses must be identified within the Master Plan.

e. Minimum floor area ratio must be 0.5 per net acre.

f. Minimum residential floor area must equal 60 percent of total and net residential trips must constitute at least one-quarter of total net AM or PM trips for the development.

g. Non-residential land use shall include retail or a combination of retail and office or industrial, with retail constituting a minimum of 10 percent of the total floor area for all land uses. Retail uses shall constitute a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius, located on a local, collector or arterial street.

3. Implementation Timeframe

The implementation timeframe will be defined as part of the Master Plan or Development Order. Master Plans and Development Orders for phased developments must include interim qualifying criteria consistent with the above criteria. At each phase of development, before CO will be granted, the interim criteria must be met.

4. Monitoring

a. At the conclusion of each phase of development, the County Engineer must confirm that the interim or final criteria are met prior to issuance of the first CO for the following phase.

b. As part of the development approval process, a restrictive covenant must be recorded against all parcels of the development indicating the minimum and maximum densities and intensities allowed for each land use. PBC shall be granted the authority to enforce the covenants, along with other parties, if any, to be determined during development review. PBC shall not allow the conversion of uses that would result in a project's failure to meet specified requirements.

c. By April 1 of each year, starting April 1 after the first full year after the first CO, the developer, or their agent, must supply a service report to the County Engineer as well as municipality if applicable, identifying the uses on site and the percentage or square footage each use encompasses.

d. Two years following Project Buildout, the developer, agent or property owner as appropriate may request alteration of existing strategies or substitution of alternative strategies pursuant to Art. 12.Q.2.F, Time Limits.

5. Credit Factor

a. .30 for FAR of 0.5 or higher per net acre, and at least 60 percent of the total square footage must be dedicated to residential use;

b. .40 for FAR of 0.75 or higher per net acre, and at least 70 percent of the total square footage must be dedicated to residential use or

c. .50 for FAR of 1.0 or higher per net acre, and at least 80 percent of the total square footage must be dedicated to residential use.

C. Strategy 3. Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes

1. Strategy

This strategy consists of providing feeder service between the project site and a rail station or multi-modal transit center, providing new commuter bus service between the project site and residential areas, providing local or shuttle bus service between the project site and major employers in the Okeechobee Boulevard corridor, or offering all employees free transit passes for commuting to and from work.

2. Qualifying Criteria

a. Developers must specify dedicated funding commitments to provide for direct costs of feeder services or transit passes for a minimum of 2 years, or make a fair-share contribution to be determined by and paid to the appropriate local transit agency for new or expanded services.

b. Vehicles must be classified as either buses or minibuses.

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

- c. The transit service must be no more than ¼ mile walking distance from the nearest building entrance.
- d. The project site plan must include provisions for transit service infrastructure, including pick-up/drop-off areas and transit circulation plans. Additionally, pedestrian connectivity between the transit stop infrastructure and the primary use of the development that complies with ADA criteria must be specified.
- e. Off-street parking areas shall be located and designed in a manner that supports and does not conflict with pedestrian activity.
- f. Combining this strategy with Strategy 4, Parking Management, is encouraged.
- g. Proposed route(s) shall be subject to approval by PBC in consultation with PalmTran.
- h. Proposed service associated with a non-residential site shall be operated at a minimum during the AM and PM peak hours during which the majority of site employees commute to and from work on all weekdays that the business(es) at the project site is open. Proposed service associated with a residential site shall be operated at a minimum during the highest AM peak hour and highest PM peak hour on all weekdays that major employment centers along the Okeechobee corridor are open.

3. Implementation Timeframe

This strategy must be in place one year from date of issuance of final certificate of occupancy for a single building project and one year from date of issuance of certificate of occupancy equaling 50 percent completion of a multiple building project.

4. Monitoring and Enforcement

- a. The transit service is specified as part of a Master Plan or Site Plan, and the Development Order. Annual documentation of marketing efforts, funding, and participation for the free transit pass program shall be provided to the Palm Beach County Engineer.
- b. Two years following Project Buildout, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.
- c. By April 1 of each year, starting April 1 after the first full year after initiation of the transit service, the developer, or their agent, must supply a report to the County Engineer as well as municipality if applicable, identifying average daily and weekly ridership, the number of employees from the project using the service, fees charged and revenues collected, and an evaluation of service operation with potential recommendations to increase the use of the service.

5. Credit Factor

- a. .05 for subscription bus service that operates with at least 50 percent employer subsidy;
- b. .05 for feeder service/transit passes on routes with 30-minute peak hour headways;
- c. .10 for feeder service/transit passes on routes with 20-minute peak hour headways;
- d. .15 for feeder service/transit passes on routes with 10-minute peak hour headways; or
- e. A 50 percent credit bonus will be given for feeder service that is operated with a peak headway as shown above and at least one-hour non-peak hour headways for a total period of at least 12 hours each weekday. The credit will double for feeder services offered free to the general public (not just site employees or residents).

D. Strategy 4. Parking Management

Parking Management Strategy applies only to employee parking for non-residential projects of at least 50,000 sf building area and mixed use projects with non-residential components of at least 50,000 sf building area. This strategy consists of the following:

1. Qualifying Criteria

- a. Parking lot must clearly identify separate parking areas for employees and customers, if any. Separate parking areas, including areas for employee preferred parking, shall be delineated on the Site Plan.
- b. Notwithstanding Article 6, Parking, or other jurisdiction parking requirements, at least ten percent of the minimum number of parking spaces required by the applicable County or municipal code must be eliminated from the portion of the lot reserved for employees.
- c. Employees who drive to work must pay a daily fee of six dollars to park in the lot. The parking spaces for these employees must be located at the most remote point from the nearest building entrance relative to all other parking spaces. Employees who fail to pay the fee or park in an unauthorized space shall be subject to penalties including a fine equal to double the daily fee imposed, and in cases of repeated violations, towing.
- d. All fees and penalties collected from the employees who pay to park must be deposited in a separate parking fee fund. Moneys in the fund shall be used to reduce traffic impacts by offering payments to employees who use public transportation or Vanpools in accordance with Strategy 5, Ridesharing Programs, offering payments to provide or fund in part shuttle service for employees in accordance with Strategy 3, Feeder Transit Service to Rail Stations or Multi-Modal Transit Centers; New Commuter Bus Service; Local Bus/Shuttle Service; Employee Transit Passes, or both.

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

- e. Employees who rideshare do not pay a daily fee to park and may park in spaces designated for ridesharing participants. Because of the above relationships, this Strategy should be combined with Strategy 5, Ridesharing Programs.
- f. Applicant must specify a dedicated funding commitment from a source other than the parking fee to provide on-site monitoring and parking fee fund management.

2. Implementation Timeframe

Parking lot configuration must be in place at the time of CO for any phase of the project. Implementation timeframes for parking fees and use of parking fees to reduce traffic impacts shall be specified in the Development Order but in no event shall full implementation occur more than six months after Project Build-out.

3. Monitoring

- a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report shall at a minimum contain monthly and cumulative statistics providing:
 - 1) The number of total employees employed during each month and average number for the calendar year;
 - 2) The number of employees who paid parking fees;
 - 3) The number of employees who participated in ridesharing or shuttle programs;
 - 4) The amount of fees collected;
 - 5) A report on the expenditure of the fees and fund balance at the end of each month and calendar year;
 - 6) An on-site monitoring report providing average number of rideshare vehicles and paid parking vehicles in the lot each month, and the number of vehicles cited for improperly parking or parking without paying a fee per month.

The report shall also include copies of all materials used in the project informing employees of the strategy including lot regulations, daily fees, and opportunities for ridesharing, public transportation and shuttle service as appropriate.

- b. Two years following Project Build-out, the developer, owner or agent as appropriate may request alteration of existing strategy or substitution of alternative strategies pursuant to Art. 12.Q.2.F, Time Limits. In the event a substitution is authorized, all funds collected under this Strategy shall be deposited in the Okeechobee Boulevard Mitigation Fee Trust Fund established in Strategy 14, Additional Mitigation Fee Payment.

4. Credit Factor

Credit factor shall be calculated in accordance with Table 12.Q.3.D-13, Strategy Four Credit Factor Calculation.

Table 12.Q.4.D-13 - Strategy Four Credit Factor Calculation	
Credit Factor =	$\frac{P}{10 \times (\text{square root of } S)}$
P	= number of parking spaces eliminated by parking management.
S	= total size of non-residential building area in 1,000 sf

E. Strategy 5. Ridesharing Programs

Ridesharing Programs shall apply only to non-residential projects and non-residential portions of mixed use projects with 20 or more employees.

1. Qualifying Criteria

- a. At least 15 percent of the project employees must participate in Ridesharing within nine months of Project Buildout or as otherwise specified in the Master Plan. The Master Plan shall specify an alternate, backup mitigation strategy or corrective/incentive plan to be implemented if after nine months, 15 percent of the project employees do not participate in Ridesharing.
- b. Projects must identify and fund a Ridesharing coordinator to assist participants, promote and facilitate the Ridesharing Program, and track performance of the Ridesharing Program for monitoring purposes. As an alternative, the Project may elect to participate in the existing South Florida Commuter Services ridesharing program by paying an annual membership fee.
- c. Applicants must identify a dedicated funding commitment to fund all aspects of the Ridesharing Program. This funding commitment shall include a commitment to provide at least a 50 percent subsidy of the out-of-pocket cost of any employee vanpool utilizing the South Florida Vanpool program.
- d. Preferential parking must be allocated for Ridesharing Program participants. Preferential parking spaces must be located closest to building entrances, with the exception of reserved spaces required by the ADA and delineated on the Site Plan.
- e. Combining this strategy with Strategy 4, Parking Management, is encouraged.
- f. No credit shall be received for Strategy 5, Ridesharing Programs, for those employees qualifying for credit under the non-peak hour work hours part of Strategy 13, Compressed work Week/Non-Peak Hour Work Hours.

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

2. **Monitoring**

a. Beginning April 1 after the first full year of program, and every April 1 thereafter, the applicant, or successor in interest, must provide to the County Engineer an annual report. The annual report must be certified by an independent financial auditor and shall at a minimum contain monthly and cumulative statistics providing:

- 1) The number of total employees employed during each month and average number for the calendar year;
- 2) The number of employees who participated in Ridesharing;
- 3) The number of days each employee participated in Ridesharing per reporting period, and
- 4) An accounting detailing the amount expended to fund the Ridesharing Program, including coordinator salary and amounts spent on promoting and monitoring the Ridesharing Program.

The report shall also include copies of all materials used in promoting the Ridesharing Program.

b. Two years following Project Build-out, the developer, owner or agent as appropriate may request alteration or substitution of strategies pursuant to Art. 12.Q.2.F, Time Limits.

3. **Implementation Timeframe**

This Strategy must be fully implemented within nine months of Project Build-out, or as otherwise set forth in the Master Plan or Site Plan.

4. **Credit Factor**

Credit factor shall be calculated in accordance with Table 12.Q.3.E-14, Strategy Five Credit Factor Calculation.

Table 12.Q.4.E-14 - Strategy Five Credit Factor Calculation	
Credit Factor =	$\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$
E	= number of on-site employees that are required to participate
D	= number of weekdays per week that employees are required to participate
S	= number total size of non-residential building area in 1000 sf

F. **Strategy 6. Telecommuting Programs**

1. **Strategy**

This strategy applies only to larger employers implementing formal policies, based on specific criteria, to allow and encourage employees to telecommute.

2. **Qualifying Criteria**

- a. Project must be an employer of at least 20 people.
- b. Project must develop a formal policy and contract between employees and managers. The Policy shall identify which job categories are suitable for telecommuting, and what employees must do to participate.
- c. Employees must participate in the telecommuting program an average of at least two weekdays per week.
- d. The projected level of participation, i.e., the number of employees participating and days per week telecommuting, must be established in the Master Plan or Site Plan and maintained.
- e. Combining this strategy with Strategy 5, Ridesharing Programs, is encouraged.

3. **Implementation Timeframe**

One year from Project Buildout to meet projected level of participation, or as otherwise specified in the Master Plan or Site Plan.

4. **Monitoring**

a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a service report to the County Engineer, identifying the number of employees from the development participating in the program and the number of days each employee telecommutes. This Monitoring Report shall also include a copy of the telecommuting policy and copies of each of the signed telecommuting contracts entered during the reporting period.

b. Two years following initiation of this strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.

5. **Credit Factor**

Credit factor shall be calculated in accordance with Table 12.Q.3.F-15, Strategy Six Credit Factor Calculation.

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS

(Updated 7/5/06)

1

Table 12.Q.4.F-15 - Strategy Six Credit Factor Calculation	
Credit Factor =	$\frac{E \times 2 \times D/5}{50 \times (\text{square root of } S)}$
E	= number of on-site based employees that telecommute
D	= number of weekdays per week that employees telecommute
S	= number total size of non-residential building area in 1000 sf

2
3
4 **G. Strategy 7. Bicycle Parking Facilities**

5 **1. Strategy**

6 This strategy consists of providing secure bicycle parking at residential and non-residential
7 developments.

8 **2. Qualifying Criteria**

9 Minimum requirements for Bicycle Parking Facility shall be in accordance with the table
10 below:

11 **Table 12.Q.3.G-16 - Minimum Requirements for Bicycle Parking Facility**

Use Type	Number of Parking Spaces
Commercial, Retail and Institutional	1 bicycle space per 25 vehicle parking spaces
Multi-Family and Mixed Use Development	1 bicycle space per 4 dwelling units

12 a. The secure bicycle parking facility must be provided within 75 feet of the entrance to
13 buildings that cyclists will most likely use. Where there is more than one building on a
14 site, or where a building has more than one main entrance, the parking must be
15 distributed to serve all buildings or main entrances. All bicycle parking facilities shall be
16 covered and may be fully enclosed.

17 b. Combining this strategy with Strategy 4, Parking Management, is encouraged.

18 **3. Implementation Timeframe**

19 Secured bicycle facility must be completed prior to issuance of the first CO.

20 **4. Monitoring & Enforcement**

21 When this strategy is used, the provision of bicycle facilities, including the number and
22 general location, shall be included in the Development Order/Master Plan.

23 **5. Credit Factor**

24 Credit factor shall be calculated in accordance with Table 12.Q.3.G-17, Strategy Seven
25 Credit Factor Calculation, below:

26

Table 12.Q.4.G-17 - Strategy Seven Credit Factor Calculation	
Credit Factor =	$\frac{0.5 (P_B)}{2 (P_T) + 9 (R_U)}$
P _B	= number of bicycle parking spaces created per above qualifying criteria a) and b)
P _T	= total number of non-residential parking spaces
R _U	= total number of residential housing units

27
28 **H. Strategy 8. Provide Access Between Developments**

29 **1. Strategy**

30 a. This strategy applies to vehicle and pedestrian connections between adjacent Projects
31 and encourages the use of such interconnections to reduce the need to access abutting
32 roadways. The credit factor is based on the standard internalization criteria used by the
33 Traffic Division.

34 b. For projects on a CRALLS roadway, the credit will be based on the reduction of trips on
35 the CRALLS roadway. Projects not directly on a CRALLS roadway will receive one-half
36 the credit amount.

37 **2. Qualifying Criteria**

38 a. The connection between the adjacent parcels must be conveniently located and designed
39 to accommodate both vehicles and pedestrians.

40 b. The pedestrian connection must be ADA accessible.

41 c. Pedestrian connections between adjacent parcels or between building clusters within a
42 single parcel shall be provided at a minimum of every 500 feet of building frontage or
43 property line, and should be designed and located to maximize access to roadway
44 corridors, transit stops, and parking areas.

45 d. The cross access easement shall be shown on the parcel's plat, or recorded as a
46 restrictive covenant, to ensure the access will remain should redevelopment of the site
47 occur. A letter of agreement from the adjacent property owner shall be provided at the
48 time of application in order to initially qualify for use of this strategy. If the Project is
49 subsequently approved conditioned upon implementation of this strategy, the condition
50 shall require a reciprocal cross access easement at the same location on the adjacent
51 property be recorded prior to the issuance of the first CO for the Project. Pedestrian
52 crossings should incorporate treatments that provide the highest degree of visibility and

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

safety for pedestrians. Recommended treatments include countdown signals, in-pavement lighting at crosswalks, raised pedestrian crosswalks, curb bulb-outs, and other traffic calming measures. These treatments should be applied where suitable, with special emphasis given in locations where pedestrians will cross collector and arterial roadways, and in parking and circulation areas of large developments.

- e. The cross access must be provided in addition to any other cross access required by government land development regulations or driveway permit conditions.
- f. Access for pedestrian use only will receive a reduced credit factor as set forth in Art. 12.Q.3.H.5, Credit Factor, below.

3. **Implementation Timeframe**

The precise timetable shall be determined as part of the Development Order approval process but the cross access easements on both properties must be in place, as depicted on the plat or in the restrictive covenant, prior to issuance of the first CO for the Project.

4. **Monitoring and Enforcement**

Since providing access between developments is part of the Development Order/Master Plan, Code Enforcement or the Metropolitan Planning Organization Bicycle/Pedestrian Coordinator or other County departments, as appropriate, shall be able to inspect the cross-access connection at any time.

5. **Credit Factor**

- a. Project where the first directly accessed LINK is a CRALLS roadway:
 - 1) 0.1 of smaller retail for retail to retail;
 - 2) 0.1 of residential for residential to retail;
 - 3) 0.1 of office for office to retail; and
 - 4) 0.05 of office for office to residential
- b. Project where the first directly accessed LINK is not on CRALLS roadway:
 - 1) 0.05 of smaller retail for retail to retail;
 - 2) 0.05 of residential for residential to retail;
 - 3) 0.05 of office for office to retail; and
 - 4) 0.025 of office for office to residential
- c. The credit factor for pedestrian only connections shall be one-tenth of the above numbers.

I. **Strategy 9. Provide Access To More Than One Road**

1. **Strategy**

- a. This strategy applies to properties that have access to two or more thoroughfare roadways, either directly, via non-thoroughfare roadways, or via shared access with an adjacent property. It is intended to allow better distribution of traffic onto the major roadway system as compared to projects with single access.
- b. For Projects that directly access a CRALLS roadway, the credit is associated with the reduction of trips on the CRALLS roadway. The secondary access must be an alternative to access to a CRALLS roadway. For Projects that do not directly access a CRALLS roadway, the access must be on two or more thoroughfare roadways. These projects will receive a lesser credit.

2. **Qualifying Criteria**

- a. Secondary access must be at an existing median opening to qualify for the full credit. If there is no median opening, the credit will be 50 percent less. Full credit shall be given if a median opening will be established concurrent with development.
- b. The secondary access must be designed to accommodate both vehicles and pedestrians.
- c. The secondary access for the pedestrian connection must be ADA accessible.
- d. The access easement should be shown on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur.
- e. The secondary access must be provided in addition to any secondary access required by government land development regulations or driveway permit.
- f. For projects not on CRALLS roadways, the secondary access will not necessarily reduce traffic on the CRALLS roadway, but will better distribute Project Traffic on the roadway system. The credit factor is reduced by 50 percent in these cases.
- g. Secondary access shall meet the access management requirements of the municipality, County, or FDOT, as applicable; if not, then it must have been granted a variance from the access management requirements prior to qualifying for credit.
- h. The secondary access may be an access point onto the CRALLS roadway that aligns with another thoroughfare and thus allows dispersion of some project traffic without impacting the CRALLS roadway except at the intersection.

3. **Implementation Timeframe**

The precise timetable shall be determined as part of the Development Order approval process but the easement must be in place, as depicted on the plat or in the restrictive covenant, no later than issuance of the first CO for the Project.

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

4. **Monitoring**

The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.

5. **Credit Factor**

- a. 1.0 at median opening for access to thoroughfare secondary to CRALLS roadway;
- b. 0.5 not at median openings for access to thoroughfare secondary to CRALLS roadway;
- c. 0.2 at median opening to another thoroughfare for projects not on CRALLS roadway;
- d. 0.1 not at median opening to another thoroughfare for projects not on CRALLS roadway;
- or
- e. 0.4 for access onto CRALLS roadway that aligns with full median opening with another thoroughfare.

J. **Strategy 10. Low Generation Traffic Sensitive Uses**

1. **Strategy**

This strategy consists of developing the project with a low generation traffic sensitive use, with the intent of reducing traffic congestion.

2. **Qualifying Criteria**

- a. Credit will be given for this Strategy only if credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9.
- b. Restrictive covenants on the parcel shall be filed describing the uses and associated densities and intensities that are allowed.
- c. The Master Plan or Site Plan shall identify, on a building and parcel basis, the building areas allocated to specific land uses for the development.

3. **Implementation Timeframe**

Determined during concurrency review.

4. **Monitoring**

By April 1 of each year, starting April 1 after the first full year after occupying the site, the developer, or their agent, must supply a use report to the County Engineer, identifying uses, and their densities and intensities, active on the site.

Two years following Project Buildout, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.

5. **Credit Factor**

- a. Credit shall be determined by multiplying by three the percent reduction (expressed as a decimal) in two-way peak hour trips as compared to the typical average net external two-way peak hour trips per gross acre for development in the area per the land use designation as of the effective date of adoption of this Section. The typical development density and intensities based on an analysis of existing developments in area of CRALLS are as follows:
 - 1) Residential: as per maximum allowable under land use designation.
 - 2) Retail Commercial: 0.18 gross lot area coverage by buildings.
 - 3) Office: 0.16 gross lot area coverage by buildings.
 - 4) Industrial: 0.22 gross lot area coverage by buildings.
 - 5) Institutional: 0.09 gross lot area coverage by buildings.
- b. It is further assumed that, for purposes of calculation and comparison, the typical gross lot area coverage intensities are based upon single story buildings occupying the parcels. Also, for purposes of comparison, the typical density/intensity for the land use designations listed above shall be calculated using the general trip generation rate for that designation as published by PBC Engineering and Public Works Department/Traffic Division, whereas the proposed project shall be calculated using the specific trip generation rate for the proposed use if it is a requested use under the applicable zoning district.
- c. Credit factor shall be calculated in accordance with Table 12.Q.3.J-18, Strategy Ten Credit Factor Calculation, below:

Table 12.Q.4.J-18 - Strategy Ten Credit Factor Calculation	
Credit Factor =	$\frac{3 \times (I_A - T_P)}{I_A}$
I_A	= average net external 2-way peak hour trips per gross acre in area for applicable land use designation
T_P	= project net external 2-way peak hour trips per gross acre

6. **Example**

- a. Proposed self-storage development of 60,000 sf on 10-acre parcel with industrial land use designation = 0.14 gross lot area coverage
- b. Average industrial gross lot area coverage = 0.22
- c. Project net external 2-way PM peak hour trips per gross acre = (60 x .26) / 10 = 1.56 trips/gross acre

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
 SUMMARY OF AMENDMENTS
 (Updated 7/5/06)

d. Average Net 2-way PM peak hour trips per gross acre = 0.98 x (0.22 x 10 x 43,560/1000) / 10 = 9.39 trips/gross acre

e. Credit Factor = 3 x [(9.39 - 1.56)/9.39] = 2.5

K. Strategy 11. Intersection Modifications

1. Strategy

This strategy consists of improvements to signalized intersections on the CRALLS roadway. The intersection modification can include additional turn lanes or additional through lanes.

2. Qualifying Criteria

a. This strategy applies only to intersections projected to exceed a critical sum of 1200 during either the AM or PM peak hour by Project Buildout.

b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9.

c. Credit will not be given for that portion of the intersection modification that is required to mitigate just the traffic impacts of the proposed development.

3. Methodology for Analyzing Improvement

The intersection will be analyzed using the "sum of critical movements" approach as detailed in Art. 12.B, Standard.

4. Implementation Timeframe

Determined during Site Plan review.

5. Monitoring and Enforcement

When this strategy is used, the provision of intersection modifications shall be included in the Development Order as well as the Master Plan or Site Plan. The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.

6. Credit Factor

Equal to five times the percentage reduction (expressed as a decimal) of the "sum of critical movement" in the operation of the intersection during either the AM or PM peak hour. The reduction in the critical movement sum is calculated without considering the component of traffic attributable to the proposed development itself. Credit factor shall be calculated in accordance with Table 12.Q.3.K-19, Strategy 11 Credit Factor Calculation, below:

Table 12.Q.3.K-19 - Strategy 11 Credit Factor Calculation	
Credit Factor =	$5 \times (1 - CS_M / CS_E)$
CS_M	= the existing sum of critical movements for the intersection
CS_E	= the sum of critical movements for the intersection after the modification

7. Pooling Improvement by Multiple Developments

Multiple developments may pool their resources to implement an intersection improvement if the combined trips from the developments do not exceed the improvement to the intersection. In this case, the credit will be given proportionately according to each development's contribution.

8. Example

An intersection has an existing "sum of critical movements" of 1500. A proposed improvement will result in a "sum of critical movements" of 1350. The improvement is $5 \times [1 - (1350/1500)] = 5(1-0.9) = 0.5$.

L. Strategy 12. Grade Separated Interchange Improvement

1. Strategy

This strategy consists of dedicating R-O-W for a proposed grade separated interchange or interchange modification.

2. Qualifying Criteria

a. The interchange improvement must be approved by the Florida Department of Transportation District 4, PBC and/or Florida's Turnpike District, as appropriate.

b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9.

c. The dedication of R-O-W must be in addition to what is required by government land development regulations and must not be site-related.

3. Implementation Timeframe

Determined during Site Plan review.

4. Monitoring and Enforcement

When this strategy is used, the provision of grade separated interchange improvements shall be included in the Palm Beach County Comprehensive Plan on either the Thoroughfare Right of Way Identification Map or Adopted Long Range Plan Map and the area to be dedicated shall be designated in the project's Development Order/Master Plan. The project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant to Art. 12.Q.2.F, Time Limits.

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64

EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

5. Credit Factor

(Percentage of total required grade separated interchange improvement R-O-W dedicated by developer expressed as a decimal).

M. Strategy 13. Compressed Work Week/Non-Peak Hour Work Hours

1. Strategy

A work site policy implementing a work schedule for full-time (i.e. working at least 35 hours per week) employees for a less than 5-day work week by extending hours of work during the remaining work days, with start and end work times that fall outside the normal AM (7 to 9 AM) and PM (4 to 6 PM) peak hours.

2. Qualifying Criteria

- a. 20 percent or more of on-site employees must be working the compressed work week schedule.
- b. Either the start or end work time or both must fall outside the normal AM and PM peak hours of on-street traffic.
- c. The work schedules for the affected on-site employees need to be documented on an annual basis.
- d. Projects must include an on-site coordinator to assist participants in the program, as well as to facilitate program performance tracking and reporting.
- e. Project must develop a formal policy and contract between employees and managers that shall identify which job categories are eligible for the compressed work week/non-peak work hours option.
- f. Project must be an employer of 20 or more people.
- g. For those employees qualifying for credit under the non-peak hour work hours' part of Strategy 13, Compressed Work Week/Non-Peak Work Hours, no credit shall be received for Strategy 5, Ridesharing Programs.

3. Implementation Timeframe

One year from date of issuance of the first CO for the Project.

4. Monitoring and Enforcement

- a. By April 1 of each year, starting April 1 after the first full year after initiating the program, the owner, developer, or their agent, must supply a report to the County Engineer identifying the number of employees from the development participating in the program and the total number of employees employed during the reporting period, and the work schedules of each participant. This Monitoring Report shall also include a copy of the compressed work week policy and copies of each of the signed compressed work week contracts entered during the reporting period. The County Engineer shall analyze the data for compliance with the Development Order. If the program fails to meet the plan's specified criteria within one year of Project Buildout, the owner, developer, or agent shall undertake remedial action, or institute an alternate mitigation strategy.
- b. Two years following initiation of the strategy, the project's developer, owner, or agent as appropriate, may request alteration or substitution of the strategy pursuant Art. 12.Q.2.F, Time Limits.

5. Credit Factor

Credit factor shall be calculated in accordance with Table 12.Q.3.M-20, Strategy 13 Credit Factor Calculation, below:

<u>Table 12.Q.4.M-20 - Strategy 13 Credit Factor Calculation</u>	
Credit Factor =	$\frac{E \times (D + H/(5-D))}{50 \times (\text{square root of } S)}$
E	= number of on-site based employees that participate in program
D	= number of weekdays per week that the employees do not have to drive to work due to their participation in program
H	= number of peak hours per week on workdays during which participating employees will not drive to work
S	= size of project in 1,000 sf

N. Strategy 14. Additional Mitigation Fee Payment

1. Strategy

This strategy involves the payment of mitigation fees in excess of the amount required by the Code for road impact fees. These fees shall be deposited in a separate Okeechobee Boulevard Mitigation Fee Account and shall be used by the BCC to fund road improvements or other Programs designed to improve traffic flow in the Okeechobee Boulevard corridor.

2. Qualifying Criteria/Implementation Timeframe

- a. Prepayment of the additional mitigation fees shall be required prior to issuance of the first building permit.
- b. Credit will only be given for this Strategy if a credit is also earned from one of the following Strategies: 1, 2, 3, 4, 5, 6, 7, 8, or 9.

3. Credit Factor

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EXHIBIT J

OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM
SUMMARY OF AMENDMENTS
(Updated 7/5/06)

Credit factor shall be calculated in accordance with Table 12.Q.3.N-21, Strategy 14 Credit Factor Calculation, below:

Table 12.Q.3.N-21 - Strategy 14 Credit Factor Calculation

$0.001 \times (\text{additional amount of payment in } \$1000\text{s}) + 0.005 \times (\text{percentage excess payment above required impact fee expressed as whole number} - \text{up to a maximum of 100 percent})$

4. Example

A project with a road impact fee of \$132,000 agrees to pay 100% of its fee as an additional mitigation fee payment. The project will thus qualify for a credit factor of $(0.001 \times 132) + (0.005 \times 100) = 0.632$

Section 5 CRALLS Mitigation Strategies: Point System Methodology

The following section outlines the methodology for a preliminary point system to be used in conjunction with CRALLS Mitigation Strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall trip generation function. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "credit factor" used in this system corresponds to the sum of the credit factors derived from the mitigation strategies utilized.

Table 12.Q.5.N-22 - Point System Methodology

CRALLS Facilities Assigned Trips (Net 2-way peak-hour trips)	Weighting Factor	Minimum Points Needed to Fulfill Mitigation (divide assigned trips by 10)
1 - 100	5	≤ 10
101 - 200	10	11 - 20
201 - 400	20	21 - 40
401 - 800	40	41 - 80
801 - 1000 ¹	80	81 - 100

¹ Net 2-way peak hour trips in excess of this number shall be categorized and assigned weighting factors in a proportionate manner to the above table

A. Calculation to Determine Mitigation

The method of calculation to determine mitigation shall be in accordance with Table 12.Q.3.N-23, Calculation to Determine Mitigation, below:

Table 12.Q.3.N-23 - Calculation to Determine Mitigation

$$\frac{\text{Number of assigned trips} \times \text{credit factor}}{\text{weighting factor}} = \text{Points earned}$$

¹ The assigned trips include only those trips that are impacted by the specific mitigation strategy.

Note:

All credit factor calculations for each strategy are to be rounded off to the nearest one-hundredth prior to summing them to derive total points.

B. Example Calculation

1. Impact

- a. Development will impact 100 trips onto CRALLS facility
- b. Developer needs 10 points to achieve CRALLS mitigation

2. Mitigation Examples

- 1. Developer chose to implement an access to thoroughfare secondary to CRALLS roadway:

$$\frac{100 \times .10}{0.5} = 20 \text{ points}$$

- 2. Developer chose to implement a feeder route with 30-minute headways:

$$\frac{100 \times .05}{0.5} = 10 \text{ points}$$

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