

**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
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Contractor Certification 233-5525  
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**Palm Beach County  
Board of County  
Commissioners**

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Burt Aaronson, Vice Chairman

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Mary McCarty

Jess R. Santamaria

Addie L. Greene

**County Administrator**

Robert Weisman



*"An Equal Opportunity  
Affirmative Action Employer"*

March 18, 2009

Mr. Wesley Blackman, AICP, Chairman  
and Members of Land Development Regulation Advisory Board (LDRAB)  
241 Columbia Drive  
Lake Worth, FI 33460

**RE: March 25, 2009 LDRAB Meeting**

Dear Mr. Blackman:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, March 25, 2009.

The meeting will be held at 2:00 p.m. in the Vista Center 1<sup>st</sup> Floor Conference Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions and/or require additional information, please contact me via email at [BCPinkst@pbcgov.org](mailto:BCPinkst@pbcgov.org) or Paula Pritchard, Secretary, at (561) 233-5088.

Sincerely,

Barbara Pinkston-Nau  
Principal Site Planner, Zoning Division

Attachments:

March 25, 2009 LDRAB Agenda and Supporting Materials

BPN/pp

- c: Barbara Alterman, Esq., Executive Director, PZB
- Lenny Berger, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- William Cross, Senior Site Planner, Zoning
- Isaac Hoyos, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**  
**Wednesday, March 25, 2009 Agenda**  
**2300 North Jog Road**  
**1<sup>st</sup> Floor Conference Room (VC-1W-47), 2:00 p.m.**

**A. Call To Order/Convene As LDRAB**

1. Roll Call
2. Additions, Substitutions, and Deletions
3. Motion to Adopt Agenda
4. Adoption of February 25, 2009 Minutes (Exhibit A)
5. Code of Ethics and Rules of Procedures

**B. ULDC Amendment**

1. Exhibit B Article 1 – General Provisions
2. Exhibit C Article 3 – Overlays and Zoning Districts
3. Exhibit D Article 4 – Use Regulations
4. Exhibit E Article 14 – Environmental Standards

**C. Public Comments**

**D. Staff Comments**

**E. Adjourn**

**PALM BEACH COUNTY**  
**LAND DEVELOPMENT REGULATION ADVISORY BOARD**  
**MARCH 25, 2009**

**BOARD MEMBERS**

**Wes Blackman, AICP, Chair** (PBC Planning Congress)

**David Carpenter, RLA, Vice Chair** (District 2)

**Raymond Puzzitiello** (Gold Coast Build. Assoc.)

**Joni Brinkman** (League of Cities)

**Ron Last, P.E** (FL Eng. Society)

**Jose F. Jaramillo** (A. I. A.)

**Rosa Durando** (Environmental Org.)

**Michael Cantwell** (PBC Board of Realtors)

**Wayne Larry Fish, P.S.M.** (FL Soc. of Pro. Land Surveyors)

**Maurice Jacobson** (Condominium Assoc.)

**Steven Dewhurst** (Assoc. Gen. Cont. of Amer.)

**Joanne Davis** (District 1)

**Barbara Katz** (District 3)

**Vacant** (District 4)

**Vacant** (District 5)

**Vacant** (District 6)

**Martin Klein, Esq.** (District 7)

**Brian Waxman, Esq.** (Mem. At-Large, Alternate)

**Frank Palen, Esq.** (Mem. At-Large, Alternate)

**John F. Koons**  
**Chairman, District 2**

**Burt Aaronson**  
**Vice Chair, District 5**

**Karen T. Marcus**  
**Commissioner, District 1**

**Shelley Vana**  
**Commissioner, District 3**

**Vacant**  
**Commissioner, District 4**

**Jess R. Santamaria**  
**Commissioner, District 6**

**Addie L. Greene**  
**Chair, District 7**

**Robert Weisman**  
**County Administrator**



**EXHIBIT A**

**PALM BEACH COUNTY**

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

**Minutes of February 25, 2009 Meeting**

On Wednesday, February 25, 2009 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

**A) Call to Order/Convene as LDRAB.**

**1) Roll Call**

Chair Wes Blackman called the meeting to order at 2:10 p.m. Paula Pritchard, Code Revision Secretary, called the roll. Mr. Blackman began the meeting by requesting that the Board members introduce themselves.

**Members Present**

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
Joni Brinkman (League of Cities)  
Ron Last (FL Eng. Society)  
Jose Jaramillo (A. I. A.)  
Rosa Durando (Environmental Org.)  
Maurice Jacobson (Condominium Assoc.)  
Martin Klein (District 7)

**Members Absent**

Michael Cantwell (PBC Board of Realtors)  
Larry Fish (FL Soc. of Pro. Land Surveyors)  
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)  
Joanne Davis (District 1)  
Barbara Katz (District 3)  
Vacant (District 4)  
Vacant (District 5)  
Vacant (District 6)

Members Present - 9

Members Absent - 5  
Vacant - 3

**County Staff Present:**

Jon MacGillis, ALSA, Director  
Maryann Kwok, Chief Planner, Zoning  
Barbara Pinkston-Nau, Principal Site Planner, Zoning  
William Cross, Senior Site Planner, Zoning  
Jim Mize, Chief Assistant County Attorney  
John Rupertus, Senior Planner, Planning  
Jorge Perez, Senior Planner, Planning  
Jonathan Brown, Manager, Housing and Community Development  
Ann DeVeaux, Site Planner I, Zoning  
Paula Pritchard, Secretary, Zoning

**2) Elections: Chair and Vice Chair**

Wes Blackman was nominated Chair, and David Carpenter Vice Chair. A motion was made by Maury Jacobson, seconded by Martin Klein to approve both appointments. The motion passed unanimously (9 - 0).

**3) Motion to Adopt Agenda**

Motion to approve, by Maury Jacobson, seconded by Martin Klein. The motion passed unanimously (9 - 0).

**4) Adoption of August 21, 2008 (Exhibit A)**

Motion to approve, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (9 - 0).

**B) Annual Organizational Report**

- I. Meeting Procedures ..... Section I**
- II. 2008 Attendance and 2009 Meeting Schedule ..... Section II**
- III. PZB Public Information ..... Section III**

## EXHIBIT A

**C) Public Comments**

N/A

**D) Staff Comments**

Barbara Pinkston-Nau welcomed and thanked the Board for their participation on last year's amendments. She added that staff looks forward to working with them on the upcoming amendments. Jon MacGillis gave a brief overview of the topics that will be addressed by the Subcommittees and staff. He recommended that if anyone is knowledgeable on any of the topics they should sign up to assist in addressing these issues. Barbara Pinkston-Nau mentioned that Jonathan Brown, Manager of Housing and Community Development would be assisting Code Revision staff on the affordable housing issues. She also informed the Board that a calendar would be submitted with the available times and dates. Jon MacGillis pointed out that staff needed at least two Board members to serve on the following subcommittees listed below:

### 2009 Subcommittees

<b>General I</b>	<b>General II</b>	<b>Housing Issues</b>
David Carpenter	Wes Blackman	Raymond Puzzitiello
Rosa Durando	Jose Jaramillo	Ron Last
Maury Jacobson (Renewable Energy)	Joni Brinkman	Jose Jaramillo
	Ron Last	

**E) Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 2:45 p.m.

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

EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 03/09/09)

1  
2 Part 1. ULDC, Art. 1.1.2.A.102, Auction (page 36 of 109), is hereby amended as follows:  
3

4 Reason for amendment: [Zoning] Amend to clarify definition for types of auctions.  
5

6 CHAPTER I DEFINITIONS & ACRONYMS

7 Section 2 Definitions

- 8 A. Terms defined herein or referenced in this Article shall have the following meanings:
- 9 102. **Auction** - for the purposes of Art. 4, an establishment engaged in the ~~public~~ sale of ~~goods~~
- 10 ~~merchandise~~ to the highest bidder in an enclosed building or outdoor.
- 11 a. **Auction, Enclosed** – an auction with all of the activity, display and sale of merchandise
- 12 occurring within an enclosed building.
- 13 b. **Auction, Outdoor** – an auction with all or a portion of the activity, display and sale of
- 14 merchandise occurring outdoors.

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**Notes:**

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS  
SUMMARY OF AMENDMENTS

(Updated 03/12/09)

Part 1. ULDC, Art. 3.D.2.C, ZLL Design Standards, (page 66 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify standards on height limitation of structures for lots with ZLL sides that abuts or is separated from a rear property line of an adjacent lot.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

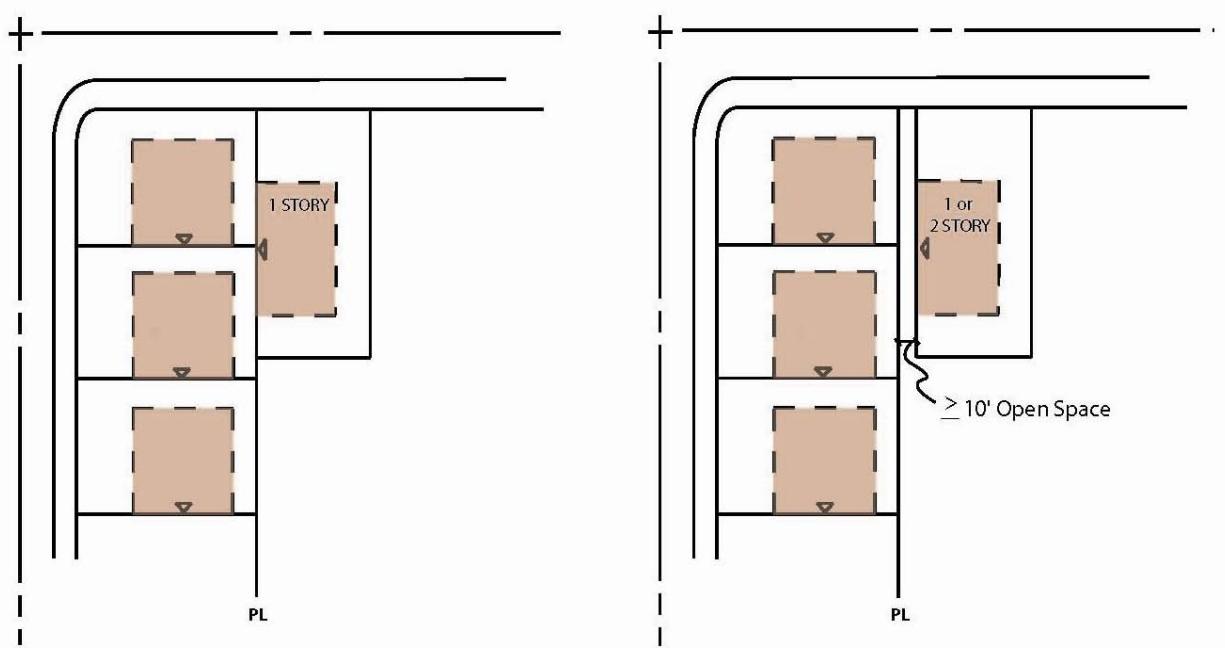
C. ZLL Design Standards

3. Height Limitation

Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts or is separated from the rear property line of an adjacent lot by less than 10 feet shall be limited to one story in height.

[Renumber accordingly.]

Figure 3.D.2.C-8, ZLL Height Limitations Based on Separation



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**EXHIBIT C**

**ARTICLE 3 – OVERLAYS & ZONING DISTRICTS  
SUMMARY OF AMENDMENTS  
(Updated 03/12/09)**

1  
2 **Part 2. ULDC Table 3.E.1.B PDD Use Matrix [Related to Auction] (page 73 of 155), is hereby**  
3 **amended as follows:**  
4

5 **Reason for amendment:** Amend to allow enclosed auction as a requested use approval in a MUPD.  
6 Currently allowed in Use Matrix in straight IL Zoning District. This amendment will ensure consistency in  
7 use charts.  
8

**Table 3.E.1.B - PDD Use Matrix cont'd**

Use Type	PUD					MUPD						MXPD				PIPD						
	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	I	M	R	N
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	H	V	O	
S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	T	
				/							T					/		/	D	D	E	
				P												L	G					
<b>Commercial Uses</b>																						
....																						
<b>Auction, Enclosed</b>		R							P		P	<u>R</u>							P		16	
<b>Auction, Outdoor</b>									R		R	R							P	P	P	16
....																						
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																						
<b>Notes:</b>																						
<b>P</b>	Permitted by right																					
<b>D</b>	Permitted subject to approval by the DRO																					
<b>S</b>	Permitted in the district only if approved by Special Permit																					
<b>R</b>	Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

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**EXHIBIT D**

**ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS**

**(Updated 03/09/09)**

**Part 1. ULDC Art. 4.B.1.A.55, Financial Institution (page 49 of 155), is hereby amended, as follows:**

**Reason for amendment:** [Zoning] Industry request to amend current CL and CLO PDD prohibitions on financial institutions. Change allows an applicant to apply to the Board of County Commissioners as a Requested Use approval to allow a financial institution with a CL or CLO FLU designation greater than 5,000 square feet or with more than 3 drive through lanes.

**55. Financial Institution**

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

**a. Development Thresholds and Approval Process**

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A-5, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013]

**Table 4.B.1.A-5 – Financial Institution Development Threshold and Approval Process**

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru <sup>(1)</sup>	
CN and CLO	5,000 s.f. max	and	Not permitted	DRO
<del>CC, and CHO, and CG; CL, CH, and CLO and CHO</del> PDDs; COM Pod of PUD; <del>PIPD COM Use Zone; and TDDs</del>	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
CC; and, CL and CLO PDDs, <u>and COM Pod of PUD</u>	5,000 s.f. max	and	≤ 3 drive thru lanes	DRO
CG; CH and CHO PDDs; <u>PIPD COM Use Zone Pod of PIPD</u> ; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted by Right
CC, CHO and CG; <u>CL, CH, CLO</u> and CHO PDDs; <u>COM Pod of PUD; PIPD COM Use Zone</u> ; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use
<b>Ord. 2007-013</b>				
<b>Notes:</b>				
1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.				

**b. TMD District**

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street.

**Part 2. ULDC, Art. 4.B.1.A.16, Auction (page 33 of 155), is hereby amended as follows:**

**Reason for amendment:** [Zoning] Amend to 1) clarify supplementary standards for enclosed auction to be consistent with definition and PDD Use Matrix.

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**16. Auction**

An establishment engaged in the ~~public~~ sale of ~~goods merchandise~~ to the highest bidder in an enclosed building or outdoor.

**a. Temporary**

A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.

**b. Enclosed**

All activities, display and sale of merchandise shall occur within an enclosed building.

**MUPD**

An enclosed auction in a MUPD with IND FLU designation shall be subject to a Requested Use approval process.

**bc. Outdoors**

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 03/09/09)

1 An auction with all or a portion of the activity, and display and sale of merchandise  
2 occurring ~~outside of an enclosed building outdoor on site~~ shall require approval of a Class  
3 A conditional use ~~provided the site meets the non-residential use location criteria of the~~  
4 ~~Plan.~~ [Ord. 2007-001]

5 ed. TMD District

6 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005 – 002]

7 ....

10 Part 3. ULDC, Art. 4.B.1.A.72, Hotel, Motel, SRO, and Rooming and Boarding House (page 55  
11 of 155), is hereby amended as follows:

13 Reason for amendment: [FDO] Amend to recognize an existing hotel use in the PO District as a  
14 conforming use and not subject to the non-conforming provision of Article 1.

16 CHAPTER B SUPPLEMENTARY USE STANDARDS

17 Section 1 Uses

18 A. Definitions and Supplementary Standards for Specific Uses

19 72. Hotel, Motel, SRO, and Rooming and Boarding House

20 An establishment requiring a license by the State of Florida used, maintained or advertised  
21 as a place where furnished sleeping accommodations are supplied for short term rent to  
22 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and  
23 rooming and boarding houses. [Ord. 2006-004]

24 ....

25 d. PO District

26 An existing hotel located in the PO district shall be considered a conforming use.

27 [Renumber accordingly.]

30 Part 4. ULDC, Art. 4.B.1.A.74-1.b, Accessory Residential Use [Related to Type II Commercial  
31 Kennel] (page 56 of 155), is hereby amended as follows:

33 Reason for amendment: [Zoning] In summary – Type II commercial kennels are not intended to be  
34 permitted in any residential districts, other than AGR. Where allowed in a commercial district, existing  
35 security caretakers quarters provisions are already permitted.

37 CHAPTER B SUPPLEMENTARY USE STANDARDS

38 Section 1 Uses

39 A. Definitions and Supplementary Standards for Specific Uses

40 74. -1. Kennel, Type II (Commercial)

41 A commercial establishment, including any building or land, used for the raising, boarding,  
42 breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily  
43 owned by the occupants of the premises, for profit. [Ord. 2006-036]

44 a. Limitations of Use

45 A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and  
46 grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

47 1) Lot Size

48 A minimum of two acres. [Ord. 2006-036]

49 2) Frontage

50 A minimum of 100 feet fronting on and access from a collector or arterial street.  
51 [Ord. 2006-036]

52 3) Outdoor Runs

53 a) Setbacks

54 Outdoor runs or animal exercise area shall not be located within 50 feet of any  
55 property line adjacent to a residential district, use or where mixed use is required,  
56 or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-  
57 036] [Ord. 2008-037]

58 b) Standards

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

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS

(Updated 03/09/09)

1 minimum of four feet at installation shall be provided around the outdoor  
2 run\area. [Ord. 2006-036]

3 4) AZO Overlay

4 Shall be a permitted use only if associated with services provided to passengers and  
5 airport employees. [Ord. 2006-036]

6 b. Accessory Residential Use

7 A Type II commercial kennel may be operated in the AGR district in conjunction with a  
8 residence ~~on properties with a residential or underlying residential FLU designation.~~  
9 [Ord. 2006-036]

10 c. PIPD

11 A Type II commercial kennel may be permitted in a commercial or light industrial pod of a  
12 PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE  
13 Policy 2.2.4-b. [Ord. 2008-037]

14  
15 **Part 5. ULDC, Art. 4.B.1.A.74-3.b [Related to Type IV Kennel/Animal Shelter] (page 57 of 155),**  
16 **is hereby amended as follows:**

17  
18 **Reason for amendment:** [Zoning] 1) Amend to incorporate changes made to Plan FLUE Policy 2.2.8-b  
19 (effective date 10/17/2008) that allows for an Animal Shelter to include a co-located veterinary clinic open  
20 to the public without any accessory use limitations; and, 2) Clarify limitations of accessory residential  
21 uses.

22  
23 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

24 **Section 1 Uses**

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

26 **74-3.Type IV Kennel (Animal Shelter)**

27 A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a  
28 humane society, or private animal non-profit organization on 2.5 acres or more or when open  
29 to the public, that is used for the protection of unwanted or abandoned domesticated animals,  
30 the use of which may include sheltering, adoption, fostering, providing rescue or old age  
31 homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by  
32 ACC that are not regulated elsewhere by this Code. [Ord. 2008-037]

33 **a. Limitations of Use**

34 All Type IV kennels shall be licensed and regulated by ACC, and comply with the  
35 following. [Ord. 2008-037]

36 **1) Frontage**

37 Facilities that are open to the public shall have a minimum of 100 feet fronting on and  
38 access from a collector or arterial street. [Ord. 2008-037]

39 **2) Hours of Operation**

40 Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]

41 **3) Outdoor Animal Use Areas**

42 **a) Setbacks**

43 Outdoor animal use areas including but not limited to outdoor runs shall not be  
44 located within 50 feet of any property line adjacent to a residential district, use or  
45 where mixed use is required, or 25 feet of any property line adjacent to a non-  
46 residential district. [Ord. 2008-037]

47 **b) Screening**

48 In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility  
49 Buffer, any outdoor animal use area located within 300 feet of a residential use or  
50 property with a residential FLU designation, shall upgrade the incompatibility  
51 buffer with either of the following: [Ord. 2008-037]

52 (1) A six foot high fence, and double the required buffer width and planting  
53 requirements; or [Ord. 2008-037]

54 (2) A six foot high CBS or concrete panel wall. [Ord. 2008-037]

55 **4) Number of Animals Permitted**

56 Prior to review by DRO, preliminary approval shall be obtained from ACC  
57 demonstrating that the proposed location can comply with all PBCACC requirements,  
58 and indicating the maximum number of animals permitted. [Ord. 2008-037]

59 **5) Waste Disposal**

60 A Type IV kennel shall meet the ECR I and ECR II standards and shall be subject to  
61 all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2008-037]

62 **b. Collocated Uses**

63 Any commercial or other use providing services to the general public, inclusive of  
64 ~~veterinary~~, training or boarding services, among others, shall only be permitted in  
65 accordance with the PDD, TDD or Standard District Use Matrices, stated approval

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 03/09/09)

process, and supplemental standards, unless stated otherwise herein. Veterinary clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2008-037]

c. **Accessory Residential Use**

A Type IV Kennel may be operated in conjunction with a single-family dwelling unit on properties having underlying residential FLU designations. [Ord. 2008-037]

d. **PIPD**

A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]

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EXHIBIT E

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS

(Updated 03/09/09)

1  
2 Part 1. ULDC, Art. 14.A, Sea Turtle Protection and Sand Preservation, (page 6 of 50), is hereby  
3 amended as follows:  
4

5 Reason for amendment: [ERM] Amend to clarify language and jurisdictional limits and to improve  
6 consistency with other agency guidelines.

7  
8 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

9 Section 1 Purpose and Intent

10 The purpose of this Chapter is to reduce impacts of coastal lighting on sea turtles. and prohibit the  
11 removal of sand from This Chapter is also intended to maintain the volume and quality of sand presently  
12 existing within the beach/dune system. The unique characteristics of sediments contained in the existing  
13 beaches and dunes of PBC require the preservation of these materials within the beach/dune system.

14 ....  
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16 Section 6 Jurisdiction

17 A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune  
18 system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone  
19 (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of  
20 the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high water  
21 line. The SPZ extends from the mean high water line of the Atlantic Ocean to 600 feet landward.  
22 If any portion of a property falls within the jurisdictional boundaries of the STPZ or SPZ, the entire  
23 property shall be subject to the standards of the ordinance.

24 ....  
25 D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm,  
26 corporation, municipality, special district or public agency shall install any artificial lighting without  
27 first having obtained an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as  
28 provided for in this Chapter. Existing beachfront lighting located within or causing direct or indirect  
29 illumination that is visible from the beach within the STPZ as defined herein shall comply with  
30 Article 14.A.11, Standards for Existing Beachfront Lighting.

31 ....  
32 F. Beach obstructions are exempt from the requirements of this SectionArticle. However, this  
33 exemption shall not be in effect during sea turtle nesting season (March 1 – October 31) unless  
34 the structures are removed daily from the beach from sunset until two hours following sunrise  
35 prior to 9:30 p.m., and are not moved onto, or placed on the beach before completion of  
36 monitoring conducted by personnel with prior experience and training in nest survey procedures  
37 and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily  
38 sea turtle monitoring), or unless the beach furniture is being actively used or attended during the  
39 period of time from 9:30 p.m. until the next days monitoring. Beach obstructions shall be  
40 removed from the beach or placed in a single row as close to the toe of the dune as possible in  
41 an area that does not impact native vegetation or significantly affect sea turtles. Exemptions  
42 under this provision are not intended to authorize any violation of F.S. § 370.12 or any of the  
43 provisions of the Endangered Species Act of 1973, as may be amended. (Ord. No. 05-27, §  
44 3.QQ) [**Ord. 2006-036**]

45 Section 7 De Minimis

46  
47 Those projects for which ERM provides a written determination that there will be no significant adverse  
48 environmental impacts. Approvals may include but are not limited to: removal of a light source whether  
49 approved or not approved; reduction in light intensity of a light source; installation of a light source within  
50 the STPZ which is not directly, or indirectly visible from the beach.  
51

52 Section 8 Sea Turtle Protection Lighting Plan

53 ....  
54 F. STLP approval shall not be issued or processed until the application fee and any and all  
55 information necessary to fully understand the extent, nature, and potential impacts of a proposed  
56 lighting plan are received by ERM. Such information may include, but is not limited to:

57 ....  
58 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights and  
59 windows within jurisdictional boundariesline of sight of the beach. Light and window tinting  
60 information shall include:  
61

Notes:

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- b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach of areas seaward of the crest of the dune.

....

Section 9 Criteria for STLP Approval

A. A STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:

- 1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and will be positioned such that they do not cause direct or indirect illumination that is visible from the beach. (direct or indirect) of areas seaward of the existing seawall or crest of dune and the source of light is not directly visible from the beach;

- a. All outdoor lighting shall be directed downwards. No lights shall be directed upwards.
- b. Filters shall be prohibited.
- c. All exterior fixtures on the seaward and the shore perpendicular sides of the building (and the landward side of the building if they are visible from the beach) shall be well shielded, full cut-off, and downward directed.
- d. All exterior fixtures on the landward side of the building shall be downward directed.
- e. Long wave length lights that produce light that measures greater than 580 nanometers, shall be used for all coastal construction visible from and adjacent to marine turtle nesting beaches. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps will not be approved. Shorter wavelength lights will only be approved in areas where direct or indirect illumination is not visible from the beach.

**2. Use of Window Treatments at Multifamily Residential Properties:**

In common areas of a multi-family residential site, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Transparent draperies or shadescreens are prohibited.

- 23. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible; and

- 34. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this ~~Chapter~~Article.

B. Measures that may be implemented to protect sea turtles include: elimination, modification or alteration of all proposed and/or existing exterior lights that cause ~~direct or indirect~~ illumination which is directly or indirectly of areas seaward of the existing crest of dune or which are visible from the beach.

C. All lighting installed after September 2, 1987 in unincorporated PBC and in municipalities that do not have a STPO in effect shall comply with the following standards:

- 1. ~~no~~Artificial public or private light source shall not cause illumination which is directly or indirectly ~~illuminate areas seaward of the crest of the dune or be~~ visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings;
- 2. ~~the~~ installation of coastal lighting shall reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 19962000).
- 3. ~~a~~Any and all light fixtures shall be designed and/or positioned such that they do not cause ~~direct or indirect~~ illumination which is not directly or indirectly of areas seaward of the crest of the dune and the source of light is not directly visible from the beach.
- 4. ~~a~~All lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard Art. 14.A.9.C.1, above shall not be authorized, ~~and~~ **[Ord. 2005 – 002]**
- 5. ~~a~~Artificial lighting for decorative or accent purposes ~~and uplights~~ shall not be authorized within the zone of jurisdiction unless it ~~is will~~ not be directly or indirectly visible from the beach.
- 6. Lighting used in parking lots within the STPZ shall be:
  - a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting ~~is not~~ does not cause illumination or is directly or indirectly visible from the beach.
  - b. Positioned and/or shielded such that the source of light is not visible from the beach ~~and~~ does not cause illumination directly or indirectly visible from the beach.

- 8. Permanent firepits shall be positioned and/or shielded to ensure that the source of illumination is not directly or indirectly visible from the beach. Maximum flame height shall be determined at final inspection.

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89. Open fires on the beach shall be prohibited during Sea Turtle Nesting season. [Ord. 2005 – 002]

~~D10.~~ Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.

11. Pool deck lights and underwater pool lights shall be turned off while the pool is closed at sunset during sea turtle nesting season, March 1<sup>st</sup> – October 31<sup>st</sup>. The use of an automatic timer shall be acceptable only for pool lighting.

Section 10 Inspection Required

A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:

1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels.

....

3. The inspector shall sign and seal the inspection report which includes a certification that:

....

c. the beachfront lighting does not cause directly or indirectly illumination that is visible from the beach ~~illuminate areas seaward of the crest of the dune~~ at the time of the night inspection; and

....

Section 11 Standards for Existing Beachfront Lighting

A. Adjustment to Essential Lighting

~~In some cases~~ Changing coastal conditions (erosion, renourishment, vegetation impacts, etc.); it may be ~~desirable~~ necessary to retrofit light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with Article 14.A. 9, Criteria for STLP Approval. Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach and install and shield low pressure sodium vapor lights producing wavelengths between 589 and 590 nanometers. [Ord. 2006-036]

B. Reduction of Indirect Lighting on the Beach

The installation and maintenance of ground level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system.

C. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure ~~seaward of the crest of the dune~~ designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach.

E. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are directly or indirectly visible from the beach ~~or illuminate directly or indirectly areas seaward of the crest of the dune~~ shall be disconnected or otherwise modified to comply with this Chapter.

G. Enforcement and Implementation of Corrective Measures

In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. ~~Relocation of nests where authorized by the FFWCC shall be considered only as a last resort and as a temporary measure while other solutions are being developed and implemented.~~

Section 13 Standards for SPZ

A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned ed to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which

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do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined.

....

Section 15 Fees

A. Fees shall be required as established by the approved fee schedule.

....

Section 16 Violations

A. An unapproved lighting source illuminated during the night which is directly or indirectly visible from the beach regardless of jurisdictional boundary.

B. An approved lighting source which has experienced a change in conditions such that it is no longer in conformance with this ~~Chapter~~Article. Conditions may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding, addition or modification of adjacent structures; modification of background colors of the structure; or modification of height of vegetation, width or height of dune or width of beach.

....

Part 2. ULDC, Art. 14.C.7.B, Approval of Development for Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 32 of 50), is hereby amended as follows:

**Reason for amendment:** [ERM] Amend to 1) add a designation for government and commercial projects, including those that may be exempt from DRO review, to the list of sites requiring approval prior to removal of native vegetation and 2) to add language to specify when projects exempt from DRO review must make application for approval to remove native vegetation to ERM.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

B. Approval of Development for Non-Residential Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater

1. Requirements and Process

a. Projects involving the development of ~~a non-residential or government projects~~, schools, new construction of a utility, road right of way projects, projects requiring DRO review, and agricultural parcels of 10 acres or greater shall apply to ERM for approval of said project on forms provided by ERM. Projects that are exempt from the DRO process shall apply for approval to remove native vegetation to ERM within 30 days of submitting an application for initial building permit for the project. [Ord. 2008-040]

2. Standards of Approval

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

e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated ~~for~~ in accordance with Table 7.E.2.D-4, Tree Credit and Replacement or through planting equivalent native vegetation; ~~and~~ The equivalent native vegetation shall be accepted by ERM prior to ~~the receipt of Technical Compliance~~ the Certificate of Occupancy for single unit projects or 75% completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first building permit for the project. [Ord. 2008-037] [Ord. 2008-040]

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3. Establishing Native Upland Preserves

....  
d. All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of ~~Technical Compliance the Certificate of Occupancy for single unit projects~~ or 75% completion of construction of multi-unit projects, based on either total square footage or number of buildings to be constructed, unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation. [Ord. 2008-040]

5. Mitigation or Restoration

a. When native trees are removed or damaged without ~~a permit~~ prior ERM approval or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced at double the rate shown in the Table 7.D.2.D-4 Tree Credit and Replacement. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.D.2.D-4, Tree Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.D.2.D-4, Tree Credit and Replacement. [Ord. 2008-040]

....  
c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation and required maintenance to insure survival in perpetuity.

ed. All mitigation shall occur and proper documentation ,in the form of a final planting plan, shall be submitted to ERM prior to ~~Technical Compliance~~ issuance of the Certificate of Occupancy for single unit projects or 75% completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. [Ord. 2008-040]

e. Any mitigation plantings found to have died shall be replaced.

f. A letter of certification of planting completion, that supports compliance with 14.7.B.c and 14.7.B.2.h, submitted to ERM by the registered Landscape Architect for the project prior to the issuance of the Certificate of Occupancy shall substitute for any required final inspection.

dg. Any clearing activity after 1986 which cannot provide evidence of approval, will be required to restore nine trees per 1500 square feet of cleared area. [Ord. 2008-040]

Part 3. ULDC, Art. 14.C.8.M, Survey or Other Test Required (page 37 of 50), is hereby amended as follows:

Reason for amendment: [ERM] Amend to add language to allow an exemption from ERM approval for vehicles equipped with a boring apparatus to gain access to test sampling areas.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

The following activities do not require an approval under this Chapter: [Ord. 2008-040]

M. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand. Soil sampling with a vehicle equipped with a boring apparatus shall clear a path not to exceed the necessary width required to gain ingress and egress into the test sampling area.

Part 4. ULDC, Art. Art. 14.C.12.A.1, Violations [Related to alteration or removal of vegetation without approval] (page 38 of 50), is hereby amended as follows:

Reason for amendment: [ERM] Amend to identify the type of vegetation described by Section 12 as "native" in order to distinguish protected native vegetation from non-native vegetation that may be exempt from Article 14.C oversight.

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1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2 Section 12 Violations

3 A. Violations

4 A violation shall be:

- 5 1. The alteration or removal of up to 1,500 square feet of native vegetation without an approval
- 6 from ERM, unless expressly exempt under this Chapter. Alteration or removal of each
- 7 additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter
- 8 shall constitute a separate and additional violation. [Ord. 2008-040]

9 ....

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12 Part 5. ULDC, Art. Art. 14.D.6.D, Removal of Prohibited Invasive Non-Native Vegetation,  
13 [Related to maintenance of prohibited vegetation on improved parcels] (page 41 of 50),  
14 is hereby amended as follows:

16 Reason for amendment: [ERM] Amend to delete an incorrect reference to Appendix 11.

17  
18 CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

19 Section 6 Removal of Prohibited Invasive Non-Native Vegetation

20 ....

- 21 D. In accordance with Article 14.C.9, improved parcels located in unincorporated Palm Beach
- 22 County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited
- 23 vegetation listed in Appendix 6 & ~~11~~, Prohibited Invasive Non-Native Vegetation. The applicable
- 24 year as described in Article 14.D.6.A and provided in Appendix 11, does not apply to these
- 25 parcels, instead parcel owners of these improved parcels shall immediately and perpetually
- 26 maintain them free of all Prohibited Invasive Non-native Vegetation. [Ord. 2008-040]

27 ....

28  
29  
30 Part 6. ULDC, Art. Art. 14.D.8.A.1, Enforcement [Related to failure of a parcel owner to remove  
31 prohibited Invasive Non-Native Vegetation] (page 41 of 50), is hereby amended as  
32 follows:

34 Reason for amendment: [ERM] Amend to correct the omission of Art. 14.D.6.A and correct a typing  
35 error, with the addition of the correct reference to Art. 14.D.6.D.

36  
37 CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

38 Section 8 Enforcement

39 A. Violations of this Chapter shall be:

- 40 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with Article
- 41 14.D.6.A and Article 14.D.6.D, Art. 14.D.6. Removal of Prohibited Invasive Non-Native
- 42 Vegetation. [Ord. 2008-040]

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