



March 19, 2008

**Department of Planning,
Zoning & Building**

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

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractor Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228

www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

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

RE: March 26, 2008 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 26, 2008.

The meeting will be held at 2:00 p.m. in the Vista Center 1st Floor Conference Room (VC-1E-60), 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@co.palm-beach.fl.us or Paula Pritchard, Secretary, at (561) 233-5088.

Sincerely,

Barbara Pinkston-Nau
Principle Site Planner, Zoning Division

Attachments:

March 26, 2008 LDRAB Agenda and Supporting Materials

BPN/pp

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

Ref: U:\zoning\CODEREV\2008\LDRAB\Meetings\03-26\transmittal ltr.doc

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD
MARCH 26, 2008

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)

Edward Wronsky (A. I. A.)

Rosa Durando (Environmental Org.)

Duane Bennet (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)

Jim Knight (District 4)

Jack Miles (District 5)

Bill Gotthelf (District 6)

Martin Klein, Esq. (District 7)

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

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

Addie L. Greene
Chairperson, District 7

John F. Koons
Vice Chair, District 2

Karen T. Marcus
Commissioner, District 1

Robert Kanjian
Commissioner, District 3

Mary McCarty
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator





LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Wednesday, March 26, 2008 AGENDA

2300 North Jog Road

1st Floor Conference Room, 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 27, 2008 Minutes (Exhibit A)

B. ULDC Amendments

1. Exhibit B Article 3 - Overlays and Zoning Districts
2. Exhibit C Article 6 - Parking
3. Exhibit D Article 9 - Archaeological and Historic Preservation
4. Exhibit E Article 14 - Environmental Standards

C. Public Comments

D. Staff Comments

E. Adjourn

EXHIBIT A

PALM BEACH COUNTY

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

Minutes of February 27, 2008 Meeting

On Wednesday, February 27, 2008 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also serving as the Land Development Regulation Commission (LDRC), met in the First Floor Conference Room (VC-1E-60), 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 2:05 p.m. Paula Pritchard, Code Revision Secretary, called the roll. Mr. Blackman then began the meeting by requesting that staff and 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)
Edward Wronsky (A. I. A.)
Maurice Jacobson (Condominium Assoc.)
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
Joanne Davis (District 1)
Barbara Katz (District 3)
Bill Gotthelf (District 6)
Martin Klein (District 7)
Brian Waxman (Alternate)

Members Present - 12

Members Absent

Ron Last (FL Eng. Society)
Rosa Durando (Environmental Org.)
Duane Bennett (PBC Board of Realtors)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Jim Knight (District 4)
Vacant (District 5)

Members Absent - 5

Vacant - 1

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
Bob Banks, Assistant County Attorney
John Rupertus, Senior Planner, Planning
Willie Swoop, Impact Fees Coordinator
Ann DeVeaux, Site Planner I, Zoning
Zona Case, Zoning Technician, 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 (12 - 0).

3) Additions, Substitutions, and Deletions

N/A

4) Motion to Adopt Agenda

A motion was made by Maury Jacobson, seconded by Martin Klein, to adopt the agenda, as amended. The motion passed unanimously (12 - 0).

5) Adoption of October 24, 2007 (Exhibit A)

A motion was made by Bill Gotthelf, seconded by Joanne Davis, to adopt the October 24, 2007 minutes. The motion passed unanimously (12 - 0).

B) ULDC Amendments

1) Article 13 – Impact Fees (Exhibit B)

Willie Swoope stated that every two years staff is responsible for the review and recommendation of adjusting impact fees. He added that this is to ensure consistency with the Comp Plan. He also expressed that staff would be recommending to the Board of County Commissioners (BCC) not to adopt solid waste fees. Jon MacGillis noted that in 2003 an issue came up with Traffic Performance Standards and the Board questioned some of the purposed amendments. He added that the County Attorney's office advised staff to look at the sections of the Code in Article 17 that verifies the Board's role as the Land Development Regulation Commission (LDRC).

EXHIBIT A

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

1) Proof of Publication

A motion was made by Martin Klein, seconded by Bill Gotthelf. The motion passed unanimously (12 - 0)

2) Consistency Determination

John Rupertus, Senior Planner, stated that the proposed amendments were consistent with the Comprehensive Plan.

A motion was made by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12 - 0)

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

The Board reconvened.

E) Annual Organizational Report

I. Meeting Procedures Section I

Ann DeVeaux discussed the procedures of Robert’s Rules of Order and the Code of Ethics. Robert Banks further explained the legal technicalities of Robert Rules and Code of Ethics.

II. 2007 Attendance and 2008 Meeting Schedule Section II

Ann DeVeaux summarized the LDRAB Organizational Manual by the order of its contents that included 2007 Board Members, 2007 Attendance, and 2008 Meeting Schedule.

III. Summary of 2007 Accomplishments Section III

Ann DeVeaux summarized the 2007 ULDC Accomplishments.

IV. 2008 Work PlanSection IV

Barbara Pinkston-Nau discussed the 2008 Work Plan and staff’s intent to group the articles with the upcoming amendments. William Cross gave a brief overview on the Urban Redevelopment, Infill and Redevelopment and the related upcoming projects. He further explained in details the technicalities, scope, and goals. He also mentioned that the Board would be informed, as information is readily available. Barbara Pinkston-Nau mentioned to the Board that volunteers are needed to serve on the subcommittees. The following Board members volunteered for the subcommittees listed below:

Subcommittees		
General	Parks and Recreation	Infill/Redevelopment
Bill G.	Bill G.	Joni B.
Ron L.	Barbara K.	Edward W.
	Jim K.	Wes B.
		David C.
		Joanne D.
		Barbara K.
		Raymond P.
		Steve D.
		Jim K.

V. PZB Public InformationSection V

Zona Case discussed how to access the Code Revision website and related information.

F) Public Comments

N/A

G) Staff Comments

Mr. Cross pointed out that Supplement 5 of the ULDC amendments would be available on the web and distributed by the March LDRAB meeting. He also added that the interactive code would not be ready.

Barbara Pinkston-Nau informed the Board that William Cross would no longer be overseeing the upcoming amendments, as his new task is the Infill and Redevelopment project. She further added that if you have any questions, to feel free to contact her or any other Code Revision staff.

Jon MacGillis thanked the members of the Board for their attendance and work on last year’s amendments. He also thanked staff for a job well done on the annual report. He further added that staff looks forward to the Board’s participation and input on the upcoming amendments.

H) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:05 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 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS (Updated 03/20/08)

Part 1. ULDC, Art. 3.B.3.D. COZ, Conditional Overlay Zone (page 18 of 148), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to allow a COZ to be placed on a rezoning request to ensure consistency with the Comp Plan.

CHAPTER B OVERLAYS

Section 3 COZ, Conditional Overlay Zone

A. Purpose and Intent

A COZ district is to modify or restrict the use and site development ~~standards~~ regulations authorized in the underlying standard zoning district to prevent, minimize or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable ~~standards~~ regulations are inadequate to protect the surrounding land uses. Requirements of the COZ are in addition to and supplement other applicable requirements of this Code.

B. Boundaries

The boundary of the COZ is applied to the property considered for rezoning.

~~BC.~~ Applicability

The provisions of the COZ ~~district~~ shall apply to lands in unincorporated PBC pursuant to BCC approval. In application of the COZ ~~District~~, the BCC shall find that the proposed rezoning is appropriate only if the applicable regulations are modified. The BCC shall find one or more of the following reasons for the COZ district:

1. potential impact to surrounding land uses requires mitigation;
2. compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or
3. intensity limits reflect available capacity of public facilities.

~~CD.~~ District Regulations

Restrictions which may be imposed in the COZ district include limitations on uses, size, height, bulk, mass, scale and location of improvements, standards for landscaping, buffering, lighting, adequate ingress and egress, on-site or off-site improvements; hours of operation; and any other specific site development regulations required or authorized by this Code.

~~DE.~~ Procedure-COZ

1. Process

During the Zoning review process, the property owner or agent of the property being considered for rezoning shall either: (1)

- a. apply for a COZ overlay and the restrictions imposed by the overlay; or (2)
- b. voluntarily agree to a COZ overlay recommended by staff during the zoning process for the property being considered for rezoning. The resolution rezoning the property as a COZ district shall specifically state the modifications imposed pursuant to this Section. The restrictions shall be considered a part of text of this Code, and a violation of these restrictions shall be a violation of this Code.

2. Authority

The COZ authorizes specific development restrictions, including but not limited to, traffic performance standards; use limitations, etc. to proactively address potential incompatibilities with the adjacent properties. The BCC may impose conditions of approval to address these restrictions.

23. Exception

In the case when a rezoning is requested or required to maintain consistency with the Comprehensive Plan or any conditions to a site specific Plan amendment initiated by the Planning Division, consent of the property owner(s) or agreement with the COZ shall not be required.

Part 2. ULDC, Art. 3.B.10.F.1.a, PBIAO, Palm Beach International Airport Overlay [Related to Lot Size] (page 27 of 148), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to eliminate inconsistencies with existing legal lots of record with an IND FLU designation that cannot comply with this or related provisions.

CHAPTER B OVERLAYS

Section 10 PBIAO, Palm Beach International Airport Overlay

F. Property Development Regulations (PDRs)

Applications shall comply with the PDRs of the underlying districts except as follows:

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 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS (Updated 03/20/08)

1. Lot Dimensions, Yard Setbacks and Building Height

Setbacks and lot dimensions for commercial and industrial development shall comply with the PDRs in Art. 3.D, Property Development Regulations, unless modified herein. [Ord. 2004-051]

a. Lot Size

The minimum lot size shall be one acre unless a legal lot of record pursuant to Article 1.F.4, Nonconforming Lot. [Ord. 2004-051]

Part 3. ULDC, Art. 3.D.2.A.5, Replacement of Similar Structure (page 59 of 148), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add new requirements that allow for the replacement of expansion of townhouses.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

A. Townhouse

The minimum lot dimensions, maximum height, maximum FAR, maximum building coverage, and minimum setbacks and separations for townhouses in all districts where they are permitted shall be as follows:

5. Replacement ~~of Similar Structure~~

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event a townhouse unit ~~developed pursuant to this Section is replaced or expanded, destroyed or removed by or for any cause, the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit~~ the following shall apply:

a. Process

1) Building Permit Review

An application for building permit shall be consistent with typical unit detail approved on the DRO site plan or the original building permit. If no typical unit detail is included then staff will rely on the tabular data for setbacks/separations and height.

2) DRO Zoning Review

An application for DRO Zoning Review shall be required to reflect proposed changes to a DRO approved site plan, typical unit shall include tabular data, setbacks/separations and height.

a) Standards for Review

(1) Setbacks/separations may be decreased a maximum of 30 percent of the required minimum standard provided the development was not approved utilizing flexible regulations or received prior variance relief.

(2) A 30 percent increase in the maximum allowable height may be permitted.

(3) Demonstrate compliance with all applicable parking, landscaping and drainage provisions.

(4) Comply with all applicable application requirements.

(5) Submit a letter of support from the applicable community HOA/POA.

(6) Comply with any DRO approved architectural elevations or accepted revision consistent with Code.

Any purposed deviation that exceeds the above standards will require variance relief pursuant to Article 2.D.3.

Part 4. ULDC, Art. 3.D.2.B, Zero Lot Line (ZLL) (page 61 of 148), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add new requirements that allow for the replacement or expansion of existing ZLL homes.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

C. Zero Lot Line Design Standards

4. Replacement ~~of Similar Structure~~

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 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 03/20/08)

In an effort to address current building trends and needs of homeowners to modify existing units, the following procedures have been established to facilitate replacement and expansion of existing units, and to ensure the consistency of replacement units with the character of the overall community. In the event ~~that any a~~ home built ~~under this Section~~ is replaced or expanded ~~destroyed or removed by or for any cause~~, the following shall apply: ~~the unit, if replaced, shall be replaced with a unit of similar size and type meeting the minimum requirements of this Section. The developer shall include the appropriate deed restrictions and/or covenants so as to require replacement as outlined above developed pursuant to this Section the unit, if replaced, shall be replaced with a unit of at least similar size and type, that does not exceed the dimensions of the prior unit~~

a. **Process**

1) **Building Permit Review**

An application for building permit shall be consistent with typical unit detail approved on the DRO site plan or the original bulding permit. If no typical unit detail is included then staff will rely on the tabular data for setbacks/separations and height.

2) **DRO Zoning Review**

An application for DRO Zoning Review shall be required to reflect proposed changes to a DRO approved site plan typical unit detail including: tabular data, setbacks/separations and height.

a) **Standards for Review**

Setbacks/separations may be decreased a maxium of 30 percent of the required minimum standard (provided the development was not approved utilizing flexible regulations or received prior variance relief). A 30 percent increase in the maximum allowable height may be permitted.

(1) Demonstrate compliance with all applicable parking, landscaping and drainage provisions.

(2) Comply with all applicable application requirements.

(3) Submit a letter of support from the applicable community HOA/POA.

Any purposed deviation that exceeds the above standards will require variance relief pursuant to Article 2.D.3.

Part 5. ULDC, Art. 3.E.2.F.3.g, Boundary Plat (page 91 of 148), is hereby amended as follows:

Reason for amendment: [Planning] Amend to delete requirement to plat. Replace plat with Conservation Easement as allowed by the Comp Plan.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

3. Preservation Area

~~g. Boundary Plat~~

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

~~h.g Perpetual Preservation~~

~~Prior to recording the first plat for a Preservation Development Area, the Preservation Area shall be established in perpetuity in one of the following manners and in a form acceptable to the County Attorney. The Preservation Area shall be established by fee simple dedication to and acceptance by the BCC, or by recordation of an Agricultural Conservation Easement.~~

~~1) Dedication and Acceptance~~

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

~~2) Conservation Easement~~

~~Recordation of an Agricultural Conservation Easement; or [Ord. 2006-004]~~

~~3) Restrictive Covenant~~

~~Recordation of a restrictive covenant, made in favor of PBC, stating the basis for and limiting the land to the intended use(s).~~

~~....~~

Part 6. ULDC, Art. 3.E.3.B.2.e.2, Loading Area Screening (page 97 of 148), is hereby amended as follows:

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 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 03/20/08)

Reason for amendment: [Zoning] Amend to delete redundant loading area screening requirement in a PPD and consolidate requirement in Article 6, Loading Areas.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

B. Objectives and Standards

2. Performance Standards

A MUPD shall comply with the following standards:

e. **Parking and Loading**

Off street parking areas shall comply with Article 6, PARKING, Article 7, LANDSCAPING, and the following:

2) Loading Area Screening

~~Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.~~

U:\zoning\CODEREV\2008\LDRA\Meetings\03-26\Exhibit B - Article 3.doc

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 C

ARTICLE 6 – PARKING SUMMARY OF AMENDMENTS (Updated 03/20/08)

Part 1. ULDC, Art. 6.B.1, Loading Areas [Related to Screening] (page 30 of 35), is hereby amended as follows:

Reason for amendment: [Zoning] 1) Amend to consolidate redundant loading screening requirements of Article 3, PDD, Loading Area Screening into Article 6.B, Loading Standards 2) to clarify the minimum loading space requirement for each building and 3) to reorganize loading screening requirements for applicability and enforcement.

CHAPTER B LOADING STANDARDS

Section 1 Loading

B. Loading Space Ratios

Off street loading spaces shall be provided in accordance with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The letters shown in the "loading" column shall correspond to the following ratios:

1. Standard "A"

One space for the first 5,000 square feet of GFA, plus one space for each additional 30,000 square feet of GFA.

2. Standard "B"

One space for the first 10,000 square feet of GFA, plus one space for each additional 15,000 square feet of GFA.

3. Standard "C"

One space for the first 10,000 square feet of GFA, plus one space for each additional 100,000 square feet of GFA.

4. Standard "D"

One space for each 50 beds for all facilities containing 20 or more beds.

5. 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.

C. Location and Screening

Loading spaces shall be located adjacent to the building, which it serves, and where required by Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements, each building shall be required to have a minimum of one loading space, unless a reduction is permitted pursuant to Art. 6.B.1.E.7, Loading Space Reduction. Loading spaces shall be proportionately distributed throughout the site.

2. Loading Areas Screening

Loading spaces shall be screened from view of the public, unless exempted. The following provisions shall apply to all:

a. Exemptions

The DRO may exempt a loading space from any screening requirements where a single space is permitted to be reduced in number, size or collocated in projects where authorized by the WCRAO Executive Director.

b. Loading Spaces, Docks, and Related Maneuvering Areas

Loading spaces, docks and related maneuvering areas that are located:

- 1) within 100 feet of a parcel with a residential FLU; or
- 2) within 100 feet of a parcel with a residential use; or
- 3) visible from a street R-O-W; or
- 4) any combination of the above

~~Loading docks and similar areas shall be screened by an opaque wall architecturally compatible with the adjacent structure on the property. The wall shall be of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall. Related maneuvering areas shall be measured from the outer edge of the defined areas utilized for loading activities to the nearest property line.~~

~~[Partially relocated from Art. 6.B.1.C.2, Loading Areas]~~

c) Single ~~tenant~~ Users ~~over 50,000 square feet~~ , in a PDD or TDD

In addition to the requirements pursuant to Article 6.B.2, Screening a roof shall be provided over the loading spaces and docks.

~~a. Single tenant users over 50,000 square feet in a PDD or TDD shall provide a roof over loading areas within 100 feet of a residential district, pod, or use.~~

~~[Partially relocated from Art. 6.B.1.C.2.a]~~

3. Co-locating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity. [Relocated from Art. 6.B.1.E.7.b, Co-locating Loading and Dumpster]

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 C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 03/20/08)

-
- E. Dimensional Standards and Design Requirements
- Required loading spaces shall be subject to the following minimum standards:
7. Loading Space Reduction
- ~~b. Co-locating Loading and Dumpster~~
- ~~A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity. [Relocated to new Art. 6.B.1.C.3, Co-Locating Loading and Dumpsters – under Location and Screening]~~
- bc. Reduction in Width and Length
-

U:\zoning\CODEREV\2008\LDRAW\Meetings\03-26\Exhibit C - Article 6.doc

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

(Updated 03/18/08)

Part 1. ULDC, Art. 1.I.2.A, Definitions, (page 29 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition that is accepted in Sec 106 and 110 of the National Historic Preservation Act. Frequently this applies to construction activities using State or Federal monies, if projects undertakings are going to significantly impact a historic resource.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
24. Adverse effect – for the purpose of Article 9, any action which will significantly alter or destroy a historic resource.

[Renumber accordingly]

....

Part 2. ULDC, Art. 1.I.2.A, Definitions, (page 33 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add changes due to the large number of qualified archaeologists who do not meet the qualifications necessary for Society Of Professional Archaeologists (SOPA) membership, though they exceed the requirements set by the United States Secretary of Interior.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
76. Archaeologist, Qualified - a member of, or ~~is~~ qualified for membership in the Florida Archaeological Council (~~FAC~~), Society of Professional Archaeologists (~~SOPA~~), the Registry of Professional Archaeologists (RPA) or a person who meets the minimum professional requirements for an archaeologist as set by the United States Secretary of Interior.

Renumber accordingly

....

Part 3. ULDC, Art. 1.I.2.A, Definitions, (page 33 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition that is accepted in Sec 106 and 110 of the National Historic Preservation Act. Frequently this applies to cellular towers and other construction activities using State or Federal monies.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
81. Area of Potential Effect (APE) – for the purposes of Art. 9, is the geographic area or areas within which a project's undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking.

[Renumber Accordingly]

....

Part 4. ULDC, Art. 1.I.2.C, Definitions, (page 44 of 104), is hereby amended as follows:

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

(Updated 03/18/08)

Reason for amendment: [Planning] Amend to modify language in cultural resources definition to standard language used by private sector archaeologists tasked with identifying, evaluating, and nominating archaeological resources. Previous definition is not to current professional standards.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
116. **Cultural Resources** – for the purposes of Art. 9, ~~districts, sites, structures, and objects and evidence of some importance to a culture, a subculture, or a community for scientific, traditional, religious, and any other reasons. These resources and relevant environmental data are important for describing and reconstructing past life ways, for interpreting human behavior, and for predicting future courses of cultural development.~~ are material culture remains including artifacts, pits, trash dumps, middens, architectural features, standing structures, remains of structures, and the physical alteration of the natural landscape such as ponds, roads landscaping, canals and fences.

Part 5. ULDC, Art. 1.I.2.G, Definitions, (page 53 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition referred to in Article 9, Proposed Amendments.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
14. **Grave Good/ Funerary Object-** for the purposes of Art. 9, any material culture object that is associated with a human burial.
[Renumber accordingly]

Part 6. ULDC, Art. 1.I.2.H, Definitions, (page 55 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition referred to in proposed amendments in Article 9.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
13. **High Probability Area/Zone/Section/Portion/Tract-** for the purposes of Art. 9, terms used to describe a geographical area in real space that has an increased potential of containing previously undocumented archaeological or historic resources. These areas have dissimilar landforms compared to the surrounding landscape (an example would be an increase in elevation), have or had diverse ecological environments (examples include tree islands, low hammocks, coastal hammocks, costal dunes and strands) all are located within a reasonable proximity to a freshwater source, and a close proximity to any known archaeological sites.
[Renumber accordingly]

Part 7. ULDC, Art. 1.I.2.M, Definitions, (page 64 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition referred to in proposed amendments in Article 9.

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 03/18/08)

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
23. Material Culture for the purposes of Article 9 is any object that has been modified by a human being.
[Renumber accordingly]

....
32. Midden – is a deposit of material culture refuse. Midden soils contain a high abundance of cultural resources and occasionally human remains. Midden soils tend to differ in color and composition from the surrounding soil matrix.
[Renumber accordingly]

Part 8. ULDC, Art. 1.I.2.S, Definitions, (page 85 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition referred to in proposed amendments in Article 9.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

....
45. Significances Determination –for the purposes of Art. 9, is a judgment made by local, State or Federal official(s) tasked with enforcing historic preservation regulations that deem an area, site, and structure important to the understanding or to the potential understanding of the history of Palm Beach County, the State of Florida and the nation. An area, site, and structure will be deemed to be significant if it is associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological and architectural history that have contributed to the pattern of history in the community of the South Florida region, the State or the nation; or it is associated with the lives of persons significant in our past; or embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or have yielded or are likely to yield information in history or prehistory; or is listed on the National Register of Historic Places (NRHP).
[Renumber accordingly]

Part 9. ULDC, Art. 1.I.3, Abbreviations and Acronyms, (page 103 of 104), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add definition referred to in proposed amendments in Article 9.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

....
APE Area of Potential Effect
....
COA Certificate of Appropriateness.
....
CTD Certificate to Dig.
....
FAC Florida Archaeological Council
....

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.

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/18/08)

- Part 10. ULDC, Art. 9.A.1.B, Applicability, (page 3 of 15), is hereby amended as follows:**

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 Applicability

B. Applicability

- Part 11. ULDC, Art. 9.A.3.A, Procedures, (page 4 of 15), is hereby amended as follows:**

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 3 Procedures

A. Historic Designation Procedures

- 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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/18/08)

- 1 contributed to the pattern of history in Palm Beach County, the State of Florida, the
2 nation; or
3 b. are associated with the lives of persons significant in our past; or
4 c. embody the distinctive characteristics of a type, period, style, or method of construction
5 or work of a master; or that possess high artistic value; or that represent a distinguishable
6 entity whose components may lack individual distinction; or
7 d. have yielded or are likely to yield information in history or prehistory;
8 e. is listed on the National Register of Historic Places (NRHP).
9

10
11 **Part 12. ULDC, Art. 9.A.3.A.4, Map of Known Archaeological Sites, (page 5 of 15), is hereby**
12 **amended as follows:**
13

14 **Reason for amendment:** [Planning] (a) Amend to relocate language in Art. 9.A.3.A.4, for readability and
15 clarity; (b) to prevent undue economic hardship and to expedite permitting process for applicants.
16

17 **CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION**

18 **Section 3 Procedures**

19 **4.B. Map of Known Archaeological Sites**

20 *A Map of Known Archaeological Sites and Archaeological Conservation Areas shall be adopted*
21 *by the BCC. The above referenced map may be amended by resolution or ordinance adopted by*
22 *the BCC pursuant to F.S. § 125.66. The map shall be amended upon determination by PBC that*
23 *additional sites of significant archaeological value have been discovered or in some instances,*
24 *destroyed. At a minimum, the map and the Florida Master Site File (FMSF), shall be reviewed*
25 *annually by department staff and the County Archaeologist for possible map amendment. [Ord.*
26 *2005 – 002] [Relocated from Art. 9.A.3.A.4]*

27 **A.C. Certificate to Dig**

28 **1. Application**

29 *Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to*
30 *Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological*
31 *Conservation Areas and proposals for Type III Excavation, and Previously Unknown*
32 *Archaeological Sites discovered during development, to make application for a Certificate to*
33 *Dig to the PZB for review shall make such application prior to the issuance of a development*
34 *order. The application for the Certificate to Dig shall be made on a form available from the*
35 *PZB. Only one Certificate to Dig shall be required to develop a site unless additional*
36 *resources not addressed in the initial Certificate to Dig are found during site development.*
37 *The department shall determine whether the application is a standard or special Certificate to*
38 *Dig. A special Certificate to Dig will be required for any application that will potentially alter or*
39 *destroy more than ten percent of any known or previously recorded archeological site. All*
40 *special Certificates to Dig will be forwarded by the department to the Palm Beach County*
41 *Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be*
42 *reviewed by the department staff and the County Archaeologist. [Ord. 2005 – 002]*
43 *[Relocated from Art. 9.A.3.A.]*

44 **D. Certificate to Dig Procedures**

45 **1. Preliminary Testing Consultation Meeting:**

46 *The cultural resource management firm or archaeologist contracted to assess the presence*
47 *of historic resources and develop mitigation plans to address adverse effects to a historic*
48 *resource is required to meet with the County Archaeologist to discuss testing strategies prior*
49 *to the start of the project.*

50 **2. Joint in Field Consultation:**

51 *The County Archaeologist will be available for field consultations should the need arise during*
52 *the testing phase of the project. If previous testing strategies prove to be ineffective all parties*
53 *can request that the testing strategy be modified.*

54 **2.3. Certificate to Dig Report Requirements**

55 *A report prepared by a qualified archaeologist shall be prepared with the application of a*
56 *certificate and as requirement of the Certificate to Dig. The report shall at minimum contain a*
57 *documented search of the Florida Master Site File (FMSF), a brief history of the area, an*
58 *archaeological survey and field inspection performed in a professionally acceptable manner,*
59 *an assessment of the archaeological significance of the site, and a proposed plan for*
60 *archaeological management, which in some instances, may include recommendations for*
61 *monitoring of proposed developmental activities by a qualified archaeologist. All reports*
62 *submitted to the PZB on properties determined to be of archaeological significance shall*
63 *include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division*

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 03/18/08)

of Historical Resources of the Florida Department of State. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.2]

3.4. Standards for Issuance of a Certificate to Dig

Within three working days of receiving an application, the Department shall make a determination of the completeness of the application and whether it shall be processed as a Special or Standard Certificate to Dig. A Special Certificate to Dig will be required if the application is for a previously recorded site where more than ten percent of the known or potential site surface or volume will be adversely affected by the proposed development or improvements. A Standard Certificate to Dig will be required if the application is for a previously recorded site where less than ten percent of the known or potential site surface or volume will be altered or destroyed by the proposed development. A Standard Certificate to Dig will be required for any application within an archaeological conservation area that is not the location of a previously recorded site. If the application is determined to be incomplete, the Department shall request additional information by certified mail. When the application is complete, if the Certificate to Dig is determined by the Department to be a Special Certificate to Dig the Department shall forward the application to the HRRB. The HRRB shall hold a public hearing within 30 days of the date of receipt of the application by the HRRB. The Department shall prepare its evaluation of the application and notify the applicant of its findings at least ten working days prior to the public hearing. Evaluation of the application by the Department and the HRRB shall be based upon guidelines in this Section, recommendations included in the archaeologist's report, and the recommendation of the County Archaeologist, if required. If the Department determines that the application is a Standard Certificate to Dig, then a Certificate to Dig will be issued to the applicant within 30 days of the date of receipt of the application by the Department. The HRRB's or Department's evaluation shall do one of the following: [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3]

- a. In the Archaeological Evaluation Report, the County Archaeologist shall require an application for a Certificate to Dig be prepared if the archeologist determines the site contains artifacts or cultural remains of significant archaeological value. If the County Archaeologist determines that there is no reasonable possibility that artifacts of significant archaeological value are contained on the site, the County Archaeologist shall make such a finding to the Department in the Archaeological Evaluation Report and the Department shall immediately lift the suspension order. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.a]
- b. If the property is determined to contain or potentially include a site of significant archaeological value, the HRRB or the Department shall issue a Certificate to Dig with conditions that are deemed necessary to protect or mitigate any part of the site determined to be of significance, including conditions regarding development design. In order to protect archaeological resources of significant value, the HRRB or the Department may require the applicant to do one or more of the following as part of receiving the Certificate to Dig: [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.b]
 - 1) preserve part or all of the archaeological site within open space of the development; [Relocated from Art. 9.A.3.A.3.b.1]
 - 2) re-design the development to accommodate preservation of all or a portion of the archaeological site; [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.b.2]
 - 3) the property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by PBC. [Relocated from Art. 9.A.3.A.3.b.3]
- c. The Department shall charge a fee covering the direct and indirect costs associated with reviewing an Application for a Certificate to Dig, issuing the certificate and monitoring compliance with the certificate. Fees for the issuance of a Certificate to Dig shall be added to the Department Fee Schedule by resolution approved by the BCC. [Ord. 2005 – 002] [Relocated from Art. 9.A.3.A.3.c]

Part 13. ULDC, Art. 9.A.3.E, Single-Family Home Owner Certificate To Dig, (page 5 of 15), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add text to prevent undue economic hardships for single-family homeowners whose properties are located on or near archaeological sites or conservation areas. Miami-Dade County has similar operating procedures, though not in code.

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 3 Procedures

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/18/08)

E. Single Family Homeowner Certificate to Dig

1. Application

A Single-Family Homeowner Certificate To Dig (SFHCTD) will be issued to individuals whose properties are located within an archaeological conservation zone as depicted in the Map of Known Archaeological Sites and Conservation Zones or when previously unknown archaeological or historic resources are encountered during construction or other means of exposure. There is no fee associated with this certificate and the County Archaeologist will perform the initial investigation at no charge upon receiving the permit for review.

Single-family homeowners of parcels required by Art.9.B.1, General, or Art.9.B.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and Previously Unknown Archaeological Sites discovered during development shall apply for a SFHCTD to the PZB for review, and shall make such application prior to the issuance of a development order. The application for the SFHCTD shall be made on a form available from the PZB. Only one SFHCTD shall be required to develop a site unless additional resources not addressed in the initial Certificate are found during site development. All single-family homeowner certificates to dig will be reviewed by the Department staff and the County Archaeologist. The County Archaeologist will perform initial investigation upon receiving the permit for review at which time the proposed project will be classified as either ground disturbing or non-ground disturbing:

a. Ground Disturbing Activities

These include excavating soil for the placement of pilings, footers, telephone poles, fence posts, pools, septic tanks, in ground water features, extensive grading of virgin soil, drainage ditches and the placement of water/sewer lines.

b. Non-Ground Disturbing Activities

These include slab on grade construction techniques, driveway placement, shed installation, sprinkler irrigation systems, on grade patios, above ground pools, landscaping, placement of fill soil, placement of underground conduit two inches in diameter or less and building on an existing foundation.

If a permit including only non-ground disturbing activities is submitted, approval is immediate. If ground-disturbing activities are indicated, the County Archaeologist will review the proposed plan by comparing it to known archaeological site locations, previously tested properties, geological/ecological features and areas of significant soil disturbance. If conditions warrant a field investigation, the County Archaeologist or designee will begin the process within ten working days of original notice.

If a significant historic resource(s) as those defined by this Chapter is encountered during the field investigation, a suspension of work order will be issued for the area of impact. During this time one or more of the following may occur depending on the nature and size of the resource.

a. The homeowner will be responsible for securing and financing the services of a professional archaeologist or archaeological firm to mitigate the adverse impacts to the resource.

b. For simple non-midden resources less than 6 x 6 feet (2 x 2 meters) in size and less than two feet in depth the County Archaeologist or the offices designee will monitor/mitigate ongoing construction.

c. The homeowner, contractor(s), and appropriate county departments, will discuss, develop and implement methods to avoid adverse impact to the historic resource.

If the resource is determined not to be significant as defined by this Chapter, approval to proceed will be issued within three working days of the initial site visit.

If a significant historic resource as defined by this Chapter is discovered the location and nature of the resource will be listed with the county and state offices of historic preservation and possibly the National Register of Historic Places.

2. Single-Family Homeowner Certificate To Dig Report Requirements

A report shall only be required if significant historic resources as defined by this Chapter are recovered. The report shall at minimum contain a documented brief history of the area, an archaeological survey and field inspection performed in a professionally acceptable manner, an assessment of the archaeological significance of the site, and a proposed plan for archaeological management, which in some instances, may include recommendations for monitoring of proposed developmental activities by a qualified archaeologist. All reports submitted to the PZB on properties determined to be of archaeological significance shall include the preparation of a FMSF form, which shall be forwarded by the PZB to the Division of Historical Resources of the Florida Department of State.

Regardless if significant historic resources are recovered or not the Map of Known Archaeological Resources will be modified to reflect the actual status of the property.

3. Hearings of Findings

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 D

ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 03/18/08)

Only CTD or SFHCTD that encountered significant historic resources as defined by this Article will be discussed with the Historic Resource Review Board (HRRB). These discussions shall take place within 45 days after completion of the application at which time the resident or developer will be allowed to comment on the findings of either the CTD or the SFHCTD.

5.4. Appeals

Within 30 days of a written decision by the HRRB regarding an application for a Certificate to Dig or Single-Family Homeowner Certificate to Dig, an aggrieved party may appeal the decision by filing a written notice of appeal and pay a filing fee established by the BCC, with the Clerk of the BCC. A copy of the notice of appeal shall be filed with the Executive Director of Planning, Zoning and Building, ~~Department~~ PZB. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 45 days of the filing of the appeal or the first BCC meeting which is scheduled, whichever is later, in time, the BCC shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the HRRB or PZB. The applicant shall be notified by certified mail, return receipt requested, of the date, time, and place of such hearing. At this hearing, the party shall set forth the alleged inconsistencies or non-conformities with procedures or criteria set forth in this Code; however, no new materials or evidence shall be presented to or considered by the BCC. The BCC shall vote to approve, modify or overrule the decision of the HRRB or PZB ~~the Department~~. The decision of the BCC shall be in writing and a copy of the decision shall be forwarded to the appealing party. An applicant may appeal a final decision of the BCC within 30 days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. [Ord. 2005 – 002] [Relocated from 9.A.3.A.5]

6.5. Procedure for Addressing Violations, Hearing and Penalties

Upon detection by PBC that a property owner, agent of property owner, contractor or subcontractor has violated this Section, PBC shall notify the violator(s) and the property owner, if applicable, that a hearing has been set before the Code Enforcement Special Master. The notice, hearing and fines shall occur pursuant to Art. 10.B, Enforcement by Code Enforcement Special Masters. Further, if the Code Enforcement Board finds that a willful violation of this Article has occurred, PBC shall fine the violator a fine of up to \$500.00 per day or impose imprisonment in the PBC jail not to exceed 60 days or by both fine and imprisonment as provided in F.S. § 125.69. In addition to the sanctions contained above, PBC may take any other appropriate legal action, including, but not limited to, requests for temporary and permanent injunctions to enforce the provisions of this Section. It is the purpose of this Section to provide additional cumulative remedies. [Relocated from Art. 9.A.3.A.6]

Part 14. ULDC, Art. 9.B.2.B, Criteria for Designation of Historic Sites and Districts, (page 6 of 15), is hereby amended as follows:

Reason for amendment: [Planning] Amend to include Structures and Districts to complete previous adopted code.

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 2 Historic Sites, Structures and Districts

B. Criteria for Designation of Historic Site(s)/Structure(s) and District(s)

1. To qualify as a designated historic site(s)/structure(s) or historic district(s), individual properties, structures, sites or buildings, or groups of properties, structures, sites or buildings, the proposed site or district shall meet one or more of the following criteria:

Part 15. ULDC, Art. 9.B.3.B, Public Hearings Required for Historic Site or District Designation, (page 7 of 15), is hereby amended as follows:

Reason for amendment: [Planning] Amend to extend dates due to the availability of HRRB members.

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 3 Procedures

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.

ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS (Updated 03/18/08)

3. After a public hearing, the HRRB shall vote on the designation within ~~30~~ 45 calendar days at a public meeting.

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 E

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/10/08)

Part 1. ULDC, Art.14.C.11.B.2.k, Incorporation or Relocation of Existing Native Vegetation, [Related to Natural Area Fund] (page 37 of 56), is hereby amended as follows:

Reason for amendment: [ERM] Amend to change name of fund of which donations are made in lieu of mitigation.

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

....
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; [Ord. 2006-036]
....

U:\zoning\CODEREV\2008\LDRAW\Meetings\03-26\Exhibit E - Article 14.doc

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.