



March 23, 2007

**Department of Planning,
Zoning & Building**

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West Palm Beach, FL 33411-2741
(561) 233-5000

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Building Division 233-5100
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Administration Office 233-5005
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Board of County
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Mr. Wesley Blackman, AICP, Chairman
and Members of Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: March 28, 2007 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 28, 2007.

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

Sincerely,

William Cross
Senior Planner, Zoning Division

Attachments:

March 28, 2007 LDRAB Agenda and Supporting Materials

BC/pp

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

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
Wednesday, March 28, 2007 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 28, 2007 Minutes (Exhibit A)

B. ULDC Amendments

1. Exhibit B Article 1 - General Provisions
2. Exhibit C Article 2 - Development Review Process
3. Exhibit D Article 3 - Overlays and Zoning Districts
4. Exhibit E Article 4 - Use Regulations
5. Exhibit F Article 5 - Supplementary Standards
6. Exhibit G Article 8 - Signage
7. Exhibit H Article 14 - Environmental Standards
8. Exhibit I Article 15 - Health Regulations
9. Exhibit J Article 17 - Decision Making Bodies

C. Public Comments

D. Staff Comments

1. Discussion of alternate dates for November and December LDRAB meetings.
 - a. November option – Wednesday, November 14, 2007, at 2 p.m., 1st Floor Conference Room.
 - b. December option – Wednesday, December 12, 2007, at 2 p.m., 1st Floor Conference Room.

E. Adjourn

EXHIBIT A

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of February 28, 2007 Meeting

On Wednesday, February 28, 2007 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room, at 2300 North Jog Road, West Palm Beach, Florida, for their annual meeting:

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.)
- Ron Last (FL Eng. Society)
- Edward Wronsky (A. I. A.)
- Rosa Durando (Environmental Org.)
- Duane Bennett (PBC Board of Realtors)
- Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
- Barbara Katz (District 3)
- Jack Miles (District 5)
- Bill Gotthelf (District 6)
- Brian Waxman (Alternate)

Members Absent

- Joni Brinkman (League of Cities)
- Larry Fish (FL Soc. of Pro. Land Surveyors)
- Maurice Jacobson (Condominium Assoc.)
- Joanne Davis (District 1)
- Barbara Noble (District 4)
- Martin Klein (District 7)

Members Present – 12

Members Absent – 6

County Staff Present:

- Barbara Pinkston-Nau, Principle Planner, Zoning
- William Cross, Senior Site Planner, Zoning
- Lenny Berger, Assistant County Attorney
- John Rupertus, Senior Planner, Planning
- 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 Jack Miles, seconded by Brian Waxman to approve both appointments. The motion passed unanimously (12-0).

3) Additions, Substitutions, and Deletions

Attachment B.IV.A, Summary of 2007 ULDC Amendment Round 2007-001.

4) Motion to Adopt Agenda

A motion was made by Bill Gotthelf, seconded by Barbara Katz, to adopt the agenda, as amended. The motion passed unanimously (12– 0).

6) Adoption of October 25, 2006 (Exhibit A-1) and November 9, 2006 (Exhibit A-2) Minutes

A motion was made by Jack Miles, seconded by Bill Gotthelf, to adopt the October 25, 2006 and November 9, 2006 minutes. The motion passed unanimously (12– 0).

B) Annual Organizational Meeting

I. Meeting Procedures Exhibit I

Mr. Lenny Berger discussed the Robert’s Rules of Order and briefly explained the Code of Ethics. He also mentioned that county employees could not be counted as a subcommittee member. He also stated a Subcommittee has to consist of one LDRAB member and one Interested Party.

II. 2006 Attendance and 2007 Meeting Schedule Exhibit II

Mr. Cross then summarized the LDRAB Manual (Exhibit B) by the order of its contents that included: 2006 Attendance, 2007 Meeting Schedule, 2006 Summary of Accomplishments, 2007 Work Plan, and PZB Public Information. Mr. Cross also discussed alternative meeting dates as had been requested by the Board. The Board voted to continue meeting on the 4th Wednesday of the month.

EXHIBIT A

III. Summary of 2006 Accomplishments Exhibit III
Mr. Cross briefly summarized the 2006 ULDC Accomplishments.

IV. 2007 Work Plan Exhibit IV
Mr. Cross requested volunteers to serve on the General Subcommittees with focus on the topics listed below:

Subcommittees

Landscaping	Staging ROW	Design Guide Application Format
David C.	Wayne F.	Rosa D.
Barbara K.	Ron L.	Bill G.
Raymond P.		Raymond P.
		Barbara K.

V. PZB Public Information Exhibit V
Mr. Cross briefly discussed the How to Access Code Revision Website and Related Information.

C) Public Comments

D) Staff Comments

E) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:13 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 03/20/07)

1
2 Part 1. ULDC, Art. 1.1.2.A.23.j, Commercial Gain [Related to Adult Entertainment Definitions]
3 (page 28 of 104), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
6 in accordance with F.S. Chapter 205 effective January 1, 2007.

7
8 CHAPTER 1 DEFINITIONS & ACRONYMS

9 Section 2 Definitions

10 A. Terms defined herein or referenced in this Article shall have the following meanings:
11 23. Adult Entertainment Definitions – for the purposes of Art. 4.B.I.A.2.

12

13 j. Commercial Gain - operated for pecuniary gain, which shall be presumed for any
14 establishment which has received an ~~occupational license~~ business tax receipt. For the
15 purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or
16 loss.

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18
19

20 Part 2. ULDC, Art. 1.1.2.L, [Related to Definitions and Acronyms], (page 59 of 104), is hereby
21 amended as follows:
22

23 Reason for amendment: [Zoning] Art. 5.C.1.I, Large Scale Commercial Development includes the
24 appropriate definition therein; however, the term is also further referenced under Art. 7.F.11, Large Scale
25 Commercial Development, thus requiring that the definition be added to Art. 1 to ensure the correct
26 application of Art. 7 requirements.

27
28 CHAPTER 1 DEFINITIONS & ACRONYMS

29 Section 2 Definitions

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

31

32 22. Large Scale Development – any large single tenant retail use, with or without accessory
33 tenants, in a single building, occupying 65,000 gross square feet or more.

34 [Renumber accordingly.]

35
36
37

38 Part 3. ULDC, Art. 1.1.2.S, [Related to Definitions and Acronyms], (page 59 of 104), is hereby
39 amended as follows:
40

41 Reason for amendment: [Zoning] To add the Department of Housing and Urban Development definition
42 for Single Room Occupancy (SRO). Needed update due to historic use of SRO in the use regulations.

43
44 CHAPTER 1 DEFINITIONS & ACRONYMS

45 Section 2 Definitions

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

47

48 52. Single Room Occupancy – A residential property that includes multiple single room dwelling
49 units. Each unit is for occupancy by a single eligible individual. The unit need not, but may,
50 contain food preparation or sanitary facilities, or both.

51 [Renumber accordingly.]

52
53

54 Part 4. ULDC, Art. 1.1.3, Abbreviations and Acronyms [Related to Expedited DRO Application]
55 (page 101 of 104), is hereby amended as follows:
56

57 Reason for amendment: [Zoning] Amend to add acronyms already used in the ULDC.
58

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 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 03/20/07)

1 CHAPTER 1 DEFINITIONS & ACRONYMS

2 Section 3 Abbreviations and Acronyms

3
4 EDA Expedited DRO Applications
5
6 SRO Single Room Occupancy
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8 TDD Traditional Development District
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EXHIBIT C

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 03/14/07)

1
2 Part 1. ULDC, Art. 2.D.2.A, Purpose [Related to Special Permit] (page 28 of 50), is hereby
3 amended as follows:
4

5 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
6 in accordance with F.S. Chapter 205 effective January 1, 2007.

7
8 CHAPTER D ADMINISTRATIVE PROCESS

9 Section 2 Special Permit

10 A. Purpose
11 To create standards and an approval process for certain uses, which are generally temporary in
12 nature, but require monitoring for compliance with Code requirements to ensure compatibility with
13 surrounding land uses. These uses shall require approval of a special permit by the Zoning
14 Division prior to issuance of a CO, ~~occupational license~~ business tax receipt, building permit, or
15 commencement of activity.
16

17
18 Part 2. ULDC, Art. 2.D.2.C.1, Contents of Application [Related to Procedure] (page 28 of 50), is
19 hereby amended as follows:
20

21 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
22 in accordance with F.S. Chapter 205 effective January 1, 2007.

23
24 CHAPTER D ADMINISTRATIVE PROCESS

25 Section 2 Special Permit

26
27 C. Procedure
28 1. Contents of Application
29 The application shall be submitted in a form established by the Zoning Director and made
30 available to the public. ~~An occupational license~~ business tax receipt must be obtained and all
31 permits must be posted on the site prior to commencement of operation. If a survey is
32 required, the survey shall indicate:
33
34

35 Part 3. ULDC, Art. 2.E.1.B.2.a, [Related to Applicability and Monitoring] (page 32 of 50), is
36 hereby amended as follows:
37

38 Reason for amendment: [Facilities] To expand commencement of development exemptions to all
39 development orders that authorize the construction of government facilities.

40
41 CHAPTER E MONITORING

42 Section 1 General

43 B. Applicability
44 2. The following are exempt from this Article:
45 a. Any development order ~~for rezoning to the Public Ownership District (PO) or publicly~~
46 ~~owned land in the Conservation District (CON) which does not have an approved~~
47 ~~conditional use, in whole or in part, that applies to lands that are owned by a unit of local,~~
48 ~~state, and/or federal government, provided that the development order is utilized for~~
49 ~~buildings or facilities that are owned by a government entity and support customary~~
50 ~~government operations and/or delivery of public services;~~
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EXHIBIT D

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 03/20/07)**

1
2 **Part 1. ULDC, Table 3.E.6.D-40, MHPD Property Development Regulations (page 106 of 146), is**
3 **hereby amended as follows:**
4

5 Reason for amendment: [Zoning] To specify FAR for recreation, civic and commercial pods and specify
6 standards or regulations for Civic Pods as Public and Private

7
8 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**
9 **Section 6 Mobile Home Planned Development District (MHPD)**

10 **D. Property Development Regulations (PDRs)**
11 The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building
12 coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D-40, MHPD Property
13 Development Regulations, unless otherwise stated
14

Table 3.E.6.D-40 - MHPD Property Development Regulations

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				FAR	Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side*	Rear*
Mobile Home	4,200	40'	70'	55'		50%	20'	20'	5'	10'
Recreational	--	<u>65'</u>	<u>75'</u>	--	<u>.35</u>	<u>30-40%</u>	25'	25'	20' C 40' R	20' C 40' R
<u>Private Civic</u>	<u>0.5 ac</u>	100'	<u>100'</u>	<u>35'</u>	<u>.35</u>	<u>-30%</u>	25'	25'	20' C 40' R	20' C 40' R
<u>Public Civic</u>	1 ac		200'							
Commercial	1 ac	100'	200'	25'	<u>.25</u>	<u>-20%</u>	25'	25'	20' C 40' R	20' C 40' R

[Ord. 2005-002]

Notes:

C- Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]

R- Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

* Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating plan. Land uses that abut a lake, canal, or preserve area which is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20 feet side interior or rear setback if a 40 feet setback is required. Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 03/20/07)

1
2 Part 1. ULDC, Art. 4.B.1.A.2.b.10, Commercial Gain [Related to Adult Entertainment] (page 21
3 of 149), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
6 in accordance with F.S. Chapter 205 effective January 1, 2007.

7
8 CHAPTER B SUPPLEMENTARY USE STANDARDS

9 Section 1 Uses

10 A. Definitions and Supplementary Standards for Specific Uses

11 2. Adult Entertainment

12 b. Definitions, Adult Entertainment Establishment

13 The following definitions apply for the purposes of the Adult Entertainment Establishment
14 provisions of this Code. [Ord. 2004-051]

15 10) Commercial Gain

16 Operated for pecuniary gain, which shall be presumed for any establishment which
17 has received an ~~occupational license~~ business tax receipt. For the purpose of this
18 Code, commercial or pecuniary gain shall not depend on actual profit or loss. [Ord.
19 2004-051]
20
21

22 Part 2. ULDC, Art. 4.B.1.A.2.k.1 Establishment of Nonconformity [Related to Adult
23 Entertainment] (page 24 of 149), is hereby amended as follows:
24

25 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
26 in accordance with F.S. Chapter 205 effective January 1, 2007.

27
28 CHAPTER B SUPPLEMENTARY USE STANDARDS

29 Section 1 USES

30 A. Definitions and Supplementary Standards for Specific Uses

31 2. Adult Entertainment

32 k. Nonconformity

33 1) Establishment of Nonconformity

34 Any adult entertainment use shall be deemed a nonconforming use and the
35 standards of this Section shall not apply if the adult entertainment use on November
36 28, 1988: [Ord. 2004-051]

37 b) Occupational License Business Tax Receipt

38 Possessed a valid and current ~~occupational license~~ business tax receipt
39 authorizing the general type of use, which would correspond to the adult
40 entertainment use being claimed as nonconforming on November 28, 1988; and
41 [Ord. 2004-051]
42
43

44 Part 3. ULDC, Art. 4.B.1.A.14.a.20)h), [Related to Redevelopment and Revitalization Overlay
45 and Assembly, Nonprofit Institutional] (page 32 of 149), is hereby amended as follows:
46

47 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
48 in accordance with F.S. Chapter 205 effective January 1, 2007.

49
50 CHAPTER B SUPPLEMENTARY USE STANDARDS

51 Section 1 Uses

52 A. Definitions and Supplementary Standards for Specific Uses

53 14. Assembly, Nonprofit Institutional

54 a. Frontage and Access

55 2) Redevelopment and Revitalization Overlay

56 The use may be located on a local residential street, subject to the following criteria:
57 [Ord. 2006-013]

58 h) Prior to the issuance of an ~~occupational license~~ business tax receipt, the building
59 shall comply with all applicable Health and Building Code requirements; and
60 [Ord. 2006-013]

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EXHIBIT E

**ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 03/20/07)**

Part 4. ULDC, Art. 4.B.1.A.20.d, Health Department and Building Code [Related to Bed and Breakfast] (page 35 of 149), is hereby amended as follows:

Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt" in accordance with F.S. Chapter 205 effective January 1, 2007.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

20. Bed and Breakfast

d. Health Department and Building Code

Prior to the issuance of an ~~occupational license~~ business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.

Part 5. ULDC, Art. 4.B.1.A.55, Financial Institution (page 48 of 149), is hereby amended as follows:

Reason for amendment: [Zoning] Proposed table consolidates all text into a table format to improve clarity and understanding regarding districts where a financial institution is permitted, development thresholds for GFA and number of drive thru's, and other alternative required or optional approval processes. Includes approvals already implied by Standard, PDD and TDD Use Matrices. [Note: Staff met with LDRAB Vice Chair David Carpenter on March 14, 2007, to discuss 2006 comments regarding this amendment.]

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

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, Development Thresholds and Approval Process.

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

<u>Zoning District</u>	<u>Development Thresholds</u>			<u>Approval Process</u>
	<u>GFA</u>	<u>and</u>	<u>Drive-thru⁽¹⁾</u>	
<u>CN and CLO</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>Not permitted</u>	<u>DRO</u>
<u>CC, CHO, and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD.COM Use Zone; and TDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>No drive thru lanes</u>	<u>Permitted by Right</u>
<u>CC; and, CL and CLO PDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>≤ 3 drive thru lanes</u>	<u>DRO</u>
<u>CG; CH and CHO PDDs; COM Pod of PIPD; and, TDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>≤ 3 drive thru lanes</u>	<u>Permitted by Right</u>
<u>CC, CHO and CG; CH and CHO PDDs; and TDDs</u>	<u>> 5,000 s.f.</u>	<u>or</u>	<u>> 3 drive thru lanes</u>	<u>Class A or Requested Use</u>

Notes:

1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.

[Renumber all sequential Tables accordingly]

a. CN and CLO Districts

~~A financial institution use shall not consist of more than 5,000 square feet of GFA or have a drive-thru facility.~~

b. CC, CG, CHO Districts and PDDs

Notes:

Underlined language indicates proposed new language.

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

EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 03/20/07)

~~A financial institution of up to 5,000 square feet of GFA without a drive-thru facility shall be a permitted use.~~

~~c. Floor Area~~

~~A financial institution shall not consist of more than 5,000 square feet of GFA or have more than three drive thru facilities, unless approved as a Class A conditional use or requested use.~~

~~da. 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 6. ULDC, Art. 4.B.1.A.70.e, Occupational License [Related to Home Occupation] (page 53 of 149), is hereby amended as follows:

Reason for amendment: [Zoning] To change the term “Occupational License” to “Business Tax Receipt” in accordance with F.S. Chapter 205 effective January 1, 2007.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

e. Occupational License

Shall be operated pursuant to a valid ~~occupational license~~ business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot

Part 7. ULDC, Art. 4.B.1.A.70.h.7, Resident [Related to Instructional Services] (page 53 of 149), is hereby amended as follows:

Reason for amendment: [Zoning] To change the term “Occupational License” to “Business Tax Receipt” in accordance with F.S. Chapter 205 effective January 1, 2007.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

h. Instructional Services

7) Resident

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor shall be permitted to provide instruction. The ~~occupational license~~ business tax receipt shall be issued to the instructor.

Part 8. ULDC, Art. 4.B.1.A.70.k, Violations or Hazard [Related to Home Occupation] (page 52 of 149), is hereby amended as follows:

Reason for amendment: [Zoning] To change the term “Occupational License” to “Business Tax Receipt” in accordance with F.S. Chapter 205 effective January 1, 2007.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

k. Violations or Hazard

If any of the above requirements are violated, or if the use, or any part thereof, is determined by the Zoning Director to create a health or safety hazard, then the ~~occupational license~~ business tax receipt may be revoked.

Notes:

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 03/20/07)

1 Part 9. ULDC, Art. 4.B.1.A.101.b.4, Existing Stands [Related to Temporary Stands] (page 67 of
2 149), is hereby amended as follows:
3

4 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
5 in accordance with F.S. Chapter 205 effective January 1, 2007.
6

7 CHAPTER B SUPPLEMENTARY USE STANDARDS

8 Section 1 Uses

9 A. Definitions and Supplementary Standards for Specific Uses

10 101. Produce Stand

11 b. Temporary Stands

12 4) Special Regulations

13 e) Existing Stands

14 All stands with a valid permit in effect on July 11, 1995, and which have been
15 operating continually with a valid ~~occupational license~~ business tax receipt since
16 issuance of the valid permit, shall be considered conforming uses. These
17 operations may continue in the configuration as existed on July 11, 1995 in
18 accordance with the laws and ordinances of PBC, Florida, and as provided
19 herein:
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Notes:

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EXHIBIT F

**ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/21/07)**

Part 1. ULDC, Table 5.G.1.B-17 Workforce Housing Program (page 54 of 68), is hereby amended as follows:

Reason for amendment: [Planning] To allow more flexibility in the Middle Income Category by amending the required affordability range. Note the middle income category was originally requested by GCBA as part of the WHP Plan amendments. A more recent request from GCBA indicates a desire to have it removed; however, as it is referenced in the Plan it must be retained in the ULDC. This amendment will allow for it to be an option and allow for an alternative equal distribution between the low, moderate 1 and moderate 2 income categories.

Table 5.G.1.B-17 - Workforce Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
	RR-20 thru LR-3	0 – 30%
	MR-5 thru HR-18 (2)	0 – 100%
Required % of Affordable Units (3)		
	Standard Density	6%
	Maximum Density	20%
	WHP Density Bonus	40%
Required Affordability Ranges (4) (5)		
	Low (60-80%)	25%
	Moderate 1 (> 80-100%)	25%
	Moderate 2 (>100-120%)	25%
	Middle (>120-or ≤ 150%)	25%
Provision of Units		
	On-site (5) (6)	Minimum 25% of Required Workforce Units
	Off site	Maximum 75% of any combination of options
	Option 1	Construct units off site
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict.
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost.
	Option 4	In-lieu Payment – 50% of unit maximum
[Ord. 2006-055]		
Notes:		
1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]		
2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]		
3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]		
4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =150%]; the 2 nd Moderate 2 [>100-120%]; and, the 3 rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055]		
5. <u>Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges.</u>		
6. a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055]		
b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]		
Note: This provision does not reduce the requirement to provide WHP units, and all units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing units. [Ord. 2006-055]		

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Notes:

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EXHIBIT G

ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 03/20/07)

Part 1. ULDC, Art. 8.C.1, Banners, Streamers or Pennants (page 10 of 37), is hereby amended as follows:

Reason for amendment: [Zoning] 1) Delete extraneous text added as part of 2003-067 limiting enforcement to only signs attached to buildings or poles (too limiting according to Code Enforcement); and, 2) Clarify amendment in Ord. 2007-01 excluding grand opening banners by adding approved by special permit

CHAPTER C PROHIBITIONS

Section 1 Banners, Streamers, or Pennants

Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, except grand opening banners with a valid special permit, mounted to a pole or building, except or where otherwise stated in this Section. [Ord. 2007-01]

Part 2. ULDC, Art. 8.D.1.A.3, Cold Air Balloon Installation Permit [Related to Permit Requirements] (page 12 of 37), is hereby amended as follows:

Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt" in accordance with F.S. Chapter 205 effective January 1, 2007

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

Section 1 Balloon Type Signs

A. Permit Requirements

3. Cold air balloon installation occupational license business tax receipt;

Part 3. ULDC, Table 8.G.2.A-8, Freestanding Signs: Maximum Heights (page 26 of 37), is hereby amended as follows:

Reason for amendment: [Zoning] Clarify what maximum heights are applicable to less than 110' rights-of-way, and greater than or equal to 110'.

Table 8.G.2.A-8 - Freestanding Signs: Maximum Heights

Table with 7 columns: R-O-W Width, C/C1, C/R2, R3, and sub-columns for S4 and PDD5. Rows represent height ranges: >= 110 ft. or greater, >= 80 or <= 110 ft., < 80 ft. or less.

- Notes:
1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.
3. R = residentially zoned parcel
4. S = Standard Development
5. PDD = Planned Development

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/14/07)

1
2 Part 1. ULDC, Art. 14.B.3.B, Review and Permitting Procedures [Related to Applicability] (page
3 12 of 56), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
6 in accordance with F.S. Chapter 205 effective January 1, 2007

7
8 CHAPTER B WELLFIELD PROTECTION

9 Section 3 Applicability

10
11 B. Review and Permitting Procedures

12 No building permit or ~~occupational license~~ business tax receipt for any nonresidential activity shall
13 be issued by PBC or any city located within PBC that would allow development or construction in
14 Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter.
15 Permits or ~~occupational licenses~~ business tax receipts issued in violation of this Chapter confirm
16 no right or privilege on the grantee and such invalid permit or licenses will not vest rights.
17

18
19 Part 2. ULDC, Art. 14.B.4.A, Effective Date] (page 13 of 56), is hereby amended as follows:
20

21 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
22 in accordance with F.S. Chapter 205 effective January 1, 2007

23
24 CHAPTER B WELLFIELD PROTECTION

25 Section 4 Effective Date

26 A. Effective Date

27 The requirements and provisions of this Chapter shall apply immediately upon and after March 7,
28 1988 to all new nonresidential activities. An existing activity is one for which a building permit or
29 ~~occupational license~~ business tax receipt had been issued by the appropriate jurisdiction prior to
30 March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed
31 building permit or ~~occupational license~~ business tax receipt application had been filed and
32 accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be
33 deemed "new."
34

35
36 Part 3. ULDC, Art. 14.B.4.C, Certification of Compliance [Related to Effective Date] (page 13 of
37 56), is hereby amended as follows:
38

39 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
40 in accordance with F.S. Chapter 205 effective January 1, 2007

41
42 CHAPTER B WELLFIELD PROTECTION

43 Section 4 Effective Date

44
45 C. Certification of Compliance

46 Any application submitted for an ~~occupational license~~ business tax receipt for any use within
47 Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM
48 that the use meets the applicable requirements of this Article.
49
50

51
52 Part 4. ULDC, Art. 14.B.4.D, Screening of Occupational License [Related to Effective Date]
53 (page 13 of 56), is hereby amended as follows:
54

55 Reason for amendment: [Zoning] To change the term "Occupational License" to "Business Tax Receipt"
56 in accordance with F.S. Chapter 205 effective January 1, 2007

57
58 CHAPTER B WELLFIELD PROTECTION

59 Section 4 Effective Date

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EXHIBIT H

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/14/07)

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....
D. Screening of Occupational License
It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4
~~occupational licenses business tax receipts.~~
....

Part 5. ULDC, Art. 14.C.11.B.4, Establishing Native Upland Preserves [Related to Technical Requirements for a Standard Permit] (page 38 of 56), is hereby amended as follows:

Reason for amendment: [E.R.M] Minor clarification of existing code language for establishment of native upland preserves.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

....
B. Technical Requirements for a Standard Permit
....
4. Establishing Native Upland Preserves

All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcel owners that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM discourages preserve dedications less than one half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the native ecosystem, overall quality of its biological diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation, and the compactness of the preserve and its proximity to other natural preserve areas and corridors.

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EXHIBIT I

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 03/13/07)

1
2 Part 1. ULDC, Art. 15.A.3.B, General Provisions [Related to Permits] (page 3 of 23), is hereby
3 amended as follows:
4

5 Reason for amendment: [E.R.M] To change the term "Occupational License" to "Business Tax Receipt"
6 in accordance with F.S. Chapter 205 effective January 1, 2007

7
8 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND
9 DISPOSAL SYSTEMS (OSTDS)

10 Section 3 General Provisions: OSTDS

11 ...
12 B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a
13 building or plumbing permit for any building requiring the use of an OSTDS unless the owner or
14 builder has received a permit for such system from the Department. No municipality or political
15 subdivision of the State of Florida should issue an ~~occupational license~~ business tax receipt to an
16 owner or tenant of a building or otherwise allow an individual or business to relocate into or within
17 an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or
18 tenant has received written approval from the Department. Approval shall state that the OSTDS
19 serving the business has been evaluated, is not expected to receive toxic or hazardous waste
20 and is adequately designed to meet the sewage treatment and disposal needs of the business.
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EXHIBIT J

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 03/12/07)

1
2 Part 1. ULDC, Art. 17.A.1.C, Powers and Duties [Related to Applications for Voluntary Density
3 Bonus Programs] (page 6 of 25), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] Amend to correct VDB to WHP

6
7 CHAPTER A BOARD OF COUNTY COMMISSIONERS

8 Section 1 Powers and Duties

9 In addition to any authority granted to the Board of County Commissioners (BCC) by general or special
10 law, the BCC shall have the following powers and duties under the provisions of this Code:

- 11
12 C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer
13 of Development Rights (TDRs) and ~~Voluntary Density Bonus (VDB)~~ Workforce Housing Program
14 (WHP) Programs;
15
16

17
18 Part 2. ULDC, Art. 17.C.3.B.2, Appeals from Decisions of the Planning Director on
19 Applications [Related to Powers and Duties] (page 11 of 25), is hereby amended as
20 follows:
21

22 Reason for amendment: [Zoning] Amend to correct VDB to WHP

23
24 CHAPTER C APPOINTED BODIES

25 Section 3 Development Review Appeals Board

- 26
27 B. Powers and Duties
28 The DRAB shall have the following powers and duties under the provisions of this Code:
29
30 2. to hear, consider and decide appeals from decisions of the Planning Director on applications
31 for Entitlement Density, and ~~VDB~~ WHP; and
32
33

34
35 Part 3. ULDC, Art. 17.C.11.B.3, Powers and Duties [Related to LUAB Decisions to initiate,
36 review, hear, consider and make recommendations to the BCC relative to VDB
37 applications] (page 17 of 25), is hereby amended as follows:
38

39 Reason for amendment: [Zoning] Amend to correct VDB to WHP

40
41 CHAPTER C APPOINTED BODIES

42 Section 11 Land Use Advisory Board

- 43
44 B. Powers and Duties
45 The LUAB shall have the following powers and duties under the provisions of this Code:
46
47 3. to initiate, review, hear, consider and make recommendations to the BCC to approve,
48 approve with conditions, or deny applications for the ~~VDB~~ WHP Program;
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