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**TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2010-01**

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

- ❑ Ordinance Title
- ❑ Exhibit A Article 1 – General Provisions
- ❑ Exhibit B Article 2 – Development Review Process
- ❑ Exhibit C Article 3 – Overlays & Zoning Districts
- ❑ Exhibit D Article 4 – Use Regulations
- ❑ Exhibit E Article 5 – Supplementary Standards
- ❑ Exhibit F Article 7 – Landscaping
- ❑ Exhibit G Article 8 – Signage
- ❑ Exhibit H Article 11 – Subdivision, Platting and Required Improvements
- ❑ Exhibit I Article 12 - Traffic Performance Standards
- ❑ Exhibit J Article 14 – Environmental Standards
- ❑ Exhibit K Article 17 Decision Making Bodies
- ❑ Exhibit L Annual Public Facilities Update Report
- ❑ Exhibit M Development Order/Development Agreement/Development Permit
- ❑ Exhibit N State Road 7 – Economic Development Overlay (SR-7 EDO)
- ❑ Exhibit O Historic Preservation
- ❑ Exhibit P Traditional Marketplace Development (TMD)
- ❑ Exhibit Q Urban Redevelopment Area Overlay (URAO)
- ❑ Exhibit R Westgate Community Redevelopment Area Overlay (WCRAO)
- ❑ Exhibit S Agricultural Enclave Overlay(AGEO)

BACKGROUND: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on February 24, 2010, March 24, 2010, April 28, 2010, May 26, 2010, June 9, 2010, July 14, 2010, and to the Land Development Regulation Commission (LDRC) on April 28, 2010, May 26, 2010, June 9, 2010, and July 14, 2010. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: June 24, 2010 – Request for Permission to Advertise for First Reading on July 22, 2010: Approved as amended, 7-0.

STAFF RECOMMENDATION: Staff recommends a motion to approve on First Reading and advertise for an Adoption Hearing on August 26, 2010 at 9:30 a.m.

MOTION: To approve on first reading and advertise for an Adoption Hearing on August 26, 2010 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS;** CHAPTER A, AUTHORITY; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCESS;** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, MONITORING; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITIES STANDARD); **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS;** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4 – USE REGULATIONS;** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; CHAPTER D, EXCAVATION; **ARTICLE 5, SUPPLEMENTARY STANDARDS;** CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 7 – LANDSCAPING;** CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER D, GENERAL STANDARDS; CHAPTER E, REVIEW, INSTALLATION AND MAINTENANCE; CHAPTER F,

PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G, OFF-STREET PARKING REQUIREMENTS; **ARTICLE 8 – SIGNAGE**; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 9 – ARCHAEOLOGICAL AND HISTORIC PRESERVATION**; CHAPTER B, HISTORIC PRESERVATION PROCEDURES; **ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS**, CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER D, PLATTING; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS**; CHAPTER A, GENERAL; CHAPTER B, STANDARD; CHAPTER M, FIVE-YEAR ROAD PROGRAM; CHAPTER P, OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM; **ARTICLE 14 – ENVIRONMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 17 – DECISION MAKING BODIES**; CHAPTER C, APPOINTED BODIES; CHAPTER D, STAFF OFFICIALS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

Attachments:

- ❑ White Paper for Exhibit M - Development Order – Development Permit – Development Agreement
- ❑ White Paper for Exhibit Q – Urban Redevelopment Area Overlay (URAO)
- ❑ White Paper for Exhibit S – Agriculture Enclave Overlay (AGEO)
- ❑ Zoning Director's Letter for Exhibit R – Westgate Community Redevelopment Overlay (WCRAO)

WHITE PAPER FOR EXHIBIT M
DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT

I. Purpose

To review definitions in the ULDC for Development Order, Development Permit, Development Agreement to:

- 1) Reduce redundant definitions that could result in confusion in application for the user.
- 2) Establish consistency between the current State Statutes and the Unified Land Development Code (ULDC);
- 3) Consolidate definitions to eliminate redundancies, and,
- 4) Delete definitions that are no longer applicable.

II. Florida State Statutes and ULDC Definitions - Consistency

Staff compared the definitions relating to "Development" as currently stated in the Florida State Statutes and the ULDC, Ordinance 2009-040 (Supplement 7).

State Statutes Definitions:

FS 163-3164

(7) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(8) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

FS 380-04

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

ULDC Definitions:

29. Development -

- a. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
- b. For the purposes of Art. 9, archaeological preservation, the definition in [F.S. § 380.04](#), as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;
- c. For the purposes of Art. 12, as defined in [F. S. § 380.04](#), except that it shall not include the following items listed therein the: (1) demolition of a structure except as an adjunct of construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is specifically for such as the end use and not as an adjunct to the end use;
- d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
- e. For the purposes of Art. 18, any man-made change of a building or other structure, or the carrying out of any activity to improved or unimproved real estate so as to change the use or appearance of the land, including, but not limited to, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

[Ord. 2004-013]

31. Development Order -

- a. Any order granting or granting with conditions an application for a development permit.
- b. For the purposes of Art. 2.F, any Concurrency Reservation that applies to lands that are owned by a unit of local, state, or federal government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. **[Ord. 2007-013]**
- c. For the purposes of Art. 9 and Art. 12, as defined in [F. S. § 163.3164](#). **[Ord. 2007-013]**

35. Development Permit - any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity, unique structure, or any other official action of PBC having the effect of permitting the development of land or the specific use of land. **[Ord. 2009-040]**

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DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT

Generally, the definitions for **Development Order** and **Development Permit** in the ULDC are consistent with the State Statutes. However, the current ULDC further defines **Development Order** under:

- 1) Art.1.1.2.D.32 - Development Order Final;
- 2) Art.1.1.2.D.33 - Development Order, Local Government; and,
- 3) Art.1.1.2.D.34 – Development Order, Preliminary
- 4) Art.1.1.2.L.52 – Local Government Development Order

32. **Development Order, Final** - a development order for site plan/final subdivision plan, or a building permit.

33. **Development Order, Local Government** - a development order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include affidavits of exemption and subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by Local Government's Comprehensive Plan. It does not include comprehensive general rezoning district boundary changes initiated by PBC. It typically involves a petition of the landowner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.

34. **Development Order, Preliminary** - a development order for an amendment to the official zoning map, a planned development, a conditional use, a special use, a variance, a coastal protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a Wellfield protection permit, or a sea turtle protection permit.

53. **Local Government Development Order** - a Development Order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by PBC. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.

Staff has determined that there are duplications of meaning for **Development Order**, **Development Order, Local Government**, and **Local Government Development Order** and recommends that these three definitions to be consolidated. Furthermore, a word search throughout the entire ULDC was performed for each of these four definitions: **Development Order Final**, **Local Government**, **Preliminary**, and **Local Government Development Order** and the result shows that these terms are not being referenced in any other Articles of the ULDC, except in the Definition section of Art.1.1.2.D. Therefore, definition for **Development Order, Final**, and **Preliminary** is recommended to be deleted for housekeeping purposes. **Development Order, Local Government** and **Local Government Development Order**, after being consolidated under **Development Order**, could also be eliminated from this section.

The revised definition for Development Order is proposed as follows:

31. Development Order -

- a. Any order granting, ~~or~~ granting with conditions, or denying an application for a development permit- through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. A Development Order typically involves the submission and review of a plan, but may not necessarily involve such. It shall not include land use designations or amendments established by the Comprehensive Plan and County-Initiated Rezoning.
- b. For the purposes of Art. 2.F, any Concurrence Reservation that applies to lands that are owned by a unit of local, state, or federal government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. [Ord. 2007-013]
- ~~c. For the purposes of Art. 9 and Art. 12, as defined in F. S. § 163.3164. [Ord. 2007-013]~~

There is no need to reference FS 163.3164 specifically for Art.9 and 12 since the definition of Development Order is consistent with the definition of the State Statutes.

III. Differences between Development Order and Development Permit

These 2 terms are used interchangeably in the ULDC, one of the objectives of this amendment is to further clarify these 2 terms, and replace, where applicable, with the most appropriate terminology, i.e. either **Development Order** or **Development Permit**.

Development Order is an action from any PBC authority such as the Board of County Commissioners, Zoning Commission, County Engineer, PZ&B Executive Director, Zoning Director, Building Official, Development Review Officer, granting, denying, or granting with conditions of approval an application for a Development Permit. The action of granting or denying a Development Order request is pursuant to applicable sections of Art.2. Development Review Process and Art.17, Decision Making Bodies of the ULDC.

A **Development Order** should not include amendments to the Comprehensive Plan, Future Land Use Atlas, County-Initiated Rezoning since these processes do not have the effect of permitting the development of land. Whereas if an applicant requests to rezone a parcel of land to allow certain uses to be developed on the property subject to subsequent development permits is considered a **Development Order**. Application for a Development Order may sometimes be accompanied by requests for Development Permits. See example below for a Zoning Application.

EXAMPLE:

An applicant is requesting for a rezoning from the Agricultural Residential to Community Commercial Zoning district to allow a Class A Conditional Use for a daycare center. The site has a Commercial Low Future Land Use (FLU) designation.

To obtain a Development Order for this project, the applicant must do the following:

- Rezone the site to a Zoning district consistent with the site's FLU designation in order to allow for the development of a daycare center pursuant to Art.3.C, FLU designations and Corresponding Zoning Districts;
- Seek for a Class A Conditional Use process subject to BCC's approval for the daycare center pursuant to Table 4.A.3.A-1, Use Matrix; and,
- Submit a site plan as supportive document for BCC's approval for the Class A Conditional Use pursuant to Art.2, Application/Plan Requirements to demonstrate the proposed development is in compliance with the ULDC.

Based on the above example, the Rezoning, the CA and the Site Plan are considered as Development Permits by the County since they have the combined effects of permitting development of the subject property. In this case, if the BCC voted for approval of these requests, then the BCC would take an action in granting a Development Order for the Development permits of the subject property and the daycare center. Subsequently, other development permits such as plats, building permits, etc. would also be required to complete the development process.

IV. Development Permit

Lastly, Staff has determined that there is an incorrect reference in the current definition:

35. **Development Permit** - any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity, unique structure, or any other official action of PBC having the effect of permitting the development of land or the specific use of land. **[Ord. 2009-040]**

Amendments to the ULDC should not be considered as a Development Permit, the ULDC only provides guidelines, regulations, and applicable processes/procedures relating to the use and development of land. Planned Development should also fall under the "rezoning" process. Therefore, the revised definition should read as follows:

35. **Development Permit** includes permits having the effect of permitting the development of land or the specific use of land issued by any official action of PBC. Examples of Development Permits are: Official Zoning Map (Rezoning, but excludes County-Initiated Rezoning), Conditional/Requested Use, DRI, Variance, Waiver, Deviation, Special Permit, Master/Site/Subdivision Plan, Special Exception, Certificate of Conformity, Unique Structure, Subdivision; Building Permit, or any types of Permits issued by the Environmental Resources Management.

V. Development Agreement

There will be no change to the ULDC definition of **Development Agreement** and is found consistent with the State Statutes definition. However, there are duplicate definitions between **Agreement** and **Development Agreement**. Staff proposed to eliminate the Agreement definition and create a new definition under Interlocal Agreement.

Article 1.1.2.A.41
~~41. Agreement—~~

WHITE PAPER FOR EXHIBIT M
DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT

~~a. For the purposes of Art. 2, the interlocal agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida;~~
~~b. For the purposes of Art. 12, a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provider for the purpose of assuring compliance with the adopted LOS standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to F.S. § 163.3220.~~

Article 1.1.2.D.30
30. **Development Agreement** - a development agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provided for the purpose of assuring compliance with the adopted LOS standards. The form of the agreement may include, but not be limited to a development agreement pursuant to [F.S. § 163.3220](#).

Article 1.1.2.I.28, Interlocal Agreement
28. **Interlocal Agreement** - Agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida;

**WHITE PAPER FOR EXHIBIT Q
URBAN REDEVELOPMENT AREA OVERLAY**

Executive Summary

INTRODUCTION

The proposed amendments for the Unified Land Development Code are necessary to implement the Urban Redevelopment Area (URA) Comprehensive Plan requirements. The Board of County Commissioners adopted a URA Master Plan and several land use and text amendments from 2004 through 2009 relating to the URA.

The establishment of the Urban Redevelopment Area Overlay as necessary to implement the goals, objectives and policies of Sub-Objective 1.2.2, the Urban Redevelopment Area (URA), as outlined in the Future Land Use Element of the Plan. The ULDC also establishes requirements for the Priority Redevelopment Areas (PRAs) to implement the vision outlined in the Treasure Coast Regional Planning Council on July 2007 URA Planning Study and Corridor Master Plans.

SUMMARY

February 17, 2004 - a central portion of unincorporated Palm Beach County was designated as an Urban Redevelopment Area (URA) by the Board of County Commissioners (BCC).

In 2005 - the County's Comprehensive Plan was amended to establish the URA in six policies under the Revitalization Redevelopment & Infill Overlay (RRIO) and to include the URA as an identified Special Planning Area in the Future Land Use Map Series.

In 2006- 2007 - TCRPC conducted study for the URA, the BCC amended the County's Comprehensive Plan to adopt the *URA Master Plan* and its recommendations. The recommendations are summarized as follows:

- Institute a storm water utility for the Military and Congress Corridors
- Establish Transportation Concurrency Exemption Areas (TCEAs) for the PRAs
- Create a new Future Land Use category for the URA corridors
- Utilize a Zoning Form-Based Code to implement the above incentives
- Intergovernmental coordination on new school sites and prototypes

In 2008 – BCC adopted URA Master Plan Map LU 9.1 depicting Military Trail and Congress Avenue, establish these 2 corridors as the Priority Redevelopment Area (PRA) with eligibility for new Future Land Use designations of Urban Center or Urban Infill.

2009 – BCC adopted new PRA and master Plan addendum.

March 19, 2010-Zoning Director issues Interim Procedures for URA and PRA

URA and PRA BOUNDARIES

The URA encompasses 28.5 square miles and the general boundaries are:

North - Community Drive

South - Lake Worth Drainage District (LWDD) L-14 Canal

East - Interstate Highway 1-95, and,

West - as far west as Jog Road at some points.

A total of nine municipalities are within or adjacent to the unincorporated area within the URA boundary including: Palm Springs, West Palm Beach, Haverhill, Cloud Lake, Glen Ridge, Lake Clark Shores, Greenacres, Atlantis, and Lake Worth.

Several existing commercial corridors within the URA exhibited a remarkable need for infill and redevelopment initiatives, and were identified as Priority Redevelopment Areas (PRAs):

- Military Trail from Southern Boulevard to Forest Hill Boulevard
- Congress Avenue from Southern Boulevard to Forest Hill Boulevard
- Lake Worth Road from Military Trail to Congress Avenue

In 2009, the new/expanded Priority Redevelopment Areas include:

- Military Trail from the LWDD L-8 Canal south to the L-14 Canal;
- Lake Worth Road from Military Trail east to the E-4 Canal, including portions of Congress Avenue, from Vassallo Avenue south to the L-14 Canal; and,
- An existing commercial node on the north side of the intersection of Florida Mango and 10th Avenue North.

LAND USE AND TEXT AMENDMENTS, MASTER PLAN

See Planning Division's White Paper. (Attachment A)

UNIFIED LAND DEVELOPMENT CODE AMENDMENTS - SUMMARY

Similar to the County-initiated Land Use Amendments, the County will rezone properties (excluding opted out parcels) that lie within the PRA to Urban Center (UC) or Urban Infill (UI) zoning districts, and amend the existing Zoning code to include new code requirements that is consistent with the URA Master Plan and Comprehensive Plan. Policy 1.2.2-b of the Comprehensive Plan established clear direction for the ULDC. This policy affords the County a chance to explore and implement transect-based land use designations in a limited and controlled manner, which also correspond to the new zoning districts.

The method for achieving this vision in the PRA is to use a mandatory form-based code (a method of regulating development to achieve a specific urban form and to organize the public realm primarily by controlling physical form, with a lesser focus on land use, through regulations), for those parcels with UC and UI Future Land Use designations and zoning districts. To further incentivize the PRA, measures include no maximum restrictions on density or intensity of development, reduced parking requirements, streamlined/staff-level approval of projects which meet the planned vision, and the establishment of Transportation Concurrency Exception Areas (TCEA) within the PRAs.

WHITE PAPER FOR EXHIBIT Q URBAN REDEVELOPMENT AREA OVERLAY

The following list is a highlight of the major code provisions:

- Creation of a new Urban Redevelopment Area Overlay (URAO) in Article 3 to establish a central location that will serve to bind multiple requirements for applications; and to implement goals, objectives and policies of the Comprehensive Plan and the URA Planning Study and Corridor Master Plans.
- Creation of new definitions to address form based code elements.
- Creation of new zoning districts: Urban Center and Urban Infill to be consistent with the new FLU designations and Special Development to accommodate existing uses that may not be able to fully comply with the new form-based regulations or to address specific redevelopment scenarios.
- Amendments to Art.1.F, Non-conformities to allow a higher percentage of improvement value for non-conforming structures in the URAO.
- Reduce review and approval threshold for projects in the PRA. Establish a Waiver process to allow minor deviations be approved by the Zoning Director.
- Require PRA projects to be designed in a manner that establishes an enhanced pedestrian environment by providing a functional interface with streets existing neighborhoods and adjacent uses. The regulations include: building and parking disposition, building configuration, function and intensity; site layout, interconnectivity and provision of an enhanced streetscape and usable pedestrian amenities. Other code provisions include:
 - Establish Transects: (Urban Center Sub-areas 1-3 and Urban Infill sub- areas1-3) to regulate intensity, building height, and to address incompatibility issues with adjacent properties
 - Create 6 Building Types to achieve desired visual form, let form regulate uses. Permitted building types are determined by sub-areas transects and deviations are not allowed subject to the approval of a Specialized Development District.
 - Require Interconnectivity to reduce traffic from street. Require the provision of alleys, where possible.
 - Require Parking and loading at the rear. Parking may be allowed in the front in the form of on-street parking.
 - Promote Green Building by providing intensity incentives
 - Address non-conformities and stormwater drainage as an ongoing issue
 - Establish Streetscape Standards to improve physical and visual appearance of the streetscape.

SUBCOMMITTEE REVIEW AND RECOMMENDATION

The Infill Redevelopment (IR) Subcommittee was established to review and provide recommendations for the Infill Redevelopment Overlay and URAO in late 2008 through early 2010. At the May 26, 2010, LDRAB/LDRC meeting, Ms. Joni Brinkman, the Vice-Chairperson of the IR Subcommittee recommended to the LDRAB/LDRC members to move forward the URAO code to the BCC for adoption.

MEETINGS AND HEARINGS

The Planning and Zoning Divisions held two Public Information Meetings on May 25 and June 9, 2010 to present the rezoning and the new code provisions.

WHITE PAPER FOR EXHIBIT Q
URBAN REDEVELOPMENT AREA OVERLAY

Attachment A
Priority Redevelopment Areas
(Prepared by Planning Division)

INTRODUCTION

The Priority Redevelopment Areas Overlay (PRAO) seeks to establish Unified Land Development Code (ULDC) Regulations and related processes to facilitate predictable, sustainable true urban-scale redevelopment within the designated Priority Redevelopment Areas (PRA) of the Urban Redevelopment Area (URA). The intent is to allow redevelopment consistent with the established, adopted vision of the community and the BCC along existing arterial thoroughfares in Central Palm Beach County. The primary focus is to establish solutions that are consistent with the long-term strategic vision that serves as the blueprint for creating compact, pedestrian-oriented development that is transit supportive, and incorporates fundamentally integrated mixed-use practices and sustainable characteristics, while enabling existing, established neighborhoods to continue in their revitalization efforts. The method for achieving this vision in the PRAO, as established in the prior planning effort, and County's Comprehensive Plan, is to use a mandatory form-based code (a method of regulating development to achieve a specific urban form and to organize the public realm primarily by controlling physical form, with a lesser focus on land use, through regulations), for those parcels with Urban Center (UC) and Urban Infill (UI) Future Land Use designations. To further incentivize the PRA, measures include additional allowances for greater intensity of development, reduced parking requirements, streamlined/staff-level approval of projects which meet the planned vision, and the establishment of Transportation Concurrency Exception Areas within the PRAs.

BACKGROUND

The Transect:

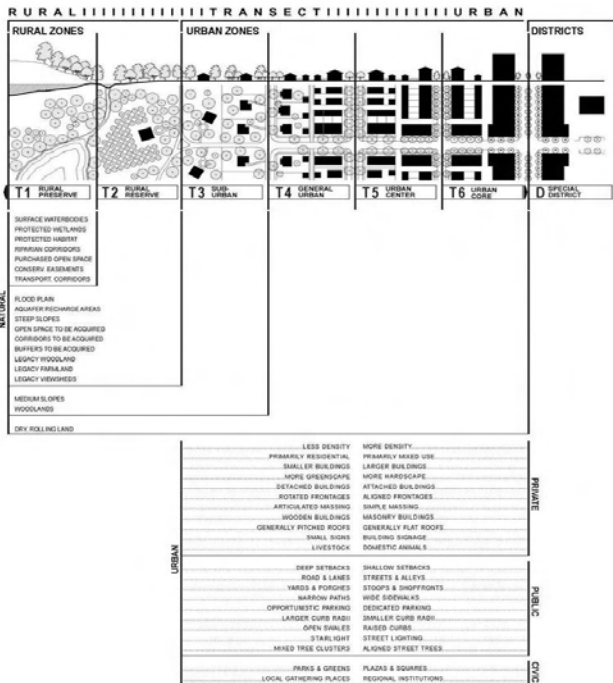
The following is an excerpt from the "White Paper on Smart Growth in California" (Alminana, 2003), which explains the theory behind the Transect and its relevance to planning and zoning:

There is a comprehensive design theory that organizes the full continuum of human environments, from remote wilderness to dense downtowns. This system, known as the Transect, now guides the planning and design of many new villages, towns and cities, and is the framework for development codes now being adopted by counties in several states.

The Transect is a concept drawn from ecology. It is a geographical cross section through a sequence of contiguous environments – for example, from wetland to upland, or tundra to foothill. The Transect can be extended from the natural environments into to the human habitat by introducing settlements of gradually increasing density. The gradient spans from the cabin in the woods to the large suburban lots in a common lawn served by a spare network of roads; and on to progressively more urban neighborhoods and downtowns. Rural villages and towns are composed, in varying measures, of these gradients, and cities extend the range to an urban core made of buildings and public spaces with little, if any, nature.

Each sector within the Transect provides a living environment that meets the basic human needs and desires, and each sector provides a slightly different type of living environment, offering a region's population a broad range of lifestyle choices. And based on our observations of vibrant communities everywhere, we find a commonality among the design principles for each sector of the Transect from region to region. At the boundaries between sectors, including those from the natural to the man-made, an overlapping of the design characteristics across boundaries allows them to fit together smoothly, connected to one another with across soft borders much as natural environments are connected, rather than artificially segregated from one another by hard, manmade divisions.

The Transect does not eliminate the standards embodied in present zoning codes. It simply assigns them into the sectors of the Transect where they belong. Thus existing requirements for wide streets are not deemed to be right or wrong, but rather correctly or incorrectly located. Wider streets may be appropriate where speed of movement is justified even at the expense of the pedestrian environment. Similarly, current standards for closed drainage systems are not wrong; they are just appropriate only for urban areas with curbs and sidewalks. In rural areas, rainwater can infiltrate through deep, green setbacks and swales. In fact, the Transect widens the range of design options. Under conventional codes, for example, front setbacks must either be a 25-foot grass yard or a paved parking lot. The Transect offers and assigns at least six more options.



WHITE PAPER FOR EXHIBIT Q
URBAN REDEVELOPMENT AREA OVERLAY

Not all possible environments fit neatly into the Transect. Civic buildings such as religious, educational, governmental and cultural institutions often demand special treatment or locations. Airports, truck depots, mines and factories are also better off in their own separate zones.

However, the Transect does away with many other unjustified forms of single-use zoning, in which uniting the places of daily life – the dwellings, shops and workplaces – is illegal or requires variances. In this regard, a Transect-based code reverses the current coding system, forcing the specialists – planners, engineers, architects, landscape architects – to integrate their work to create unified and immersive environments for humans. Such a code is a new system that, as the architect Le Corbusier said, makes the good easy and the bad difficult. And in so doing it has the power to shape the inexorable growth, that so many dread, into neighborhoods, towns and cities that future generations will love, value and preserve.

Infill & Redevelopment Study:

On February 17, 2004, a central portion of unincorporated Palm Beach County was designated as an Urban Redevelopment Area (URA) by the Board of County Commissioners (BCC). The URA consists of so-called ‘first tier suburbs,’ which are generally those areas developed after World War II outside of the municipal boundaries. Some areas within the Central portion of the County exhibited a remarkable need for infill and Redevelopment initiatives. This proposed area was chosen for the URA because:

1. Contains over half of the designated Countywide Community Revitalization Team (CCRT) areas (62 of 104). The CCRT areas are those areas in the unincorporated County generally characterized as having a greater proportion of very low, low and moderate-income populations, and experience a range of problems associated with the decline of urban neighborhoods including lack of basic infrastructure components, such as roads and drainage in substandard conditions, lack of sidewalks and/or streetlights; higher incidence of code violations; varied condition and low value of housing stock and vacant lots or underutilized land;
2. Represents an older, urbanized development pattern;
3. Some areas exhibit physical deterioration of properties and poor condition of structures, and underused lands lacking crucial urban services such as sewer and drainage; have shell rock roads; lack adequate transit stops;
4. Contains existing redevelopment initiatives such as the Westgate Community Redevelopment Area (CRA), the Lake Worth Road Commercial Corridor, and the unincorporated area of the Lake Worth Park of Commerce (LWPC).

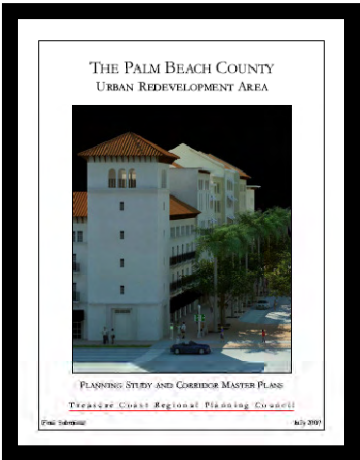
The boundaries for the URA are generally described as Community Drive to the north, Lake Worth Drainage District (LWDD) L-14 Canal to the south, Interstate Highway 1-95 to the east, and extends to some points as far west as Jog Road—an area of approximately 28.5 square miles. A total of nine (9) municipalities are within or adjacent to the unincorporated area within the URA boundary including: Palm Springs, West Palm Beach, Haverhill, Cloud Lake, Glen Ridge, Lake Clark Shores, Greenacres, Atlantis, and Lake Worth.

In 2005, the County’s Comprehensive Plan was amended to establish the URA in six policies under the Revitalization Redevelopment & Infill Overlay (RRIO) and to include the URA as an identified Special Planning Area in the Future Land Use Map Series. The goal of the Urban Redevelopment Area is to coordinate and provide for redevelopment efforts and needed infrastructure improvements in the area. Within the larger context of the URA, several existing commercial corridors exhibited a remarkable need for infill and redevelopment initiatives, and were initially identified as Priority Redevelopment Areas (PRAs):

- Military Trail from Southern Boulevard to Forest Hill Boulevard
- Congress Avenue from Southern Boulevard to Forest Hill Boulevard
- Lake Worth Road from Military Trail to Congress Avenue

URA Master Plan:

During the summer of 2006, the Treasure Coast Regional Planning Council (TCRPC) began a year-long detailed planning study and master plan for the URA. The master planning process included public involvement meetings; a week-long charrette process; interviewing over 60 relevant identified stakeholders (including elected officials from the County and municipalities, interested members of the public, and review agency staff); a series of site visits and windshield surveys documenting and analyzing the character and potential of the entire URA for redevelopment; scaled site-specific drafting exercises to thoroughly study, analyze, and make recommendations for solutions within the URA. The TCRPC project team brought in experienced specialists from a wide-ranging array of professions: planners, architects, engineers, retail specialists, illustrators, landscape architects, and urban designers. TCRPC included analyses of the traffic and transportation along the arterial and collector roadways within the URA, existing Land Use and Zoning regulations, Public Schools, a Retail/Market analysis, and stormwater management. Specifically, the retail study indicated that approximately 800,000 SF of existing retail areas within the URA could be expected to redevelop over a five year threshold. Additionally, the URA can support up to 60,000 SF of restaurants, finding a



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mix of local businesses, ethnic specialties, and national restaurant chains. The *URA Master Plan* identified four significant impediments within the overall URA: drainage, transportation, infrastructure and zoning. However, the master plan also determined that a majority of the URA consists of healthy, intact neighborhoods; that no redevelopment proposals should be contemplated for, nor are proposed within, the healthy areas; and that the existing corridors, as described in the Infill and Redevelopment Study, are the areas where redevelopment efforts should be concentrated. Summarily, recommendations of the *Urban Redevelopment Area Planning Study and Corridor Master Plans* (subsequently referenced as *URA Master Plan*) are to:

- Institute a storm water utility for the Military and Congress Corridors
- Establish Transportation Concurrency Exemption Areas (TCEAs) for the PRAs
- Create a new Future Land Use category for the URA corridors
- Utilize a Form-Based Code to implement the above incentives
- Intergovernmental coordination on new school sites and prototypes

The BCC amended the County's Comprehensive Plan to adopt the *URA Master Plan* and include its recommendations in 2007. The URA TCEA consisted of a detailed analysis of Military Trail and Congress Avenue—high intensity corridors near or adjacent to many of the designated CCRT areas—areas that exhibit prime redevelopment characteristics including vacant and underutilized lands, several abandoned buildings, and commercial vacancies that provide opportunities for infill and redevelopment. The TCEA allows for concentrated, smart redevelopment of parcels without the requirement to meet traffic concurrency, typically an impediment that limits or prevents redevelopment. One of the goals of this redevelopment effort is to result in mixed-use corridors where residents reduce their vehicle trips by using transit and/or other alternative modes of transportation.

During the Comprehensive Plan amendment cycles in 2008, the BCC adopted URA Regulating Master Plan Map LU 9.1 that depicts the areas along Military Trail and Congress Avenue that are eligible for new Future Land Use designations specific to the PRAs: Urban Center (UC) and Urban Infill (UI). These boundaries were devised in conjunction with TCRPC. UC areas received the highest entitlements for redevelopment—selected as their size and/or potential for multiple parcels to be assembled at recognized nodal locations affords immediate access to at least one major arterial road and can be easily accessible by pedestrians, transit and vehicular traffic. In between these nodes, and along the PRA corridors, are parcels that currently feature mostly single-use commercial uses, generally are of shallow depth, and are largely independent from the residential neighborhoods behind the commercial corridors. These areas may be redesignated as Urban Infill, which is intended to contain a mixed-use lining consisting of neighborhood-oriented commercial and residential uses.

To fully implement the PRA and to facilitate redevelopment, the BCC adopted Future Land Use Atlas changes within the PRAs consistent with the UI and UC locations indicated on LU Map 9.1 in late 2008. The *URA Master Plan* specifically called for the creation of a new future land use designation, as well as a new form-based code to implement the new land use designations. The *URA Master Plan* (Ch. 9, p. 7) states: “compliance with the new form-based code should result in administrative approval for new projects to significantly streamline the review and approval process as an incentive.” In their analysis for the 08-2 Round FLUA amendment, staff concluded that “installing a new future land use designation in the Comprehensive Plan, but not offering any expedited means of utilizing it, would require that any property owner to apply for a land use amendment and rezoning... this requirement effectively removes any incentive for redevelopment” (due to expense incurred, in both time and money). Furthermore, staff also recommended that work “begin on a county initiated rezoning for the PRAs... completion of this county-initiated process would allow for administrative review and approval of projects, resulting in a significant streamlining of the development review process.” Parcel owners and other identified stakeholders within the PRAs were invited by letter, to attend community information meetings, held during the evenings of July 8-9, 2008 at the County's Planning Zoning and Building Department offices, to both solicit their input and answer questions about the proposed changes. These letters also included information on the Local Planning Agency and BCC hearing dates. Owners were informed at the meetings and hearings that they were not required to participate in the County-initiated Future Land Use Atlas (FLUA) amendment. However, if they did not wish to have their future land use changed, the parcel owner(s) needed to do so in writing, prior to the adoption of the FLUA amendment. Forty-six (46) parcels, totaling approximately 106.09 acres were removed either by municipal annexation or through the “opt-out” offered by the BCC. Those owners that did not take advantage of the County-initiated FLUA amendment are allowed to continue under their existing FLU designation and zoning approvals, and utilize the existing provisions in the ULDC. However, current or future owners may apply for a FLUA amendment and corresponding rezoning to utilize the PRA provisions. In the end, a total of 350 parcels, approximating 349.03 acres within the Congress Avenue PRA and Military Trail PRA were amended to the UI or UC future land use designations.

New PRAs & Master Plan Addendum:

The TCRPC URA Master Plan clearly noted its own limitations in scope and acknowledged the need for future planning efforts within the larger boundaries of the URA: “*Over time as additional planning and evaluation is conducted, both the detailed conceptual planning and the capital improvements programming can expand*” (*URA Master Plan, Ch. 9, pg. 1*). In late 2008, staff determined areas with potential to become PRAs. It was acknowledged that multiple zoning overlays and redevelopment efforts existed north of Southern Boulevard (Palm Beach International Airport Overlay (PBIA-O), the Airport Zoning Overlay (AZO), and the Westgate Belvedere Homes Community Redevelopment Agency Overlay (WCRAO)), which impact and influence development. Also the AZO and WCRAO are relatively recent

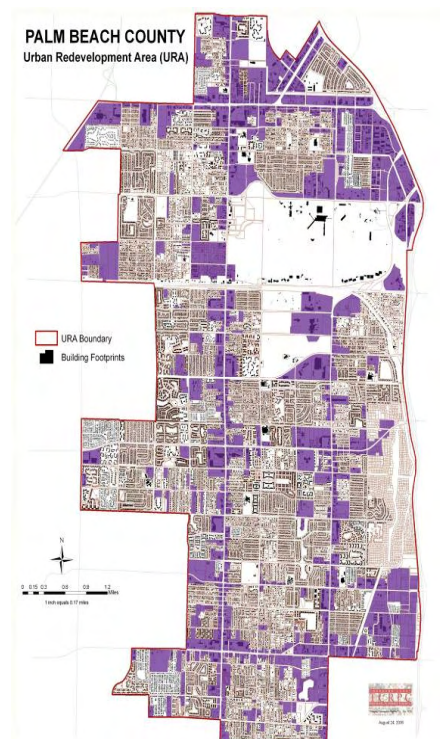
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additions to the ULDC, whereas the southern portion of the URA is sizeable, and features an older, largely unused commercial corridor overlay, as well as the Lake Worth Park of Commerce, which is identified in the Comprehensive Plan, but is mostly within the jurisdiction of the City of Lake Worth. It should also be noted that nearly all of the commercial-designated parcels that enfront the arterial thoroughfares south of Forest Hill Boulevard are designated as “Areas Likely to Redevelop” in the *URA Master Plan* (cf. Ch 3., pg. 8). As such, staff began analyzing the existing commercial corridors south of Forest Hill Boulevard.

The new/expanded Priority Redevelopment Areas include:

- Military Trail from the LWDD L-8 Canal south to the L-14 Canal;
- Lake Worth Road from Military Trail east to the E-4 Canal, including portions of Congress Avenue, from Vassallo Avenue south to the L-14 Canal; and,
- An existing commercial node on the north side of the intersection of Florida Mango and 10th Avenue North.

The approach followed the established design concepts initiated by TCRPC, adopted by the BCC and set as policy in the Comprehensive Plan. In order to establish a basis for determining the limits of a future study area, staff relied upon a combination of two sources: those parcels which currently feature a commercial and/or other non-residential Future Land Use (FLU) designation and those parcels referenced the *URA Master Plan* as being “Areas Likely to Redevelop.” Data was culled from Geographic Information Systems (GIS) resources and coupled with field observation (windshield and pedestrian surveys) of existing conditions. The boundaries were provisionally established and the process of determining the detailed conceptual plans commenced.



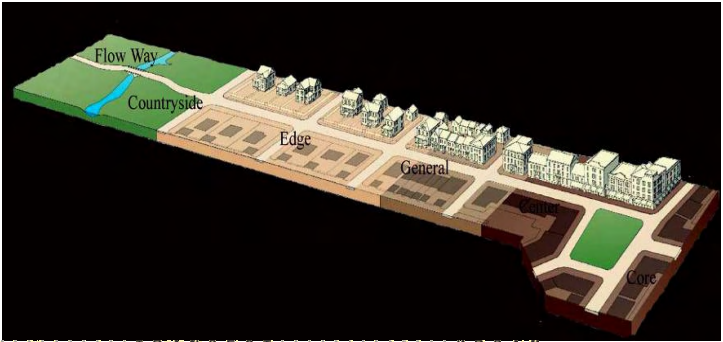
Each study area was produced in a series of scaled printout maps depicting parcel, built structures, roadway and infrastructure data. Staff then performed a detailed site analysis of each parcel, based on certain assumptions contained within the *URA Master Plan*, Comprehensive Plan policy language, and also used the draft form-based code provisions—including building disposition, configuration of uses, access, parking ratios, drainage assumptions, etc.—as a method for testing the viability as proposed, and their ability to be applied in a geographical area for which they were not originally intended (to see if further changes were necessary). This effort resulted in detailed corridor master plans, provided estimates for potential quantities and intensities of redevelopment, and recommendations on specific parcel redevelopment strategies. Some parcel assemblages were assumed to determine a theoretical maximum intensity of redevelopment for planning purposes. These figures were used to calculate the potential impact on the functionality of the County’s thoroughfares in both the short term and long range traffic models (to determine potential traffic impacts in the similarly expanded TCEAs). These depictions and calculations of intensity and its location also led to areas—whether due to parcel size/shape, location, existing development patterns and/or scale of proximate development within the larger neighborhood context—as being suitable locations for neighborhood centers that could serve as larger concentrations for urban redevelopment. Consequently, these locations were recommended to be Urban Centers. For greater detail, specific parcel analysis, and conceptual redevelopment scenarios, refer to the adopted *URA Master Plan Addendum*.

As was done in the 08-2 Comprehensive Plan Amendment Round, parcel owners and other identified stakeholders within the expanded PRAs were invited by letter, to attend community information meetings to both solicit their input and answer their questions on the planning process involved. Included in the 09-2 Round was also a County-initiated FLUA amendment to implement the *URA Master Plan Addendum*. The first was held on May 27, 2009 at Palm Beach Community College, Lake Worth Campus. The event was well-attended, and consisted of a presentation and a lengthy question-and-answer session. Owners were informed of the option to not participate in the County-initiated FLUA amendment. During the course of the amendment round, staff spoke with many parcel owners, both on the phone and held several meetings with property owners regarding potential redevelopment of specific parcels. An additional notification was provided to each property owner prior to a follow-up information meeting held on September 14, 2009 in the Palm Beach County Main Library on Summit Boulevard. The follow-up meeting suggested a larger community concern with maintaining existing approvals, avoidance of being classified as ‘non-conforming,’ and a stated preference for maintaining the current condition on Military Trail. In the end, 66 parcels “opted-out” of the amendment (by their owners), and one was annexed into Palm Springs, for a grand total of 61.79 acres. However, the BCC adopted the *URA Master Plan Addendum* along with corresponding changes to the Comprehensive Plan and Map Series to expand the Priority Redevelopment Areas, similarly expanded the TCEAs to include the new PRAs, and also amended the FLU designation on 321 parcels to either the UC or UI FLU designation, amounting to 343.52 acres as part of the 09-2 amendment round.

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UNDERPINNINGS OF THE FORM-BASED CODE IN PLAN POLICY

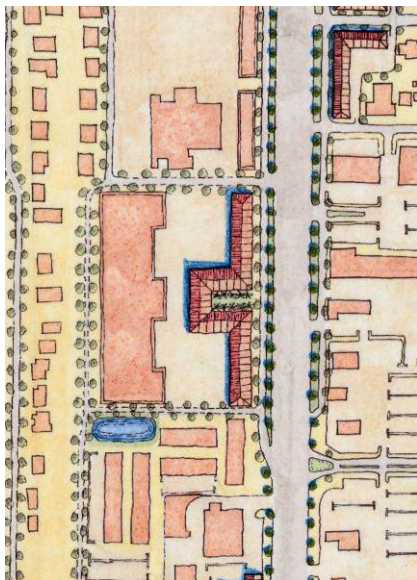
Policy 1.2.2-b established clear direction for the ULDC. Strategies include a balancing and mixing of land uses, various methods of improving vehicular and pedestrian circulation including transit-supportive measures, provisions for form-based regulation, incentives for additional density and intensity, workforce housing requirements, necessary civic/ public/ institutional and public open space characteristics. This policy affords the County a chance to explore and implement transect-based land use designations in a limited and controlled manner, which also correspond to similar new zoning districts.



Urban Centers are intended to be Transit Oriented Design neighborhood centers, with the full complement of neighborhood-, and some regional-serving uses provided within a ten-minute walk, or 1/2-mile radius (neighborhoods are generally defined by a 5-minute 'walkshed,' which corresponds to approximately 1/4-mile radius). Urban Infill corresponds to the General area depicted in the transect rendering (top), and the "T4, General Urban" transect rendering (bottom). It is important to note that the specific transects envisioned in the PRAs are only two of the so-called rural-to-urban transect. These two are clearly urban, but not the most intense, Core/Urban Core transects, which are typically only found in concentrated areas within established municipalities. Given a sufficiently long-range perspective, should an Urban Center be sufficiently successful, it could conceivably transition to an Urban Core in perhaps 20 years. However, it is not contemplated in this effort.

Planning staff relied heavily upon the TCRPC analysis that new zoning districts would be needed, and correspondingly, new FLU designations would also be necessary to implement them. Although the TCRPC recommendation was somewhat ambiguous as to whether an overlay or new future land use designation was the preferred option, however, there is no doubt that the new development regulations should be tied to the Comprehensive Plan solution. Staff strongly believes that the existing FLUE and ULDC provides a sound base for regulating suburban development patterns. To modify those same FLU designations and zoning districts to achieve the specific needs of urban development/redevelopment patterns, would further dilute and/or complicate their use and understanding. Thus, staff proposed new FLUs, and subsequently, analogous zoning districts, that establish an urban model for development/redevelopment standards.

The "Special District" is commonly found in form-based codes, and is a recognized component of New Urbanism. In the Charter of the New Urbanism, principle 11 states "districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible." It is in this context in which the Specialized District (the name was altered slightly so as not to be confused with the meaning of "Special District" found in Florida Statutes) is envisioned for the PRA Overlay. It is intended to serve as an exception to the visioned, community, or master plan, but is nevertheless a desirable component of the urban environment. In her essay on the Neighborhood, District and Corridor, found in *The Charter of the New Urbanism* (1999), Elizabeth Platter-Zyberk describes the district as "an urbanized area with special functions, such as a theater district, capitol area, or college campus... other districts accommodate... workplaces... industrial parks... storage." The essay goes on to include that "although districts preclude the full range of activities of a neighborhood, they need not be the single-activity zones of suburbia; complimentary activities can support the district's primary identity." Furthermore, Dean Platter-Zyberk describes the structure of the district as paralleling that of the neighborhood in form, and among other things, provides for public spaces, is pedestrian oriented, and supports transit.



A careful review of the *URA Master Plan* evidences multiple redevelopment scenarios which do not strictly adhere to the building typologies and use configurations established in the Plan under FLUE Policy 1.2.2-d. Examples in the *URA Master Plan* that deviate from the mixed-use development forms called for in the study include the "Redevelopment Proposal for Self-Storage Facility" found in Ch. III, p. 16; the "Holiday Ranch Mobile Home Park" redevelopment scenario (Ch. III, p. 17); the "PBIA Industrial Site" (Ch. III, p. 24). Each of these representative scenarios could not be realized without the Specialized District, which would be needed to accommodate the particular redevelopment scenario. Much effort has gone into examining ways to simplify and shorten the procedures for development approvals for projects within the PRAs. This is intended to serve as an incentive for redevelopment, provided the proposals are consistent with the mixed-use provisions of the URA. Under this revised policy, petitioning for a Specialized District would negate a shortened approval process, and revert back to a public hearing/conditional use/rezoning. As is indicated in the Policy, consideration would be given for furthering the County Directions found in the FLUE. Specialized districts should support

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these generalized directions through suitable infill development that is compatible and maintains land use integrity; specialized districts should also contribute to economic diversification, provide housing opportunities, establish or expand economic activity centers, and/or increase research and development opportunities. The public hearing for considering a specialized district would effectively be a mini-master plan approval and deviation from the *URA Master Plan*. Included in this would be consideration of specific approvals and their suitability for inclusion in the district and their potential impact or effect on the surrounding neighborhood(s). It should be noted that overall story restrictions, and therefore the ultimate intensity for the Transects are already established in the existing policy. The Specialized District does not allow for an exception. Furthermore, the provisions of Transportation Element Policy 1.2-v, which establish the URA Transportation Concurrency Exception Areas (TCEAs), would also regulate the development intensity of any Specialized Districts.

Policy 1.2.2-c sets forth the criteria for allocating density and intensity to mixed use projects. In exempting the PRAs from Tables 2.1-1 and 2.1-2, through the use of urban form, building type, proximity and relationship to the street, and the physical constraints of a given parcel are the limiting factors for redevelopment. These features, particularly the urban design components of form, framing the public realm, the treatment of the intervening space, improved functionality (connectivity) of the parcel and its neighbors, are far more comprehensible regulatory parameters than say floor-to-lot-area ratios and dwelling unit/per acre values. These tangible design components also have the added benefit of potentially increasing the land value to the existing neighborhoods as a predictable, visioned master plan is being implemented along the PRA corridors.

In the book, *Form Based Codes*, the authors identified errors that are commonly made when designing and applying form-based codes. “These mistakes often can invalidate the quality of a FBC and its intent very quickly,” they warn. “Even one of these mistakes can threaten the predictability of the form and character of new development, and reduce public confidence in the code, as well as its effectiveness,” the authors write. One of these factors is using density--the ratio of dwelling units to land area—as the primary means to regulate built form, acknowledging that a particular density can be met in a variety of building sizes, and is dependent upon their height and character. Similarly, using intensity, measured through floor area ratio (FAR), should be absent from form-based codes. “If FAR is used as a primary tool for regulation and entitlement, a developer will simply max out the FAR, thus creating very ‘boxy’ buildings with little variation in massing. ...an appropriate combination of height, maximum building depth, distance between buildings, and size and massing requirements within Building Type Standards should be used instead.” As a result, both density and intensity were not used as the basis for establishing uses and entitlement for these new transect-based FLU designations.

Policy 1.2.2-d established eight building types for the PRAs. Building types are a method commonly used in form-based coding for regulating uses and locations within buildings. Although not an explicit recommendation of the TCRPC study, it does reference the practice of incorporating building types as a method to ensure an appropriate mix of uses for the purposes of generating maximum trip capture (Ch. 5, p. 8). As staff researched the many ways in which a form-based code could be implemented, the building type methodology—a component of a physically/form-based code that visually describes the building’s volume, articulation, and relationship to the street—was recognized as having merits. Locally, the City of West Palm Beach has implemented various Mixed Use Districts, which feature a variety of building types, and have been expressly called out and are illustrated in their Future Land Use Element. This is the approach used in the Comprehensive Plan. Planning staff believes that the building typologies serve as a simple way of establishing an urban form of development, configuration of uses, and relationship to the street. The eight types featured in the Policy were derived from an analysis of the drawings and studies conducted by TCRPC, as well as an analysis of traditional building types found within the area suitable for the scale and character of development proposed for the PRAs. Providing for the building types in the Comprehensive Plan guarantees an added level of predictability in the appearance and configuration of the built environment along the PRAs. It should be noted that overall story restrictions for the Transect/FLU designation are found in Policy 1.2.2-b. However, the individual building types proposed for this policy clarify the number of stories of each form and its limitations, and in conjunction with Policy 1.2.2-f, the extent to which bonus height can be applied.

Policy 1.2.2-e establishes the ULDC as implementing a new form-based regulation rather than one that is primarily use-based. As the framework in the FLUE has not deviated from the existing practices of regulating density and intensity by FAR and dwelling units/acre, the ULDC has invariably attempted to mix the two methods of regulation. Past efforts to implement form-based coding in the ULDC has resulted in code that regulates both form and use, becoming highly restrictive with little-to-no-incentive. Furthermore, in Chapter 9 (p. 9 ff.) of the *URA Master Plan*, TCRPC conducted a thorough and exhaustive analysis of the County’s existing commercial zoning districts and their potential applicability to the PRAs. It was determined that the existing districts were inadequate and unsuited for use in the PRAs. This rationale is borne out by another independent analysis of urban types of regulation: “Experience suggests that it is a mistake to try to fix old zoning codes... (and) ...the best way to thoroughly upgrade a development code is to start from scratch” (*Suburban Nation*, Duany, Plater-Zyberk & Speck, 2000, p.223). This is precisely the approach the ULDC should take, and what this policy seeks to accomplish—use regulation is subordinated to form-based regulation (*cf. URA Master Plan*, Ch. VII, p. 17). In providing a clear, visioned statement of what the County and community’s expectations are, the code can be written to accomplish precisely that. In exchange, the predictable nature of the regulations should result in a significant reduction in the review process for projects located in the PRAs.

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Policy 1.2.2-f, the “green building” policy, uses “green building” as an incentive to achieve additional density and intensity is a completely new concept in the unincorporated County. In fact, additional density had previously been restricted to the TDR and Workforce Housing Programs, with the only provisions for additional intensity have been the product of geographic location (FLUE Policy 1.2.1-a, the “infill policy”) and/or Zoning district. In the case of “green building,” it stems from several sources; the first being the last paragraph in the *URA Master Plan* (Ch. 9, p. 9), which states “there should be a growing effort to incorporate sustainable and “green” building practices in Palm Beach County.” Staff also responded to the input from the stakeholders meetings and from interested developers who inquired as to what the County’s policies were regarding “green building.” This issue emerged shortly after the completion of the *URA Master Plan*, partially in response to market demands in 2007, but also due to a growing body of evidence linking climate change to land use and transportation choices and emerging concerns for environmental and ecological responsibility. Finally, several Commissioners inquired as to what the County could do to promote and incentivize “green” building programs in the unincorporated County, which culminated in the “Green Task Force Report Recommendations” in June 2009. Policy 1.2.2-f established the US Green Building Council’s Leadership in Energy and Environmental Design (LEED) Green Building System as the mechanism for granting bonus height. It requires a project to achieve a Silver LEED rating at a minimum in order to receive any bonus height. Furthermore, the policy establishes the locations, and specific limitations of bonus height awards are based on the Future Land Use designation as limited in Policy 1.2.2-b.

Transportation Element Policy 1.2-v contains the relevant requirements for the TCEAs established for the PRAs:

- Maximum allowable limits for units, square footage, total daily trips, and total pm peak hour trips and no building permits shall be issued for new development when the applicable maximum allowable limit for that land use is reached.
- A cumulative ratio of approved residential units to 1,000 square-foot approved office space and the cumulative ratio of approved residential units to 1,000 square-foot approved other non-residential space were identified.
- Mixed use centers should be strategically spaced, preferably located at major corridor intersections and should have frontage roads with parallel on-street parking.
- Transit opportunities are pursued and transit stations for the two corridors should be built at locations identified in the URA master plan.
- Each of the PRA corridors shall maintain current roadway section.
- Parallel alternate vehicular routes and neighborhood connectivity through the development or redevelopment of small and large parcels shall be established consistent with the URA Master Plan.

FORM-BASED CODES CONSIDERED

Prior to draft of any form-based code, Planning division staff undertook an exhaustive review of existing/adopted codes, model codes, and draft codes currently in process to see what lessons could be derived, to inform this code draft, to avoid impediments to achieving the vision in the *URA Master Plan*, and also to determine the appropriate size and scale for redevelopment. The following sources were considered and determined to be the most relevant and informative in assembling such a code:

- West Palm Beach Downtown Master Plan – West Palm Beach, Florida
- Mixed Use Development Districts – West Palm Beach, Florida
- Miami 21 – Miami, Florida
- Sarasota County Planned Mixed Use Infill District – Sarasota, Florida
- Gainesville Traditional Neighborhood Development (TND) District – Gainesville, Florida
- *SmartCode* versions 8.0, 9.0 & 9.2
- Columbia Pike Special Revitalization District Form Based Code – Arlington, Virginia
- Spartanburg Downtown Code – Spartanburg, South Carolina
- City of San Buenaventura Specific Plan – Ventura, California

A great many more codes were evaluated, and referenced by staff in the preparation of the PRAO. Various Form-based/Specific Plans from California, including Santa Clara, Grass Valley, Petaluma, Pasadena, Hercules, Livermore, and Whittier were reviewed. Other non-Florida examples evaluated included the Station Area form-based code from Farmers Branch, Texas, infill design guidelines for Raleigh, North Carolina, the Grand Valley Metro Council form-based code from Grand Valley, Michigan, and the many emerging examples in the devastating wake of Hurricane Katrina along the Gulf Coast. Several recent, local “Greenfield” development codes were similarly reviewed to see if they suggested relevant local character information: *Towns, Villages, and Countryside* (TVC) and the *A Model Form-Based Code for Pre-Platted Corridors*, both by TCRPC for St. Lucie County, Florida; the proposed design guidelines from the Callery-Judge Groves DRI in Palm Beach County, by Dover-Kohl. Codes, regulations and design guidelines for CRAs, infill, and redevelopment in municipalities were examined from Boca Raton, Coconut Creek, Clearwater, Fort Meyers Beach, Kendall, St. Petersburg, the Rio neighborhood in Stuart, the ongoing research and analysis at both the regional and state levels to determine what “Transit-oriented Design” (TOD) is, or should be, in Florida, and finally the recent revisions to the West Palm Beach Downtown Master Plan. It is important to note that many of the above examples are from Florida. Florida has been a national leader in reestablishing traditional town planning and also in implementing

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form-based coding. In fact, the Downtown Master Plan of West Palm Beach was the first application in Florida of what would later be known as form-based coding. As well as evaluating other codes, staff reviewed prior Palm Beach County examples which approximated form-based development patterns, specifically the Traditional Development Districts (TDD), and the Westgate/Belvedere Homes CRA Overlay (WCRA-O).

However, this is not to place too great a value on doing code research. Much of what is referred to in the form-based code industry as “calibration” (the tweaking of known good, functional—or at a minimum consensus-acceptable—practices to suit local conditions and sensibilities), is an observational skill, and one that cannot solely be practiced within an office setting. It requires a great awareness, not just of local conditions, but also the ability to recognize larger patterns and linkages, and appropriate practices and ideas that have worked in similar conditions elsewhere. As such, informal examination and study of successful places (old, new, and redeveloped) within the region was also incorporated into and informed the effort.

DRAFTING THE FORM-BASED CODE

In drafting the form-based code standards that comprise the PRA Overlay, staff attempted to codify to generally allow the concepts and specific schemes depicted in the URA Master Plan, provided they are feasible and practicable, as these are the accepted, stated preferences of the community and the direction given to staff by the BCC. Although the intent is not to regard the URA Master Plan as an entitlement, but rather, it serves as a guiding document, providing the link between the consensus agreements made in the charrette and master planning processes to the final implementation in and through the resultant code.

In the *URA Master Plan*, TCRPC found that “the current comprehensive plan recommends a balance of land uses; however, the existing future land use categories are too broad to support these objectives on the priority corridors” (Ch. 9, p. 6). TCRPC also concluded that the allowable development capacity cannot be reached, and that a “holistic approach to the redevelopment of the URA corridors will require a balance of land uses to enhance the public realm, improvement of existing and future transit services, and minimization of automobile trip generation.”



The *URA Master Plan* recommended the following changes to the County’s Comprehensive Plan and ULDC (Ch. 8, p. 20):

- Establish a clear regulatory framework to encourage redevelopment;
- Establish a form-based code to ensure the predictability of building form and the resulting physical environment;
- Implement a comprehensive water management plan to remove on-site water retention requirements and maximize potential property build-out;
- For the TCEA to function properly, mixed-use, including residential use is critical; do not offer incentives to projects that do not further the redevelopment goals for the URA;
- Review parking requirements of mixed-use redevelopment within the PRA corridors;
- Develop an Urban Streetscaping Plan for the corridors

In creating the new Urban Infill and Urban Center designations and completing FLUA amendments those new designations, the County clearly indicated its commitment towards realizing the redevelopment vision. This establishes a mandatory form-based code, requiring compliance with all applicable provisions in the Plan, including the TCEA. This is to incentivize the process, to make it easier to achieve the stated vision of the County. The intent always was to have an urban redevelopment code, appropriate for the new urban scale vision adopted by the BCC. This approach is identical to that undertaken nearly two decades ago in West Palm Beach, when they kept their suburban development code for the municipality, but carved the downtown out, and adopted new form-based urban regulations.

Conceptually, the entire code through its physical layout was conceived as having overlapping parametrical development standards. It is one of the great paradoxes in regulating form, but if too strictly controlled, it can hamstring itself, and recreate some of the very issues that were to be avoided. Case-in-point—typically a build-to location is required (the building façade has to be placed at a fixed distance from the frontage property line). However, if there is a parcel assemblage with right-of way dedication for turning lane, or perhaps a water or utility easement too close to the build-to location, the building would either jog around it or require some sort of relief or variance from the rigid standard. Proposed is a build-to zone, which allows some flexibility, based on the frontage and its location. This also is carried out at a larger level, the transects themselves also overlap, even if only two are currently proposed. Each transect should have some features in common with the next more and less intense transect, allowing for some overlap in the associated range. The overlap is intended to help with compatibility and to blend transitions in and between neighborhoods and also at smaller scales from the lot/building. The ability to realize the intended form is not compromised. However, some added flexibility is permitted.

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Stormwater:

Stormwater is the single biggest impediment to realizing the ultimate envisioned intensity of the PRAO. The URA Master Plan recommended a stormwater utility as the end solution to avoid having to achieve drainage solutions on a parcel-by-parcel basis. One significant impediment has been an anticipated revision to the stormwater rules through the Florida Department of Environmental Protection. However, the rules have remained under wraps for over two years, and seem to be perpetually pushed back. Constrained fiscal resources have also hampered the County from doing the requisite actions needed to establish a utility. However, this is not to say that nothing has been taking place regarding stormwater issues. Staff from DEPW, Water Utilities, Environmental Resources Management, Planning, and County Administration have established an internal working group. There has also been considerable dialogue with the South Florida Water Management District, regarding permits, and how they may review them in the URA as a whole. Absent a larger utility coming into existence, staff has also worked with academia and industry to establish some “green” practices for stormwater rather than simply holding it on site. The potential to capture stormwater in roof gardens, underground storage vaults and/or through exfiltration methods, allows water to be held, reduced of pollutant loads, potentially re-used on site, and could then be allowed to percolate back into the groundwater rather than being discharged out to tide.

Parking:

Parking is a critical component to the ultimate success of the PRAs. Restrictive parking requirements are often regarded as being an insurmountable obstacle for quality infill (and greenfield) development (*cf.* Parolek *et. al.*). This is where the transect application can be used to justify suitable and appropriate parking requirements, particularly given the inherent mixed-use nature of the transect. For example, retail/commercial uses in mixed-use neighborhood centers located within walkable neighborhoods should not have the same high off-street parking requirement as the same uses in a suburban strip-mall context. Furthermore, a fine balance must be maintained to avoid either an oversupply or an undersupply of parking. In requiring too much minimum parking, transit is effectively handicapped, as well as hampering the intensity of the urban redevelopment in the area. Too little parking results in the existing neighborhoods being impacted by redevelopment in that they could be faced with illegally parked cars or other similar vehicular impediments along residential streets. There is also a critical assumption involved (as stated earlier), specifically, that the urban form would be composed of mixed-uses and that the parking would be shared between the uses. Also, this is to be transit-supportive or transit-oriented development (depending on location). In providing for the full parking need, based on ITE estimates, would effectively kill transit, as there would be no need for residents and employees in the area to use it. Redevelopment is critical, in the forms and densities recommended. It allows for more efficient use of the land, allowing more people to live within short walking distances to transit. Without additional residential uses, bus headways will be long (20 busses/day), as the area is currently developed on the extreme fringe of transit supportive densities (minimum densities for supporting bus transit range from 5-8 dwelling units per acre). Enabling a portion of the population to exist in a predominantly suburban developed County without an automobile begins to achieve some notion of sustainability.

TCRPC recommended reduced parking ratios in the *URA Master Plan* (*cf.* Ch. 3, p. 30) specifically: 2 spaces/1,000 SF of non-residential development, and 1.5 spaces/residential unit. Staff truthed the TCRPC concept plans found within the *URA Master Plan*, and discovered their ratios generally worked within their assumptions. However, this also revealed no more than two-to-three-story mixed-use buildings along most of the corridors in the PRAs except in locations designated as Urban Centers (where structured parking was necessitated—which also corresponds to a greater allowable building height). Any increase beyond the minimum ratios found in the Master Plan tended to require a new design exercise for the specific parcel configuration and resulted in significant reductions in intensity. This also revealed one of the inherent truths of urban-scale development, as well as form-based coding, *i.e.*, *parking drives the density/intensity of the development* (*cf. SmartCode* p. SC36, Table 11, which discusses the parking requirements “...for each site or, conversely, the amount of building allowed on each site given the parking available”). Additionally, discussions with the staff of the Department of Engineering and Public Works (DEPW) revealed that they would allow (re)development to count any on-street parking provided on existing and proposed side street rights-of-way. Such an agreement is critical to realizing minimum parking standards commensurate with the scale of the envisioned redevelopment (had the area been developed in an urban fashion, pay parking structures and/or surface lots would already exist, and could be considered in meeting minimum requirements). In their independent study for what constitutes a TOD, TCRPC concluded that the maximum parking ratio was 1.5 spaces per residential unit, the same ratio contemplated for the PRAO. The Transit Cooperative Research Program (TCRP) in Report #128 (Arrington, p. 26) found that “TOD households own an average of 0.9 cars compared to 1.6 cars for comparable households not living in TODs.” Furthermore, the *SmartCode* in Table 11: Parking Calculations proposes residential parking ratios of 1.5 spaces per dwelling unit for T4, Urban General (which corresponds to the UI FLU designation), and 1.0 spaces per dwelling unit for T5, Urban Center. These findings could justify further reductions in the Urban Center residential parking ratio to 1.0 space/unit. However, further consideration of non-residential uses is warranted.

For the purposes of calculating non-residential parking ratios in TOD, TCRPC concluded that anything exceeding 3 spaces/1,000 SF maximum, was not considered to be transit-oriented. The PRAO uses 2 spaces/1,000 SF of non-residential uses as a minimum standard (the same ratio used in the Downtown Master Plan in WPB), with no maximum—relying upon the significantly increased entitlement to restrict parking (a similar approach is incorporated into the *SmartCode*). However, the *SmartCode* proposes higher required parking ratios (3/1000 SF for office, and 4/1000 SF for retail in Urban General; 2/1000 for office, and 3/1000 for retail in Urban Center). This does not consider the shared parking factor

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found in the *SmartCode* (e.g., a three-story mixed-use building, in the UC Transect with ground story retail, 10,000 SF, and 8 residential units on each of the second and third stories; using the TCRPC assumptions this would yield 20 spaces for the retail/non-res (2 spaces/1000 SF) and 24 spaces for the residential units (1.5 spaces/unit), totaling 44 spaces; utilizing the *SmartCode* shared parking factor, 10,000 SF would yield 20 spaces for non res (again 2 sp/1000 SF), and the 16 residential units would yield 16 spaces (1 space/unit)—these would be added, to arrive at 36 spaces, and then divide that figure by 1.2 (shared factor between residential and retail uses per *SmartCode* Table 11) to arrive at the result, 30 spaces; *nb.* in UI, using the shared parking factor with the same example would require more parking spaces (53)). The intent is to prevent parking from being an impediment to redevelopment, and to require a minimum standard that has worked in a local setting, but one of inherently greater intensity from the outset. Since beginning the PRAO draft, staff has learned anecdotally that virtually any lending (notwithstanding the current financial situation) for new commercial construction would stipulate higher parking ratios than the minimum 2 per 1,000 SF. It is also interesting to note that in the TCRPC *TOD What It Is & What It Isn't* analysis, that one metric for determining TOD is that parking constitutes less than 10% of the gross development area, anything exceeding this requirement is not considered to be TOD (which coincides with Christopher Alexander's "9% parking rule" (1977)—no more than 9 percent of the land should be given over to surface parking—yielding a theoretical maximum of around 14 spaces per acre). An analysis was not done on the Master Plan proposals, however it is anticipated that the UI areas would not meet this threshold, but there is a distinct possibility that the UC areas could well meet it, provided parking structures are employed.

To encourage other modes of transportation, specifically bicycle, generous bicycle parking was required, and modeled after the standards established in the Columbia Pike Form-based Code for Arlington County, Virginia.

Streetscape:

Staff originally believed the streetscape portion of the PRAO would be one of the easiest portions to implement, but in the end it proved to be one of the more difficult pieces, and with the notable exception of the specific uses matrix, went through the most variations throughout the draft. Staff spent a great deal of time working with DEPW staff in the Streetscape, Traffic, and Land Development Divisions, as well as the Landscape Field Representatives of the Zoning Division. Input was also solicited at various times through the stakeholder meetings, as well as informal discussions with developers, planners, and landscape architects, prior to the feedback through the IRTF/LDRAB process.



Due to the inherent complexities of attempting to truth the TCRPC concepts, staff spent a great deal of time studying existing physical conditions along the rights-of-way of Military Trail, Congress Avenue, Lake Worth Road, and their associated intersecting thoroughfares. Early discussions with the Land Development Division revealed that there are virtually no absolutes when dealing with these older expanded thoroughfares—everything from easement widths and locations, to stormwater runoff. An early decision to vary from one proposal in the URA Master Plan was to provide more street trees than the 40-foot on-center assumption. Staff felt that responding to voiced concerns over shade and any potential reduction in heat-island effects warranted a change. Although initially examining a 20-foot-on-center proposal, a 30-foot interval was determined to be a workable solution along the thoroughfares. Planning staff worked very closely with DEPW to determine that street tree planting locations would not interfere with accepted safe-sight distances as established in the "Florida Green Book." Also the effort was made to determine all ultimate expanded intersections to establish build-to locations within GIS.

Specific tree planting schemes (with a stipulated species or range of acceptable species), along with detailed specifications and locations for benches, trash receptacles, drinking fountains and pedestrian level lighting were also intended (a GIS-generated location map for all street tree alignment locations within Primary and Required Frontages exists—it would also depict transit stops). However, no consensus could be reached on any one approach or method, of any sort between more than two groups on any specifications. For example, if a particular bench detail or standard was proffered, it received subjective criticism and lacked any support. In most urban design/streetscape schemes, details such as these are presented and codified from the beginning to establish the predictable standards—they can also help with community and neighborhood identity. In other cases, if a particular street tree or palm would be proposed for a section of road, concerns for a potential blight wiping out the monoculture were voiced. Offering a range for street trees was cited as being too informal, and suburban in approach. Thus, the standards reflect the ambiguity expressed through the process. It does incorporate some suggested solutions to achieve a measure of uniformity, however substitutions for all of the hardscape and landscape materials could be obtained as currently proposed. If anything, it reflects some of the established mindsets that prevail in a suburban-oriented development community—each decision *ad hoc*. If the Master Plan had provided more direction or looked to establish specific preferences as is sometimes done, there would have been better result.

Uses:

The intent, as stated in the Comprehensive Plan, is to focus on regulating the physical form of development, rather than the rigorous segregation and dispersal of single uses.

Staff originally looked at a *SmartCode*-like use classification that resulted in very general use classifications: Office, Retail, Residential/Lodging, Civic, and some outdoor only uses. These were to be regulated only in a very general sense, by sub-transect zone, and then through building type as allowed by particular story per the Comprehensive Plan. Uses that were potentially incompatible in mixed-use

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buildings were either prohibited or only allowed through a specialized district approval. However, it was still necessary to determine what constituted a particular general use classification. Recognizing that fiscal costs and the Florida Building Code would be the greatest limiting factors on the uses that may occur within any mixed-use building, staff proposed tying the uses based on classifications in building code (fire ratings, separation requirements, etc.). Furthermore, architects' have a professional responsibility to adhere to the building code, and conventional zoning practices unduly complicate this by having to determine which zoning use approval corresponds to what type of building construction. Also if a building is only built to a certain rating and separation requirement, some uses cannot be inserted later without a prohibitively costly retrofit, rendering some classifications virtually unachievable. Some specific uses were still proposed to be disallowed within mixed-use settings as they could still have potential to be noxious/incompatible uses in close proximity to one another. The sub-zones were used to restrict the locations of some uses to where they were best suited. It is best regarded as being a 'fine graining' of the transect, to take specific compatibility into consideration for particular locations. Thus the more intense locations for each transect are those that are closest to the thoroughfares, and step down in overall height/intensity as they transition back towards the established residential areas. The areas were based on the intensity and design of the conceptual plans found within the *URA Master Plan*, and the later *Addendum*.

However, over time, an incremental effect manifested itself within the drafts of the PRAO, to where it functions more like conventional suburban zoning. Uses that are more auto-oriented, or use segregated have been proposed that were not contemplated in the Master Plan. The Planning Division strongly feels that a drive-through for any use should not be allowed. In accommodating a specific service/use so heavily oriented to maintaining the convenience of an automobile-dominant lifestyle, this would be contrary to the planning concepts and principals upon which the PRA corridors are based. Additionally, questions have been raised about the sufficiency of buffers, creating visually impenetrable barriers to existing development, parking at higher suburban ratios, utilizing imprecise suburban architectural guidelines which do little for establishing visual interest at a pedestrian level, even including freestanding monument signs within the pedestrian realm thereby creating potential visual obstructions and obstacles in an area that should be free of any barriers. Slowly the potential innovation in uses has been eroded, creating a multi-page use matrix. A common pitfall of form-based codes can be confusing, overly or insufficiently detailed use tables according to Parolek and Crawford. Tables should be distilled down to a single page (or slightly more) for each zone, while ensuring the compatibility of adjacent uses. A table "should not attempt to list every possible use," the authors advise.

STAKEHOLDER AND OTHER PUBLIC MEETINGS

To further the URA and to continue the public involvement process, the Planning Division conducted monthly community involvement meetings for stakeholders after the *URA Master Plan* completion in June 2007. These stakeholder meetings served as a public forum to informally solicit community and agency input and to inform all interested parties on the status and progress of the URA during the initial phases of amending the Comprehensive Plan and the drafting of the form-based code. A total of fourteen (14) Stakeholder meetings were held between July 2007 and September 2008. Topics covered included uses and their configurations, building types, comprehensive plan text and map series amendments, specialized districts, landscaping, green building practices, signage, public art, stormwater, traffic concurrency, municipal annexations, proposed projects, and public-private partnerships. The meetings were generally discontinued to avoid competing with the Infill-Redevelopment task force meetings of the LDRAB.

LDRAB & IRTF SUBCOMMITTEE MEETINGS

A presentation regarding the URA Master Plan was made to the LDRAB on June 7, 2007. The presentation was general in nature and intended to bring the LDRAB up to speed on the planning study.

On June 25 2008, a presentation was made to the IRTF updating them on the status of the URA code.

On August 19, 2009, a presentation was made to the IRTF regarding the proposed draft of the PRA Overlay.

On November 4 and 11, 2009, a presentation was made to the IRTF on the draft PRA Overlay.

On November 24, 2009, staff held a discussion with Thuy Shutt, Jose Jaramillo and Edward Wronsky of the AIA to discuss specific concerns regarding the architectural standards and building appurtenances. Generally most of the concerns were over how the language was interpreted or the specific intent and meaning of the standards. A pictorially illustrated draft depicting specific examples of what the standards intend to produce was offered by staff to facilitate the discussion. Several changes were made, with clarifications incorporated, and it was agreed that the standards would be more 'user-friendly' if illustrated as they had seen at the meeting.

On December 1, 2009, a presentation was made to the IRTF on the draft PRA Overlay.

HOW TO USE THE CODE

In the context of transect planning and traditional design, the Urban Standards, as elaborated upon in 3.B.16.C, address the scale and intensity of neighborhoods, particularly in the context of those portions of

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the private buildings which affect the public realm. The standards establish two transect zones (Urban Infill and Urban Center), which are further divided into sub-zones to address transitioning intensities across neighborhoods. The Urban Standards require buildings to define the street as the public realm and prohibit surface parking areas from disrupting frontages. Performance standards for providing the requisite needs of civic open space are also described in the context of neighborhood design, as they affect building disposition and intensity.

At the scale of the lot and building, Building Type performance measures visually describe a building's volume configuration of uses and relationship to parking. The nine building types, as further described in 3.B.16.D, provide a level of predictability in the appearance and configuration of the built environment along the PRA's. They depart from conventional Zoning approaches in that the application of building types and their intensities of use are classified by Transect Zone. Within each building type, each is defined principally by performance measures tied to pedestrian access and the arrangement of permitted uses.

The Urban Landscape and Pedestrian Standards, which are further elaborated upon in 3.B.16.E, are site performance measures that combine with the building type measures to establish a building's relationship to the street, blending building scale, street furnishings, and frontage conditions to create a safe, commodious, and pleasant pedestrian environment. The other essential components to neighborhoods are also prescribed here, particularly that of open space.

The Architectural Standards, are further described in 3.B.16.F, combine with the Urban Landscape and Pedestrian Standards and the building type measures to address the architectural features of the building to contribute to the pedestrian realm. Architectural considerations such as proportion, fenestration and style are addressed in the standards. This detailing is critical, as achieving sufficient pedestrian interest leads to the establishment of vibrant successful places, which in turn, encourages and reinforces people to walk more, and drive less. These standards are evaluated only after the larger objectives of neighborhood design, building placement, access, and open space arrangement are resolved.

The Other Standards, which are further elaborated upon in 3.B.16.G, include those supplementary standards which are not otherwise defined in the Urban Standards, Building Types, Urban Landscape and Pedestrian Standards, and Architectural Standards. They are, however, necessary and critical to satisfying other policies and programs, and consist of performance standards such as drainage, Green building solutions, signage, landscaping, workforce housing requirements, etc.

The definitions for this overlay where substantively different from existing definitions in the ULDC or are new to this code, are found in Article 1.

From top to bottom, the PRAO regulates neighborhood form, character and design from the large to smaller scale. The focus is broad, at the neighborhood level, and is then, through a pragmatic and integrated design process, revealed in the form of schematic plans for an individual building and site.

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INTRODUCTION:

The proposed Unified Land Development Code provisions are necessary to implement the Agricultural (AG) Enclaves Comprehensive Plan (Plan) requirements. In August 2008, the BCC adopted amendments to the Plan and Land Use Amendments, LGA2008-011, Ordinance 2008-019. The Zoning Division has coordinated meetings with Callery Judge Consultants, Planning, and Zoning Staff since January 2010 to draft the proposed new code provisions to create a new Agriculture Enclave Overlay.

BACKGROUND AND SUMMARY:

BCC approved 2,996 residential units

A Future Land Use change from RR-10 to Agricultural Enclave

Size: 3745.58 acres

Location: East and West of Seminole Pratt Whitney Blvd., South of 60th St. N and North of 50th St. N and Sycamore, East of Mead Hill Dr and 44th St North, East of 190th Terrace North, and West of 140th Ave North

Land Use Text Amendment Summary

To amend the Introduction & Administration, Future Land Use and Transportation Elements and the Map Series to:

1. Establish definitions relating to Agricultural Enclave and new urbanism;
2. Establish the Agricultural Enclave future land use designation within the Rural Tier;
3. Add policies to implement the Agricultural Lands And Practices Act; Section 163.3162, F.S.;
4. Designate Agricultural Enclave as Limited Urban Service Areas;
5. Exempt the Callery Judge Grove Agricultural Enclave from Policy 3.5-D, Traffic Provisions;
6. Designate Persimmon Boulevard from 140th Avenue North to Seminole Pratt Whitney Road, and 140th Avenue North from Persimmon Boulevard to 60th Street North, as Rural Parkways;
7. Modify the Future 2020 Roadway System By Number Of Lanes Map TE 1.1 to expand:
 - a. Persimmon Blvd, from Seminole Pratt Whitney Road to Royal Palm Beach Blvd, from 2 Lanes to 4 Lanes; and
 - b. Southern Blvd, from Big Blue Trace to Forest Hill/Crestwood Blvd, from 6 Lanes to 8 Lanes;
8. Modify Thoroughfare Right Of Way Identification Map TE 14.1 to update notes regarding Rural Parkways; and
9. Modify Service Areas Map LU 2.1 to establish the Callery Judge Grove Agricultural Enclave as a Limited Urban Service Area.

The intent of the amendment is to increase the density and intensity on the site so it is consistent with the surrounding density and intensity pursuant to the Agricultural Lands and Practices Act (Ch. 163.3162, F.S.). The initial amendment requested a future land use designation change from Rural Residential 1 unit per 10 acres to Low Residential on 3,722 acres and Commercial Low on 23 acres and 235,000 sq.ft. of commercial. The request has been revised to a newly proposed designation named "Ag Enclave" with the proposed density/intensity to remain the same. The amendment includes text amendments to the Comprehensive Plan to accommodate the new legislation.

The proposed amendment submitted under **Ch. 163.3162, F.S.** allows a property owner of land defined as an Agricultural Enclave to apply for an amendment which may include "land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel". Such amendment "must include appropriate new urbanism concepts" in order "to discourage urban sprawl while protecting landowner rights".

In January 2008, the applicant submitted a '**Conceptual Plan**' and '**Guiding Principles**' that included new urbanism concepts in order to demonstrate compliance with the statutory requirements. The proposed density is similar to that of the Acreage and is consistent with the recommended development options presented in the Central Western Communities (CWC) Sector Plan Remedial Amendment.

The Ag Enclave is limited to sites which are subject to the **Ag Enclave Legislation**. The maximum density of the new FLU remains the same as the originally proposed density (80 du/ac). The Ag Enclave legislation requires each application for a parcel larger than 640 acres to include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights.

A few principals from **The Charter of the New Urbanism** are Neighborhoods that are compact, pedestrian-friendly, and mixed use. Daily living activities occur within walking distance, concentrations of civic, institutional, and commercial activity, a range of parks from tot-lots to ball fields and shared use public spaces.

Unified Land Development Code Amendments Summary

- Use of New Urbanism Design Principles (walkability, connectivity, mix-use diversity, mixed housing, quality architecture and urban design, increase density, sustainability)
- Single or Series of development orders

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- Transects-Goals is to cluster density through use of transects:
 - **Natural**-comprised of active/passive recreational uses, pastures and uses including agriculture, preservation, conservation, wetlands, greenways, landscaping, landscape buffers, water management tracts and well fields. Located along: Perimeter, rural parkways, interconnected system, and within neighborhoods
 - **Rural**-supports sparsely settled lands, including agricultural uses and equestrian estates.
 - **Sub-urban**-supports low to medium density residential areas with some potential for the mixing of uses.
- Allocation Plan-used to verify compliance with transect: acreage, density/intensity, general location of streets, access point and allocation.
- Design Standards-each rezoning shall comply with: neighborhood design, internal street network, recreation, storm water management, compatibility buffers and civic.
- Development requirements-Residential PUD or TND, Commercial in form of a Village center using the TMD or TND code requirements

The proposed Agricultural Enclave code provisions implement the Plan and FLU provisions and allow parcels within the Enclave to be developed as a Traditional Development District, a single Development Order, or a series of development orders such as Planned Unit Developments and utilizing the existing regulations in Articles 3 and 4. In addition, a new Overlay District was created to support all the provisions that will only apply to the Enclave.

The following list is a highlight of the major code provisions:

- Creation of a new Agricultural Enclave Overlay (AGEO) in Article 3 to establish a central location that will serve to bind multiple requirements for applications for “individual development orders” as permitted by FLUE Policy 2.25-g. Whereas, an AGE may be rezoned to a Traditional Town Development with a Master Plan, or “A single development order or series of individual development orders” that are consistent with the Conceptual Plan and New Urbanism Design Guiding Principles adopted as part of a Site Specific FLU amendment. Where the latter option allows for the use of PDDs in the form of PUDs, but still requires that commercial uses be developed as TMDs (or TND neighborhood centers) and it is recognized that these requirements are located in different sections, it is necessary to establish a central location to ensure that the overall requirements of the AGE are addressed for a series of Development Orders.
- Establish a new definition of the term Allocation Plan.
- Establishes requirements for an AGE **Allocation Plan** that demonstrates compliance with the allocation of minimum and maximum transect zone acreage, density and intensity approved as part of the AGE FLU amendment. Arterials, collectors, and location of access points and uses are also included. As the enabling legislation and FLUE Policies of the Plan for an AGE allows for the transfer of density and intensity within an AGE, an Allocation Plan is a pre-requisite to demonstrating compliance with the Plan as part of any rezoning application.
- Amendments to existing Article 2, Types of Plans, Article 3, Planned Unit Development Districts, Article 3, Traditional Development Districts, Article 4, Supplemental Standards, Article 5, Various Provisions including PO, Accessory And Temporary Uses in AR to include AGE, Legal Documents and Article 7, Landscape, as it applies to AGE.
- Amendments in Article 3 also address the concepts of new urbanism. The AGEO requires a series of Transect Zones,: Natural, Rural, Suburban (Suburban being further subdivided into Neighborhood Edge, Neighborhood General and Neighborhood center with a range density intensity). The use of density is only allowed within the Rural and Suburban Transect Zones, while the Natural Transect will be reserved for uses such as: agricultural, recreational, and water management.

Note - There was no LDRAB Subcommittee established to review the proposed regulation. However, Zoning staff did include Callery Judge consultants, Planning, and County Attorney staff to review and comment on the various drafts.



Rural Transect The Rural Transect is intended to be an equestrian zone and is restricted to the area West of Seminole-Prairie Whitney Road. It is characterized by "horse barns" with primarily multi-acre lots which are large enough for equestrian activity and small-scale agriculture. Roads are detailed as country lanes and lots would be developed mostly as gracious estates with rustic outbuildings. Equestrian centers will make the horse lifestyle an option even for those who have one of the very few smaller lots at the center of the "horse barns". Commercial recreational facilities and a village center may also be located within this area.

Sub-urban Transect, Neighborhood Edge Zone and Neighborhood General Zone This zone to the east of Seminole-Prairie Whitney Road contains lower density residential areas, with the possibility of small-scale, neighborhood-serving retail. There are larger lots at the neighborhood edge zone, though generally not as large as those found in the equestrian zone. Each neighborhood will have a green or park, and a network of streets will allow most residents to live within a 5-10 minute walk of a green space.

Sub-urban Transect, Neighborhood Center Zone A sub-area within the Sub-urban Transect is designated Neighborhood Center Zone. Areas designated Neighborhood Center Zone are located within appropriate walking distances of schools and retailers. These areas shall contain a minimum gross density of 4 units/acre. A minimum of 20% of the Enclosure's units will be clustered within this zone type.



Village Centers Village Centers, which will have a composite total of 235,000 SF of non-residential uses, are characterized by single-story commercial buildings or mid-rise buildings with retail on the ground floor and office space above. Village Centers shall be developed in conformance with the County's adopted standards for Traditional Marketplace Developments. Immediately adjacent to these areas are Neighborhood Center Zones (except for any Village Center in the Rural Transect) where street networks and trails are constructed so that some residents may access the center on foot or bicycle. Additional commercial and community-serving uses may also be located in the Neighborhood Center zone.

Natural Transect This zone shall consist of active recreation, pastures, rural pathways and open space including agriculture, greenways, preservation, conservation, wetlands, passive recreation, landscaping, landscape buffers, water management ponds and wetlands. The Natural Transect shall provide separation as well as interconnectivity to Natural Transect areas within and between neighborhoods of the Rural and Suburban Transects. This portion of Natural Transect is not depicted on this conceptual plan. The Natural Transect shall cumulatively comprise a minimum of 40% of the overall land area. Ownership and management of these lands can be via property owner associations, horse owner association(s), non-profit organizations, a public special district or other government agency.

Civic Sites Palm Beach County requires the allocation of a minimum of 2% land area for civic uses. The County has designated a potential future site for a Community Park (25-50 Acres) and a Firehouse Station (3-5 Acres). The School District has also identified a potential future site for up to 30 acres for a potential School Site. The Conceptual Plan depicts the general location of these uses. Palm Beach County and the Owner of the property shall enter into an Agreement which provides for determination of need, final configuration, and timing of dedication of these sites prior to the approval of the first development order. Any remaining Civic sites shall be located in the Suburban Transect and adjacent to most residential north throughout the project determined at the time of individual development approvals.

Site Data
Maximum Gross Density: 8 dwellers
2096 Maximum Units
No more than 115 building permits for residential units shall be issued to the Callery-Judge Enclosure within the first five (5) years following effective date of the Plan Amendment.




Transect	Percent of Total Acreage		Units/Square Footage	
	Minimum	Maximum	Minimum	Maximum
Natural	40%	N/A	0	0
Rural	20%	25%	150	300
Sub-Urban	0%	40%	2096	2246
Edge and General Center	0%	35%	650	N/A
Civic Sites	2%	N/A	0	0
Village Centers	N/A	N/A	235,000 SF	235,000 SF

CALLERY-JUDGE GROVE CONCEPTUAL PLAN

LOUISIANA, RENTIS
August 2011

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Transect Chart

Natural		xx acres
Sub-Urban		
Edge		xx acres
General		xx acres
Center		xx acres



Callery Ag Enclave
Demonstration Exhibit
Transect Plan
Not to Scale

For Demonstration Purposes Only
As Requested by Palm Beach County

**ZONING DIRECTOR'S LETTER FOR EXHIBIT R - WESTGATE COMMUNITY
REDEVELOPMENT AREA OVERLAY (WCRAO)**



**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
ZONING DIVISION**

**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
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

■

**Palm Beach County
Board of County
Commissioners**

Burt Aaronson, Chair
Karen T. Marcus, Vice Chair

Jeff Koons
Shelley Vana
Steven L. Abrams
Jess R. Santamaria
Priscilla A. Taylor

County Administrator

Robert Weisman

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Affirmative Action Employer"*

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TO: The Honorable Burt Aaronson, Chair and Members of the Board of
County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director

DATE: June 24, 2010

RE: **Unified Land Development Code (ULDC) 2010-01 Round of
Amendment
Westgate Community Redevelopment Area Overlay (WCRAO)
Nonconformities**

On June 24, 2010, Zoning BCC Agenda staff will be requesting the Board to approve the Request for Permission to Advertise the 2010-01 Round of ULDC Code amendments. The Land Development Regulation Commission (LDRC) approved all amendments prepared by Zoning Staff with the exception of one provision related to Westgate Community Redevelopment Overlay. The maximum percentage of improvements for nonconforming structures was amended from the 50% cap recommended by staff with no cap as was requested by the Westgate CRA. Staff would like to make the Board aware that the amendment in the Permission to Advertise Packet reflects the staff recommended 50% cap. Staff would like direction from the BCC on how to proceed with this amendment.

Background-See Exhibit R in the June 24, 2010 Zoning Packet

On January 28, 2010 the BCC adopted the 2009-02 Round of ULDC amendments, which included major revisions to the sections of Article 1 that deal with nonconformities. Prior to the adoption of these amendments, the ULDC included a provision that allowed improvements such as maintenance, renovations or disaster damage repair of up to 50% of the Improvement Value for nonconforming structures located in the Lake Worth Road Commercial Corridor Overlay (LWRCCO). To ensure consistency and encourage redevelopment in certain areas of the County, the 2009-02 Round of ULDC amendments included provisions to allow up to 50% improvement in the Westgate Community Redevelopment Area Overlay (WCRAO), Infill Redevelopment Overlay (IR-O), and Urban Redevelopment Area Overlay (URAO) as well. The maximum percentage of improvements allowed for non-government facilities in other areas of the County cannot exceed 30% of the Improvement Value.

WCRAO staff submitted an amendment request seeking an unlimited amount of improvements for nonconforming structures located in their Overlay in lieu of the 50% maximum. Their request was heard by LDRAB at the April 28, 2010 meeting.

**ZONING DIRECTOR'S LETTER FOR
EXHIBIT R - WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)**

LDRAB Recommendation

After hearing presentations by WCRAO staff, LDRAB voted to recommend approval of their request to eliminate the 50% cap. The Request for Permission to Advertise packet for the June 24, 2010 BCC Zoning Hearing contains the LDRAB recommendation. If the BCC supports the LDRAB recommendation, Table 1.F.1.G, Nonconformities-Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair will be amended to reflect the proposed change and presented to the BCC as part of the first reading scheduled for July 22, 2010

Zoning Staff Recommendation

As Zoning Staff discussed in our individual meetings with Commissioners in May, staff recommends the existing 50% improvement cap be maintained. The 50% maximum cap is consistent with the caps applicable to the Urban Redevelopment Overlay (URAO) and the Infill Redevelopment Overlay (IRO). The intent of the limitations is to ensure that non conforming structures will, over time, be brought into compliance with current ULDC Requirements.

**Table 1.F.1.G-Nonconformities, Percentage and Approval Process for
Maintenance, Renovation and Natural Disaster Damage Repair**

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements
Non-Government				
Maintenance	≤ 20%; By Right	≤ 30%; By Right	≤ 20%; By Right	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)
Renovation				
Natural Disaster				
Damage Repair				
Government (3)			OR	
Maintenance	≤ 30%; By Right	≤ 45%; By Right	> 20%≤30%; DRO	
Renovation				
Natural Disaster				
Damage Repair				
<u>PRAs, LWRCCO URAO</u>				
<u>WCRAO, IR-O (4)</u>				
Maintenance	≤ 20%; By Right	≤ 30%; By Right	≤ 30%; By Right	
Renovation	OR	OR	OR	
Natural Disaster				
Damage Repair	>20% ≤ 30%; DRO	>30 ≤ 50%; DRO	≤ 50%; DRO	
Notes:				
1.	All percentages shall be based on the Improvement Value of the structure pursuant to Art. 1.F.1.D, unless stated otherwise herein.			
2.	For nonconforming use in a conforming or nonconforming structure, the percentage of the nonconforming use shall apply.			
3.	A higher percentage shall be allowed for Government structures as appraisals by the Property Appraiser's Office are conducted less for Government structures due to exemptions for property tax.			
4.	A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art. 3.B, Overlays.			
5.	If the use or structure is nonconforming, the maximum allowable percentage for improvements for the site elements shall be included in the total value of improvements.			

If you have any questions regarding this issue, you can contact me at 561-233-5223 or we can discuss at the June 24, 2010 Zoning BCC Hearing.

JPM/BPN/bfm

C: Verdenia Baker, Deputy County Administrator
Barbara Alterman, PZB Executive Director
Leonard Berger, Assistant County Attorney
Elizee Michel, Westgate CRA Executive Director
Thuy Shutt, Westgate Assistant Director
Maryann Kwok, Chief Planner
Barbara P, Nau, Principal Site Planner

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER A, AUTHORITY; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCESS**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, MONITORING; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITIES STANDARD); **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4 – USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; CHAPTER D, EXCAVATION; **ARTICLE 5, SUPPLEMENTARY STANDARDS**; CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 7 – LANDSCAPING**; CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER D, GENERAL STANDARDS; CHAPTER E, REVIEW, INSTALLATION AND MAINTENANCE; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G, OFF-STREET PARKING REQUIREMENTS; **ARTICLE 8 – SIGNAGE**; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 9 – ARCHAEOLOGICAL AND HISTORIC PRESERVATION**; CHAPTER B, HISTORIC PRESERVATION PROCEDURES; **ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS**, CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER D, PLATTING; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS**; CHAPTER A, GENERAL; CHAPTER B, STANDARD; CHAPTER M, FIVE-YEAR ROAD PROGRAM; CHAPTER P, OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM; **ARTICLE 14 – ENVIRONMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 17 – DECISION MAKING BODIES**; CHAPTER C, APPOINTED BODIES; CHAPTER D, STAFF OFFICIALS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067 and 03-070, as amended from time to time; and

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

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

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

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

1 **WHEREAS**, the BCC has conducted public hearings to consider these amendments to
2 the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida
3 Statutes.

4
5 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
6 **PALM BEACH COUNTY, FLORIDA, as follows:**

7
8 **Section 1. Adoption**

9 The amendments set forth in Exhibits listed below, attached hereto and made a part
10 hereof, are hereby adopted.

11	Exhibit A	Article 1 – General Provisions
12	Exhibit B	Article 2 – Development Review Process
13	Exhibit C	Article 3 – Overlays and Zoning Districts
14	Exhibit D	Article 4 – Use Regulations
15	Exhibit E	Article 5 – Supplementary Standards
16	Exhibit F	Article 7 – Landscaping
17	Exhibit G	Article 8 – Signage
18	Exhibit H	Article 11 – Subdivision, Platting and Required Improvements
19	Exhibit I	Article 12 - Traffic Performance Standards
20	Exhibit J	Article 14 – Environmental Standards
21	Exhibit K	Article 17 Decision Making Bodies
22	Exhibit L	Annual Public Facilities Update Report
23	Exhibit M	Development Order/Development Agreement/Development Permit
24	Exhibit N	State Road 7 – Economic Development Overlay (SR-7 EDO)
25	Exhibit O	Historic Preservation
26	Exhibit P	Traditional Marketplace Development (TMD)
27	Exhibit Q	Urban Redevelopment Area (URAO)
28	Exhibit R	Westgate Community Redevelopment Area Overlay (WCRAO)
29	Exhibit S	Agricultural Enclave (AGEO)

30
31
32 **Section 2. Interpretation of Captions**

33 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
34 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

35
36 **Section 3. Providing for Repeal of Laws in Conflict**

37 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
38 repealed to the extent of such conflict.

39
40 **Section 4. Severability**

41 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
42 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
43 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
44 Ordinance.

45
46 **Section 5. Providing for a Savings Clause**

1 All development orders, permits, enforcement orders, ongoing enforcement actions, and
2 all other actions of the Board of County Commissioners, the Zoning Commission, the
3 Development Review Officer, Enforcement Boards, all other County decision-making and
4 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
5 pursuant to the regulations and procedures established prior to the effective date of this
6 Ordinance shall remain in full force and effect.

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

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

12
13 **Section 7. Providing for an Effective Date**

14 The provisions of this Ordinance shall become effective upon filing with the Department
15 of State, except for the provisions listed in Exhibit L, which shall become effective upon the
16 effective date of amendments to Future Land Use Element Policy 3.5-e included in
17 Comprehensive Plan Amendment Round 10-1.

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

SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, BY
COMPTROLLER ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 1.C.1.A, General (pages 7- 8 of 114), is hereby amended as follows:

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

A. General

1. Rules and Definitions

The rules and definitions set out in this Section shall not be applied to any express provision, which are specifically excluded. This Code shall be liberally construed in order that the intent of the Plan may be fully carried out. In cases of conflict, the Plan shall prevail to the extent of the conflict. Terms used in this Code, unless otherwise stated, shall have the meanings prescribed by the statutes of the State of Florida for the same terms.

2. Interpretation and Application

The interpretation and application of any provision in this Code shall be the minimum required to promote the public health, safety, comfort, convenience and general welfare. Where interpretation and application of any provision in this Code imposes greater restrictions upon the subject matter than a general provision imposed by the Plan or other provision in this Code, the provision imposing the greater restriction shall control.

....
p. Prohibited – Not allowed.
[Renumber accordingly.]
....

Part 2. ULDC Art. 1.F.2.E.2., Non-Residential Development & or Residential Development Other Than Single Family (page 21 of 114), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 4 Nonconforming Lot

E. Non-Residential Development & or Residential Development Other Than Single Family

2. All other property development regulations, supplemental development regulations and setbacks for the use are met, or variances are obtained pursuant to the requirements of Art. 2.B.3, Type II Variances or Art.2.D.3, Type IA and Type IB Administrative Variances. [Ord. 2008-037] [Ord. 2010-005]

Part 3. ULDC Art.1.G.1.B.3.a., Variance Required for New Deviation From Regulations (page 27 of 114), is hereby amended as follows:

CHAPTER G EMINENT DOMAIN

Section 1 Properties Affected by Eminent Domain Proceedings

B. Development Standards

3. Redesign of Sites

a. Variance Required for New Deviation From Regulations

....
When applying the variance standards in Article 2.B.3, Type II Variances and Art.2.D.3, Type IA and Type IB Administrative Variances, the eminent domain action shall be presumed to be sufficient evidence to demonstrate a hardship.
....

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Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

.... A series of four bolded ellipses indicates language omitted to save space.

ARTICLE 1 – GENERAL PROVISIONS

SUMMARY OF AMENDMENTS

(Updated 06/24/10)

NAVD88 **North American Vertical Datum of 1988**

EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 2.A.1.D.1.b.5)d), Zoning Commission [Related to Use Regulations] (page 7 of 56), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall be limited to the development order applications specified below. [Ord. 2006-036]

b. Zoning Commission (ZC)

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

....

5) The ZC is also granted the authority to consider, take action, and make decisions on applications for Type II variances. The ZC is not authorized to grant variances from the following Articles of the ULDC: [Ord. 2006-036]

- a) Art. 1, General Provisions (excluding Article 1.F.3.F.1); [Ord. 2008-003]
- b) Art. 2, Development Review Procedures;
- c) Art. 3.B.3, COZ, Conditional Overlay Zone;
- d) Art.4, Use Regulations, unless specifically authorized in Article 4.B, Supplementary Use Standards; [Ord. 2007-013] [Ord. 2008-003]

Part 2. ULDC Art. 2.A.1.G.3.h.2), Sign Plans (page 12 of 56), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

3. Plan Requirements

h. Other Types of Plans

2) Sign Plans

Article 8, Signage, identifies ~~three~~ two types of sign plans: ~~Master Sign Program, Master Sign Plan, and Alternative Sign Plans.~~ Application requirements, labeling of Plans, certification and approval procedures of ~~Master Sign Programs, Master Sign Plans or Alternative Master Sign Plans~~ shall be consistent with Art. 2.A.1.G.3, Plan Requirements, Art. 2.A.1.G.3.g.1) and g.2), Regulating Plan and Art.8, Signage. [Ord. 2009-040]

Part 3. ULDC Art. 2.A.1.J Notification (pages 13 -14 of 56), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

J. Notification

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

3. Posting

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

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to:].

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

4. Postponements

All applications postponed for three or more consecutive hearings shall require the applicant to pay all additional costs associated with new notification, and compliance with publication and courtesy mailing requirements pursuant to Art.2.J.3 Posting. The applicant shall update all posted signs including new information such as the revised hearing date and any modifications to the request.

Part 4. ULDC Art. 2.B.3.B.2, Noise Variance (page 23 of 56), is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESS

Section 3 Type II Variance

B. Application Procedure

2. Noise Variance

An application for a noise variance shall be subject to the following criteria in addition to the provisions of Art. 2.B.3.E, Standards: ~~See Article 5.E, PERFORMANCE STANDARDS~~

- a. ~~Additional time is necessary to alter the activity to comply with the provisions of Art. 5.E.4.B, Noise Limitations and Prohibitions;~~
- b. ~~The activity, operation, or noise source will be of temporary duration which cannot be done in a manner that complies with Art. 5.E.4.B, Noise Limitations and Prohibitions;~~
- c. ~~No reasonable alternative is available. Any variance granted pursuant to this section contains all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location, sound level, limit or equipment limitation and duration of the variance.~~

Part 5. ULDC Art. 2.E.2.C, Appeal (page 40 of 56), is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

C. Appeal

2. An appeal to the DRAB shall be made pursuant to ~~Article 2.D.1.G.2, Administrative Amendments 2.A.1.S.1.b, DRO Appeal.~~

U:\Zoning\CODEREV\2010\BCC Hearings\2010-01 Round\2 7-22-10 First Reading\Exhibit B - Article 2 - Development Review Process.docx

Notes:

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Table 3.B.2.A, Airport Use Regulations (pages 15-17 of 154), is hereby amended as follows:

Table 3.B.2.A, Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicabl e to Specific Airport
Residential Uses					
...					
Commercial Uses					
<u>Auction, Enclosed</u>		<u>D</u>	CG	16	All
<u>Auction, Outdoor</u>		<u>A</u>	CG	16	All
...					
<u>Building Supplies</u>		<u>D</u>	CG or IL	22	All
...					
<u>Catering Service</u>	<u>P</u>	<u>D</u>	CG or IL	26	All
...					
<u>Landscape Service</u>		<u>D</u>	CG or IL	77	All
<u>Laundry Service</u>		<u>D</u>	CG or IL	78	All
...					
<u>Pawnshop</u>		<u>A</u>	CG	97	All
...					
<u>Veterinary Clinic</u>	<u>P</u>	<u>D</u>	CG or IL	136	All
...					
Public and Civic Uses					
...					
Recreation Uses					
<u>Arena, Auditorium or Stadium</u>	<u>P</u>	<u>A</u>	CG	12	PBIA
...					
Park, Passive	<u>P</u>	P	CG or IL	93	All
...					
Agricultural Uses					
...					
Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicabl e to Specific Airport
Agricultural Uses					
Kennel, Commercial-Type II	<u>P</u>	D	CG or IG	74-1	All
Kennel, Commercial-Type III	<u>P</u>	D	CG or IG	74-2	All
<u>Nursery, Retail</u>		<u>D</u>	CG	88	All
...					
Utilities & Excavation					
...					
Recycling Plant	<u>P</u>	D	IG	105	All
...					
Industrial Uses					
...					
Manufacturing and Processing	<u>P</u>	D	IG	81	All
...					

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 2. ULDC Table 3.B.16.F, IRO Permitted Use Schedule (page 72 of 195), is hereby amended as follows:

TABLE 3.B.16.F.– IRO PERMITTED USE SCHEDULE

USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O	
RESIDENTIAL USES					
....					
....					
....					
....					
[Ord. 2010-005]					
KEY					
P Permitted by right.					
D Permitted subject to DRO approval.					
L Permitted only where accessory to a permitted use.					
S Permitted subject to Special Permit approval.					
A Permitted subject to Board of County Commission Approval.					

USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O	
COMMERCIAL USES (CONTINUED)					
....					
Office, Medical or Dental	D	D	D	D	83
Office, Business or Professional	D	D	D	D	91
....					

Part 3. ULDC Table 3.E.1.B, PDD Use Matrix (page 108 of 195), is hereby amended as follows:

Table 3.E.1.B – PDD Use Matrix cont'd

Use Type	PUD					MUPD							MXPD		PIPD			M H P D	R V P D	LCC		N O T E
	Pods					FLU							FLU		Use Zone					FLU		
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C	I			C	C	
	E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N			L	H	
	S	M	C	V	R / P			O	O		D	S T		O		D / L	M D / G					
Public and Civic Uses																						
....																						
Place Of Worship		PR		PR		PR	PR	PR	PR	PR		PR	PR		PR		PR		PR	PR	29	
....																						
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 4. ULDC Art. 3.E.1.C.2.j, Recreation Clubhouse Emergency Generators (page 114 of 195), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

C. Objectives and Standards

2. Performance Standards

Planned developments shall comply with the following standards:

j. ~~Recreation Clubhouse~~ Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III CLFs, Nursing or Convalescent Facilities, and PDD clubhouses ~~2,500~~ 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

Part 5. ULDC Table 3.E.1.E.3.a, Notice to Homeowners [Related to Modifications to Reduce or Reconfigure Existing Golf Course (page 116 of 195), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

E. Modifications

3. Modification to Reduce or Reconfigure Existing Golf Course

Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: [Ord. 2006-004]

a. Notice to Homeowners

At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by certified ~~registered~~ mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports. [Ord. 2006-004]

....

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 4.B, Supplementary Use Standards (page 21 of 166), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

~~This Section contains supplementary standards for specific uses. The Supplementary Uses establish minimum standards as well as the review process for each Use Type.~~ In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. Variances shall not be granted from the Use Standards including use regulations that reference other Sections of the ULDC, unless explicitly specified in Chapter B.1 of this Article.

Part 2. ULDC Article 4.B.1.A.87, Multi-family (page 67 of 166), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

87. Multi-family

a. TMD District

On Main Streets multi-family units may occupy a maximum of 25% of the ground floor area designated as commercial square footage. The remaining units shall only be are permitted ~~only~~ on upper floors of mixed-use buildings.

1) AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.

Part 3. ULDC Art. 4.B.1.A.138.e, Parking in PDDs (pages 102-103 of 166), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

138. Warehouse

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

e. Parking in PDDs

Facilities located in a PDD shall comply with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements. Variances may be requested from these requirements. [Ord. 2008-037]

Part 4. ULDC Art. 4.B.1.A.138, Warehouse (page 103 of 166), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

138. Warehouse

A building used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

....

f. Freestanding Structures

Freestanding structures for warehouse developments located in an IND-MUPD shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings.

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 5.F.2.B, Drainage Easement Encroachments (page 62 of 93), is hereby amended as follows:

CHAPTER F LEGAL DOCUMENTS

Section 2 Easements

B. Drainage Easement Encroachments

1. All construction in a drainage easement shall be subject to approval by the beneficiary of said easement. Further, the Land Development Division (LDD) shall approve all encroachments into easements which drain County roads. [Ord. 2010-005]
2. If a building permit is required, the applicant shall obtain approval from the LDD or appropriate entity prior to submitting the building permit application to PZB. [Ord. 2010-005]
3. When approval is required from LDD, t~~The~~ applicant shall submit a request to encroach a drainage easement in or on a form established by the LDD and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the LDD reasonably deems appropriate. [Ord. 2010-005]
4. When encroachments are proposed in easements which drain County roads, t~~The~~ LDD may deny, approve, or approve with conditions the construction. [Ord. 2010-005]
5. When approval is required from LDD, n~~No~~ approval shall be given before the LDD has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The LDD is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The LDD may require that consent be in or on a form established by the LDD. [Ord. 2010-005]
6. For easements which drain County roads, t~~The~~ LDD shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforestated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the LDD or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Ord. 2010-005]

....

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EXHIBIT F
ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 7.D.12.C, Detention/Retention Areas, Swales, and Drainage Easements (page 25 of 48), is hereby amended as follows:

CHAPTER D GENERAL STANDARDS

Section 12 Landscape in Easements

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, and other PBC codes. Easements shall be identified prior to the preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division.

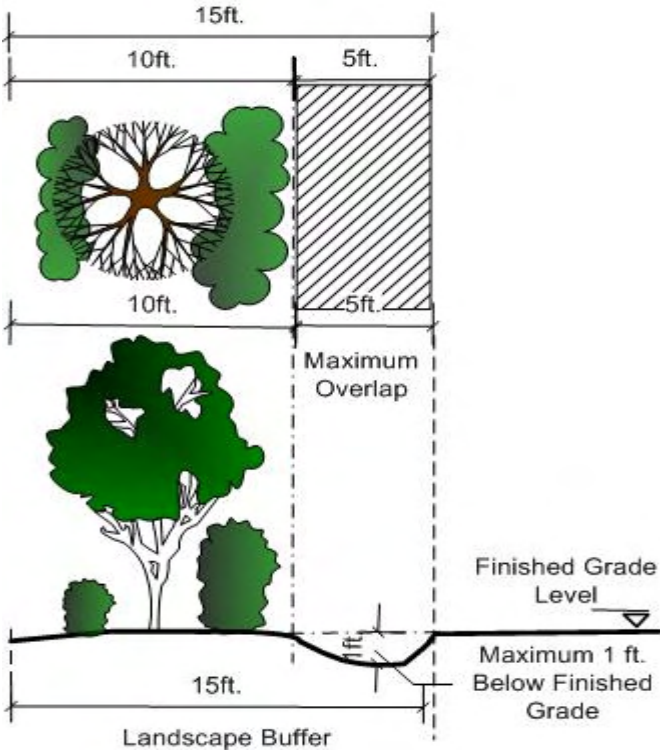
C. Detention/Retention Areas, Swales, and Drainage Easements

Detention/retention areas, drainage easements, ~~and or~~ sloped, directional swales ~~greater than one foot below finished grade~~, shall not be located in or overlap required landscape buffers unless otherwise approved ~~in writing~~ by the Zoning and Land Development Division Directors. [Ord. 2006-004] Approval shall be subject to the following standards:

1. The buffer shall meet the minimum buffer width requirement;
2. The proposed overlap shall not exceed five feet, unless the buffer exceeds the minimum buffer width requirement;
3. The detention/retention areas, drainage easements, or sloped directional swales shall be a maximum of one foot below finished grade in the area where the overlap occurs to limit standing water; and,
4. Encroachment shall not be permitted for developments with Conditions of Approval that prohibit easement overlap or encroachment.

In unique circumstances, the Zoning and Land Development Directors may approve overlap exceeding five feet if site constraints specific to the parcel of land exist.

Figure 7.D.12.C - Detention/Retention Areas, Swales, and Drainage Easements



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EXHIBIT F
ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 2. ULDC Article 7.E.5.G.4, Vacant Lot Variance (page 29 of 48), is hereby amended as follows:

CHAPTER E REVIEW, INSTALLATION AND MAINTENANCE

Section 5 Maintenance

G. Vacant Lots

4. Vacant Lot Variance

A property owner may apply for a Type IA Administrative ~~Variance~~ subject to Art. ~~2-D.3,~~
~~2.D.3.B.4 Type IA and Type IB Vacant Lots Administrative Variance~~, as may be amended.
[Ord. 2005-002][Ord. 2008-037]

Part 3. ULDC Article 7.G.2.E.1, Curbing (page 44 of 48), is hereby amended as follows:

CHAPTER G OFF-STREET PARKING REQUIREMENTS

Section 2 Landscape Islands

E. Landscape Protection Measures

1. Curbing

All landscape areas subject to vehicular encroachment shall be separated from vehicular use areas by six inch, non-mountable, FDOT-type “D” or FDOT-type “F”, concrete curbing. Curbing shall be machine-laid, formed-in-place or integrally installed with the pavement. Landscaped areas adjacent to vehicular use areas shall be surrounded with a continuous raised curb, ~~except for the following:~~

a. Exemptions

~~Divider medians that abut parking spaces with wheel stops.~~

~~b. Properties located in the AGR, AP, AR, and PO zoning districts.~~

~~c. Alternative landscape protection measures approved by the Zoning Division.~~

~~1) Divider medians that abut parking spaces with wheel stops; or,~~

~~2) Properties located in the AGR, AP, or AR zoning districts that support bona fide agricultural uses.~~

b. Alternative

~~1) For properties located in the PO zoning district, alternative landscape protection measures may be allowed when it can be demonstrated to the Zoning Director that the curbing will interfere with the traffic circulation of the proposed use.~~

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EXHIBIT G

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 8.G.3.B, Electronic Message Center Signs, (page 29 of 39), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 3 Other Sign Types

B. Electronic Message Center Signs

Electronic message center signs ~~are allowed~~ shall only be allowed at regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements. These signs ~~require approval as a~~ shall be subject to Class A ~~e~~Conditional ~~u~~Use ~~/ or r~~Requested ~~u~~Use approval unless exempt under Article 8.B, EXEMPTIONS.

~~1.~~ **Exemption**

Electronic message ~~center~~ signs ~~that only display time or temperature~~ with a message unit less than 20 square feet in area ~~that display the time and temperature only are exempt from the requirements of this Section shall be permitted in non-residential zoning districts, subject to issuance of a building permit. These signs shall not be required to comply with the requirements of Sections 8.G.3.B.4, Location and 8.G.3.B.5, Required Findings.~~

~~21.~~ **Prohibited Elements**

~~The following are prohibited:~~

- a. Electronic message center signs in windows and externally visible;
- b. Message units that change copy, light, color, intensity, words or graphics more than once per two seconds;
- c. Reflectorized lamps; and,
- d. Electronic message center signs with lamps or bulbs over 30 watts.

....

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EXHIBIT H

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 11.A.8.B, Plat Waiver with Certified Survey (pages 12-13 of 47), is hereby amended as follows:

CHAPTER A GENERAL REQUIREMENTS

Section 8 Exceptions to the General Requirements

B. Plat Waiver with Certified Survey

1. Application for Plat Waiver

....
d. The division consists of a change in lot lines for the purpose of combining lots or portions thereof, shown on a record plat, into no more than three contiguous lots where each of the resulting lots meets the requirements of the Plan and this Code or reduces the degree of non-conformity to the requirements of the Plan and this Code, as applicable, and the establishment of streets or installation of improvements either would not be required pursuant to this Article or would be required and their installation would be guaranteed ~~guaranteed~~ by the developer pursuant to the provisions of this Article. Provided, however, that any application hereunder for lands shown on a record plat recorded after February 5, 1973, shall be limited to those changes necessary to correct errors in the record plat or to make a lot line adjustment to accommodate an isolated instance of error in construction of a dwelling unit or other building. In such cases, the improvements shall be in compliance with the standards in effect at the time of recording the plat or with any approved variance to such standards;

....
2. Decision by County Engineer

In determining if platting may be waived, the County Engineer shall make a determination of the agencies required for review, distribute to these agencies accordingly each application to, and consider recommendations received from the ~~following~~ agencies regarding conformance with requirements of their respective regulations and program responsibilities. The agencies that may be considered for review by the County Engineer are:

- a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
- b. The Directors of the Planning and Zoning Divisions; [Ord. 2006-004]
- c. The Director of Environmental Resources Management;
- d. The County Health Director;
- e. The Director of Water Utilities; and,
- ~~f. The Chief of Fire-Rescue;~~
- ~~g. The Director of Parks and Recreation; and, [Ord. 2006-004]~~
- ~~h. The County Attorney. [Ord. 2006-004]~~

3. Effect of Approval

....

Part 2. ULDC Art. 11.A.8. Exceptions to General Requirements (page 13 of 47), is hereby amended as follows:

CHAPTER A GENERAL REQUIREMENTS

Section 8 Exceptions to the General Requirements

C. Lot Combination with Abandoned Right of Way and Combination of Lots

Right of way abandoned by Resolution of the BCC may be combined into an adjoining lot of record. A lot may also be combined with an adjoining lot or lots resulting in an overall decrease in the number of lots provided that there are no interior easements along the common lot line(s) and that the new lot configuration decreases any existing non-conformities. The revised single lot of record may be created by one of the following:

1. The property owner may record a revised abstracted boundary survey into the Public Records of PBC, if approved by the Director of Land Development. In determining whether this process is acceptable, the revised abstracted boundary survey must be submitted for review to the Director of Land Development. The agencies that may be considered for review of the revised abstracted boundary survey are Land Development, Survey and Zoning. The abstracted boundary survey shall be prepared by a State of Florida licensed surveyor and mapper. The document recorded in the Public Records shall include the approval from Director of Land Development. In determining eligibility for creation of a new single lot of record through this option, the Director of Land Development and reviewing agencies shall consider the following criteria at a minimum:
 - a. Designated zoning of lots to be combined;

Notes:

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EXHIBIT H

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

- b. Existence of landscape tracts, buffers or easements along property lines; and
c. Existence of utility easements along property lines; or
2. The property owner may record a waiver of plat in accordance with Article 11.A.8, Exceptions to General Requirements
3. The property owner may record a plat in accordance with Article 11.D, Platting
~~DC~~. Exceptions to Installation of Improvements Requirement
...
~~ED~~. Contents of Applications
...
~~FE~~. Administration of Exceptions to General Requirements

Part 3. ULDC Art. 11.B.1.B, Professional Services Required (page 15 of 47), is hereby amended as follows:

CHAPTER B SUBDIVISION REQUIREMENTS

Section 1 Preliminary Subdivision Plan

B. Professional Services Required

The developer shall retain the services of an engineer or surveyor and mapper to prepare the preliminary subdivision plan. The subdivision plan shall be coordinated with the major utility suppliers involved with providing services. Where septic tanks are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall be required.

Part 4. ULDC Art. 11.B.6.D, Format and Content of Construction Plans (page 20 of 47), is hereby amended as follows:

CHAPTER B SUBDIVISION REQUIREMENTS

Section 6 Construction Plans and Supplemental Engineering Information

D. Format and Content of Construction Plans

-
5. Bench mark, based on NAVD88 NGVD (1929); and
....

Part 5. ULDC Art. 11.D.1.B, Final Plat (pages 27-30 of 47), is hereby amended as follows:

CHAPTER D PLATTING

Section 1 Requirements for the Preliminary and Final Plat

B. Final Plat

1. Material

The plat shall be drawn or printed on 24 inch by 36 inch ~~linen, chronoflex, mylar~~ stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency, or other approved material.

....
7. Survey Data
....

- f. Permanent reference monuments shall be shown in the manner prescribed by F.S. Chapter 177, as amended or as otherwise required by the County Engineer. All information pertaining to the location of "P.R.M.s" shall be indicated in note form on the plat. Permanent Control Points, Permanent Reference Monuments, and Monuments shall be designed and set as prescribed by F.S. Chapter 177, as amended or as otherwise required by the County Engineer, and Sec. 0. It is the responsibility of the surveyor and mapper to furnish the Clerk ~~of the Circuit Court and Comptroller of Palm Beach County~~ with ~~his~~ their certificate that the "P.C.P.s" and all monuments according to F.S. §177.091(9), have been set and the dates said "P.C.P.s" and monuments were set;
g. There shall be reserved on each sheet of the plat a three inch by five inch space in the upper right hand corner to be used by the Clerk ~~of the Circuit Court and Comptroller of Palm Beach County~~ for recording information and each sheet shall reserve three inches on the left margin and a half inch margin on all remaining sides;

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ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

- h. The map shall mathematically close within 0.01 foot and shall be accurately tied to all PBC or reestablished township, range and section lines occurring within the subdivision by distance and bearing;
- i. ...The position and orientation of the plat shall conform to the Florida State Plane Coordinate System in the manner established by the County Engineer and prescribed in the Land Development Forms Manual;
- j. The cover sheet or first page of the plat shall show a vicinity sketch, showing the subdivision's location in reference to other areas of ~~the~~ PBC;

....
15. Certification and Approvals

....
c. Certification of Surveyor and Mapper

The Final Plat shall contain the signature, registration number and official seal of the surveyor and mapper, certifying that the plat is a true and correct representation of the land surveyed under his responsible direction and supervision and that the survey data compiled and shown on the plat complies with all of the requirements of F.S. Chapter 177, as amended, and this Article. If the surveyor and mapper is part of a legal entity, the name, address, and certificate of authorization number of said entity shall be shown. The certification shall also state that permanent reference monuments ("P.R.M.s") have been set in compliance with F.S. Chapter 177, as amended, and this Article. When the permanent control points ("P.C.P.s") and monuments according to F.S. §177.091(9), are to be installed after recordation, the certification shall also state that the "P.C.P.s" and said monuments will be set under the direction and supervision of the surveyor and mapper under the guaranty posted for required improvements within the plat. When required improvements have been completed prior to the recording of a plat, the certification shall state that "P.C.P.s" and monuments have been set in compliance with

d. PBC Approval

.... Upon approval of the plat, the County Engineer shall present the plat to the Clerk ~~of the Circuit Court and Comptroller of Palm Beach County~~ for recording.

e. Certification of Title

The title sheet of the plat shall contain a title certification. The title certification must be an opinion of an attorney at law licensed in the State of Florida, or the certification of an abstractor or a title insurance company licensed in the State of Florida, and shall state that:

....
5) All Palm Beach County special assessment items and all other items held against said lands have been satisfied

f. Preparing Surveyor and Mapper

The name and address of the natural person who prepared the plat shall be shown on the plat in the form prescribed in the Land Development Forms Manual.

Part 6. ULDC Art. 11.E.4.H, Preparing Surveyor (page 44 of 47), is hereby amended as follows:

CHAPTER E REQUIRED IMPROVEMENTS

Section 4 Stormwater Management

H. Certificate of Compliance for Lots

When the finished lot grading required by Article 11.E.4.E.1, Lot and Building Site Drainage, Article 11.E.4.E.4, Parking Tract and Parking Area Drainage, is to be completed in conjunction with building construction, prior to issuance of the Certificate of Occupancy the developer shall submit to the Building Director a Certificate of Compliance from a State of Florida registered professional surveyor and mapper, engineer, or landscape architect. Such statement shall be in a form approved by the Building Department and shall state that lot grading was done in accordance with either the approved grading plan for the subdivision or, in the absence of such plan, in accordance with the applicable requirements of Article 11.E.4.E.1, Lot and Building Site Drainage, and Article 11.E.4.E.4, Parking Tract and Parking Area Drainage.

Part 7. ULDC Art. 11.E.9.F.2, Survey Requirements (page 47 of 47), is hereby amended as follows:

CHAPTER E REQUIRED IMPROVEMENTS

Section 9 Subdivision Design and Survey Requirements

Notes:

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EXHIBIT H

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

F. Survey Requirements

2. Permanent Control Points (P.C.P.s) and Monuments

Permanent control points and monuments according to F.S. § 177.091(9), shall be installed as follows.

a. Installation Prior to Plat Recordation

Where required improvements are constructed prior to recordation, the permanent control points and monuments shall be set prior to submission of the Final Plat and certified by the surveyor and mapper in accordance with Article 11.D.1.B.15.c, Certification of Surveyor.

b. Installation After Plat Recordation

Where required improvements are constructed after recordation, the permanent control points shall be set under the guaranties as required by Article 11.E.9, Subdivision Design and Survey Requirements. In such case, the ~~surveyor's~~ and mapper's certificate shall comply with Article 11.D.1.B.15, Certification and Approvals. The signing surveyor and mapper shall provide the County Engineer with a copy of the recorded certification required by Article 11.D.1.B.7.f, as to his placement of the permanent control points and monuments.

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EXHIBIT I
ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

Part 1. ULDC Art. 1.1.2, Definitions (pages 29, 63, 94 and 95 of 114), are hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

1. ~~1985 Manual~~ for the purposes of Art. 12, the Highway Capacity Manual, 1985, as published by the Transportation Research Board.
2. ~~2000 Manual~~ for the purposes of Art. 12, the Highway Capacity Manual, 2000, as published by the Transportation Research Board. Example Para 4 paragraph.

[Renumber accordingly.]

....

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

....

14. Highway Capacity Manual (HCM) – unless otherwise specified, the most recent edition of the Highway Capacity Manual as published by the Transportation Research Board.

[Renumber accordingly.]

....

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

46. **Significant** - for the purposes of Art. 12, significant or significance shall refer to the amount of traffic that has been deemed to be of a level that requires the analysis of roadway Links and or intersections. For purposes of Test One, significance is calculated as the amount of two-way peak hour, peak direction Project traffic assigned to a link taken as a percent of the LOS D service volume for that Link, as shown for the applicable classification in Table 12.B.2.D-9 3C: Test One Levels of Significance. For Test Two, Significance shall be calculated as the amount of Average Daily peak hour, peak direction Project traffic assigned to a Link divided by the LOS E service volume for that link, as shown for the applicable classification in Table 12.B.2.D-10 3D: Test Two Levels of Significance. The applicable classification shall be determined on the basis of the number of traffic signals per mile anticipated to be in place by the buildout time frame of the proposed Project. [Ord. 2005-002]

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

....

58. **Site Specific Development Order** - for the purposes of Art. 12, a Development Order issued by a Local Government which establishes the density or intensity, or maximum density or intensity, or use, group of uses, or permitted uses and which approves a specific plan of Development on a lot or lots pursuant to an application by or on behalf of an Owner or contract purchaser, including applications initiated by a Local Government. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall not include general rezoning/district boundary changes initiated by the Local Government which do not involve a particular development concept, except “down zonings” under this Article of the Code. It includes those Development Order’s referenced in policies 2-g and 2-h of the Plan in the Capital Improvements Element, including amendments thereto. ~~It shall apply to all parcels or lots in their entirety taken together of any Subdivision.~~ It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, and building permits. It may or may not authorize the actual commencement of development. Two or more Development Order’s which individually do not constitute a Site Specific Development Order shall be considered a Site Specific Development Order if when taken together they meet the definition of Site Specific Development Order.

Part 2. ULDC Art. 12.A.3.C.5.b, Amendments to Previously Captured Approvals (page 11 of 63), is hereby amended as follows:

CHAPTER A GENERAL

Section 3 Applicability

C. Non-Applicability

5. Subsequent or Amendments to Development Orders
- b. Amendments to Previously Captured Approvals

Amendments to Site Specific Development Orders which were captured by this Article or Ord. 90-6 (Traffic Performance Standards Municipal Implementation Ordinance) which do not increase the captured Site Specific Development Orders Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution)

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EXHIBIT I
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(Updated 06/28/10)

shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article. In making this determination, all parcels or lots in their entirety taken together of any Previously-Captured Approval shall be considered if it was approved as a single Project.

Part 3. ULDC Art. 12.B.2, Project Buildout/Five-Year Standard (pages 13, 14 and 15 of 63), are hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five-Year Standard

A. Buildout Test - Test 1 - Part One and Two

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test 1 as outlined below. **[Ord. 2009-040]**

2. Part Two – Links

a. This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development influence. The Total Traffic in the peak hour on the Link shall be compared to applicable thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way peak direction volume threshold. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated by the County Engineer to be in place by the buildout time frame of the proposed Project being evaluated. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance.

The Project shall pass Part Two of Test One if:

If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test 1. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two. [Ord. 2005 – 002]

a. Optional Analysis i., On all Links where the peak hour Total Traffic two-way volume exceeds the Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test 1. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two. [Ord. 2007-013]

b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Class I and the Major Intersections on each end of the failing Link shall be analyzed. If the project is on Southern Boulevard, the intersection created by the Single Point Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The Project should include the next intersection with Southern Boulevard for analysis and compliance. The Project shall pass Part Two of Test 1 if: [Ord. 2005 – 002] [Ord. 2007-013]

1) the Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes Class I; and, [Ord. 2007-013]

2) For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2, 1B: LOS D Intersection Thresholds.

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold, where the Buildout period is five years or fewer, and where If the Project fails Part Two of Test 1 using optional analysis ii but the intersections at the end of the failing link are below less than or equal

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to the 1,400 Critical Volume or ~~below less than or equal to~~ the Delay Threshold in Table 12.B.2.C-2,1B a more detailed analysis as outlined in the Optional Analysis ~~iii~~ may be completed to demonstrate compliance with Part Two.

For Links not utilizing the uninterrupted flow service volumes: where the Total Traffic peak hour directional volumes exceed the applicable threshold and where the Buildout period is greater than five years or where the intersections at the end of the failing link are greater than the 1,400 Critical Volume or greater than the Delay Threshold in Table 12.B.2.C-2,1B, the Project fails Part Two of Test One.

For Links utilizing the uninterrupted flow service volumes, where the Total Traffic peak hour directional volumes exceed the applicable threshold, the Project fails Part Two of Test One. [Ord. 2005 – 002] [Ord. 2007-013]

b.e. ~~Optional Analysis, _iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds above in Optional Analysis ii, but the intersections at the end of the Link did not exceed the 1,400 Critical Volume or the LOS D Intersection Threshold: [Ord. 2007-013]1) —~~ The HCM Arterial Analysis Operational methodology shall be conducted. ~~if the Buildout period is five years or fewer and the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to two miles apart.~~ For these Links, the Project shall demonstrate that the Total Traffic peak hour, directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds. ~~If the speed is lower than LOS D then the Project fails Part Two of Test 1.~~ If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test 1. If the speed is lower than the LOS D speed threshold, then the Project fails Part Two of Test One. [Ord. 2005-002] [Ord. 2007-013]

2) ~~If traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are more than two miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part 2 of Test 1. If the Total Traffic is higher than the threshold, then the Project fails. [Ord. 2007-013]~~

3) ~~If the Buildout Period is greater than five years, the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to two miles apart, and the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, then the Project fails Part Two of Test 1. [Ord. 2007-013]~~

c. The Applicant may make link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Part Two of Test One. ~~If Part Two of Test One could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Part Two of Test One where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles.~~

B. Five-Year Analysis - Test 2

No project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2. This test requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is Significant on a Link within the Radius of Development Influence. This analysis shall address the Total Traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement Program in effect at the time of traffic analysis submittal. The existing road network and State and County Five-Year Road Program improvements with construction scheduled to commence before the end of the Five-Year Analysis Period shall be the Test 2 Road Network assumed in the analysis. ~~If the number of lanes is different in each direction of a Link, both directions shall be evaluated against the applicable standard. [Ord. 2006-043]~~

1. ~~The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test Two. If the Total Traffic is higher than the applicable threshold, then the project fails Test Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Test Two. [Ord. 2006-043]~~

a. ~~Optional Analysis i. On all links where the peak hour Total Traffic exceeds the Table 12.B.2.C-4 2A, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each link shall be compared to the thresholds in Table 12.B.2.C-4 2A Class II. If the Total Traffic is equal to or lower than the thresholds, the project shall pass Test Two. If the peak hour Total Traffic is higher than the threshold, then the project fails.~~

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- ~~If the project fails, Optional Analysis ii may be completed as outlined below, to demonstrate compliance with Test Two. [Ord. 2006-043]~~
- ~~b. Optional Analysis ii. On all links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-4 2A, Class II, t~~
1. ~~The Total Traffic peak hour directional volumes shall be compared to the applicable thresholds in Table 12.B.2.C-4 2A LOS E Link Service Volumes, Class I, and the Major Intersections on each end of the failing Link shall be analyzed. The applicable facility class for each Link shall be determined on the basis of the number of traffic signals per mile anticipated to be in place at the 5- year analysis time frame. Additionally, for all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed. If the Link is on Southern Boulevard, the at-grade intersection created by an Urban Interchange shall not be considered the intersection at the end of the Link since the intersection is actually not on Southern Boulevard. The Project shall include the next intersection with Southern Boulevard for analysis and compliance. The Project shall pass Test 2 using this Optional Analysis if: [Ord. 2006-043] [Ord. 2007-013]~~
- a. ~~the Total Traffic peak hour directional volume on the Link is less than the applicable thresholds in Table 12.B.2.C-4 2A Class I; and [Ord. 2006-043]~~
- b. ~~For Links utilizing the uninterrupted flow service volume, the intersections are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5, 2B: LOS E Intersection Thresholds.~~
- ~~For Links not utilizing the uninterrupted flow service volumes, where the Total Traffic peak hour directional volumes exceed the applicable threshold but the intersections at the end of the failing link are below the 1,500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5, 2B a more detailed analysis as outlined in the Optional Analysis may be completed to demonstrate compliance with Test Two. Otherwise, the Project fails Test Two.~~
- ~~If the project fails Test Two using Optional Analysis ii but the intersections at the end of the failing link are below the 1500 Critical Volume or below the Delay Threshold in Table 12.B.2.C-5 2B, a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Test Two. [Ord. 2006-043]~~
- ~~2.e. Optional Analysis iii. On all links where the Total Traffic peak hour two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of a link did not exceed the 1500 Critical Volume or the LOS E Intersection Threshold: [Ord. 2006-043] [Ord. 2007-013]1) The HCM Arterial Analysis Operational methodology shall be conducted. If the traffic signals projected to be in place on the Link during the Five-Year Analysis Period are less than or equal to two miles apart. For these links, the project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C-6 2C. If the speed is lower than LOS E, then the project fails Test 2. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Test 2. [Ord. 2006-043] [Ord. 2007-013]~~
- ~~2) If traffic signals projected to be in place on the Link during the Five-Year Analysis Period are more than two miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test 2. If the Total Traffic is higher than the threshold, then the Project fails. [Ord. 2007-013]~~
32. ~~The Applicant may make link or intersection improvements in accordance with published Palm Beach County or Florida Department of Transportation Design and Traffic Engineering Standards, as applicable, in order to satisfy Test 2. If Test 2 could be technically satisfied by improving the deficient Link(s), the County Engineer may determine that such improvements will not satisfy Test 2 where such improvements do not result in additional capacity sufficient to solve the deficiency on the Major Thoroughfare Network or do not provide continuity based upon generally accepted traffic engineering principles. [Ord. 2006-043]~~
- Part 4. ULDC Art. 12.B.2.C, Level of Service Standard (page 15 of 63), is hereby amended as follows:**
- CHAPTER B STANDARD**
- Section 2 Project Buildout/Five-Year Standard**
- C. Level of Service Standard**
-
4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a

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Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition. If a Project has relied upon a CRALLS volume on a roadway and/or intersection to meet the standard, the subsequent subdivision of that Project into separate lots shall still require all parcels or lots in their entirety taken together of that subdivision to be addressed against the standard and any required CRALLS mitigation for the overall Project to be completed by the developers of the separate lots.

Table 12.B.2.C-1 1A: LOS D Link Service Volumes

FACILITY TYPE		ADT	Peak Hour Two Way	Peak Season, Peak Hour, Peak Direction		
				(Class I)	(Class II)	Uninterrupted Flow
2 lanes undivided ¹	2L	12,300	1,170	690	650	1030
		15,200	1,480	880	810	1,140
2 lanes one-way	2LO	19,600	1,870	2,230	2,050	
		19,900		2,350	2,120	
3 lanes two-way	3L	15,400	1,460	860	810	
		15,200	1,480	880	810	
3 lanes one-way	3LO	29,500	2,810	3,350	3,080	
		30,200		3,530	3,220	
4 lanes undivided ¹	4L	24,500	2,330	1,400	1,280	3490
		31,500	3,060	1,860	1,680	3,150
4 lanes divided	4LD	32,700	3,110	1,860	1,710	3490
		33,200	3,220	1,960	1,770	3,320
5 lanes two-way	5L	32,700	3,110	1,860	1,710	
		33,200	3,220	1,960	1,770	
6 lanes divided	6LD	49,200	4,680	2,790	2,570	5230
		50,300	4,880	2,940	2,680	4,980
8 lanes divided	8LD	63,800	6,060	3,540	3,330	
		67,300	6,530	3,940	3,590	
4 lanes expressway	4LX	67,200	6,250	3,440		
		73,600	6,770	3,720		
6 lanes expressway	6LX	105,800	9,840	5,410		
		110,300	10,150	5,580		
8 lanes expressway	8LX	144,300	13,420	7,380		
		146,500	13,480	7,420		
10 lanes expressway	10LX	182,600	16,980	9,340		
		184,000	16,930	9,320		
[Ord. 2005-002] [Ord. 2007-013]						
Based on the 2009 FDOT Quality/ LOS Handbook Manual, 2002 edition.						
¹ Service volumes for “undivided” roadways assume no exclusive left turn lanes are available provided at signalized intersections. If there are no left turn lanes, reduce these values by 20 percent.						

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Table 12.B.2.C-4 2A: LOS E- Link Service Volumes

FACILITY TYPE		ADT	Peak Hour Two Way	Peak Season, Peak Hour, Peak Direction		
				Class I	Class II	(Uninterrupted Flow)
2 lanes undivided ¹	2L	13,000	1,240	710	680	1410
		16,200	1,570	880	860	1,440
2 lanes one-way	2LO	20,700	1,960	2,230	2,160	
		21,100		2,350	2,240	
3 lanes two-way	3L	16,300	1,550	890	850	
		16,200	1,570	880	860	
3 lanes one-way	3LO	31,100	2,950	3,350	3,250	
		31,900		3,530	3,400	
4 lanes undivided ¹	4L	25,900	2,450	1,400	1,350	3970
		33,300	3,230	1,860	1,780	3,570
4 lanes divided	4LD	34,500	3,270	1,860	1,800	3970
		35,100	3,400	1,960	1,870	3,760
5 lanes two-way	5L	34,500	3,270	1,860	1,800	
		35,100	3,400	1,960	1,870	
6 lanes divided	6LD	51,800	4,920	2,790	2,710	5960
		53,100	5,150	2,940	2,830	5,650
8 lanes divided	8LD	67,000	6,360	3,540	3,500	
		70,900	6,880	3,940	3,780	
4 lanes expressway	4LX	76,500	7,110	3,910		
		79,400	7,300	4,020		
6 lanes expressway	6LX	120,200	11,180	6,150		
		122,700	11,290	6,200		
8 lanes expressway	8LX	163,900	15,240	8,380		
		166,000	15,270	8,400		
10 lanes expressway	10LX	207,600	19,310	10,620		
		209,200	19,250	10,580		
[Ord. 2005 - 002] [Ord. 2007-013]						
Based on the 2009 FDOT Quality/ LOS Handbook-Manual, 2002 edition.						
¹ Service volumes for “undivided” roadways assume no exclusive left turn lanes are available provided at signalized intersections. If there are no left turn lanes, reduce these values by 20 percent.						

Part 5. ULDC Art. 12.B.2.D, Radius of Development Influence/Project Significance (pages 17, 18, and 19 of 63), are hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five-Year Standard

D. Radius of Development Influence/Project Significance

Table 12.B.2.D-7, 3A represents the Radius of Development Influence for the specific volume of the proposed Project's Net Trips. [Ord. 2006-043] [Ord. 2007-013]

Table 12.B.2.D-7 3A: Radius of Development Influence

Net External Peak Hour Two-Way Trip Generation			Radius
1	thru	20	Directly accessed link(s) of first accessed major thoroughfare(s)
21	thru	50	0.5 miles
51	thru	100	1 mile
101	thru	500	2 miles
501	thru	1,000	3 miles
1,001	thru	2,000	4 miles
2,001	thru and	Up	5 miles
[Ord. 2005-002] [Ord. 2006-043] [Ord. 2007-013]			

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(Updated 06/28/10)

Table 12.B.2.D-9 3C – Test One Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	one percent LOS D within Radius, five percent LOS D outside Radius	five percent LOS D

[Ord. 2006-043]

Table 12.B.2.D-10 3D – Test Two Levels of Significance

Facility	All Links (except I-95 and the Turnpike)	I-95/Turnpike
Significance Level	three percent LOS E within Radius, five percent LOS E outside Radius	five percent LOS E

[Ord. 2006- 043]

- For Test 1, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour peak direction basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour peak direction basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013]
- For Test 2, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link affected on a peak hour ~~two-way~~ peak direction basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS E of the Link affected on a peak hour ~~two-way~~ peak direction basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on a Peak Hour peak direction basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. [Ord. 2006-043] [Ord. 2007-013]

....
Table 12.B.2.D-9-3C identifies the thresholds for the purposes of defining project significance for Test 1. The LOS D thresholds shall mean those peak-hour ~~two-way~~ peak direction volumes listed in Table 12.B.2.c-1 1A. Table 12.B.2.D-10-4B identifies the Significance thresholds for Test 2. The LOS E thresholds shall be those Peak Hour peak direction volumes listed in Table 12.B.2.C-4, 2A. [Ord. 2006-043]

Part 6. ULDC Art. 12.B.2.E, Development of Regional Impact (DRI) (page 19 of 63), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five-Year Standard

....
E. Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

- The Proposed Project is able to comply with all the other Concurrency Requirements of the Plan in the unincorporated area.
- The proposed phasing results in the proposed Project complying with the standards set forth in this Chapter.
- The proposed phasing comports with the extent and timing of the Assured Construction.
- The County Engineer confirms that construction is in fact Assured Construction.
- For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security.

Notes:

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EXHIBIT I
ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

EXHIBIT I
ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

1
2 **Part 8. ULDC Art. 12.P, OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM (pages 44, 45**
3 **and 57 of 63), are hereby amended as follows:**

5 Section 1 Purpose and Intent

The purpose of the Okeechobee Boulevard CRALLS Point System is to provide a means for approving new land development/redevelopment projects that will have significant traffic impacts on Okeechobee Boulevard, but will provide acceptable mitigation for those impacts. In the case of Okeechobee Boulevard, there are few undeveloped properties without development approvals that could still have significant traffic impact on the roadway. To allow for reasonable and beneficial economic use of these properties, the PBC BCC has determined that Okeechobee Boulevard from Military Trail to ~~Royal Palm Beach Boulevard Jog Road~~ is a constrained roadway facility where significant traffic impacts from new development can be evaluated at a lower LOS standard than what is normally allowed. The mitigation of impacts for Okeechobee Boulevard by the Strategies contained in this Point System will be accomplished in the following ways: **[Ord. 2006-036]**

6

8 In addition to the standards imposed by this Article, all proposed Projects with significant Project Traffic
9 on the Okeechobee Boulevard corridor from ~~Royal Palm Beach Boulevard Jog Road~~ to Military Trail shall
10 be subject to the Okeechobee Boulevard CRALLS Point System. **[Ord. 2006-036]**

21 . . .

The following section outlines the methodology for a preliminary point system to be used in conjunction with CRALLS Mitigation Strategies. This system operates within the context of PBC's Traffic Performance Standards, in that it assigns trips impacting CRALLS facilities as part of the overall trip generation function. CRALLS Facilities Assigned Trips are defined to include the highest number of Project Net Trips that pass through any single point (intersection or link) along the Okeechobee Corridor that is within the Project's Radius of Development Influence (RDI). For example, this would include Project trips assigned to all approaches to an Okeechobee intersection that lies within the RDI, including U-turn movements that must occur at the intersection. Once those assigned trips are understood and classified, a weighting factor can be applied to reflect the intensity of mitigation required by the developer. The "credit factor" used in this system corresponds to the sum of the credit factors derived from the mitigation strategies utilized.

4 . . .

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EXHIBIT J

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 14.C.7.B.3.g.1).b), related to Application Process and General Standards, (page 37 of 52), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

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

3. Establishing Native Upland Preserves

g. A preserve may be purchased in accordance with the following: [Ord. 2008-040]

1) A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met: [Ord. 2008-040]

b) The cash payment shall be equivalent to the ~~average per acre appraised value,~~ per acre value of the pod, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment; [Ord. 2008-040]

Part 2. ULDC Art. 17.C.6.B, Powers and Duties (page 13 of 26), is hereby amended as follows:

CHAPTER C APPOINTED BODIES

Section 6 Groundwater and Natural Resources Protection Board

B. Powers and Duties

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004]

Part 3. ULDC Art. 17.C.6.C, Board Membership, (page 14 of 26), is hereby amended as follows:

CHAPTER C APPOINTED BODIES

Section 6 Groundwater and Natural Resources Protection Board

C. Board Membership

1. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC upon a recommendation by the organization listed in Table 17.C.6.C-1, GNRPB Expertise. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization.

....

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ARTICLE 14 – ENVIRONMENTAL STANDARDS

SUMMARY OF AMENDMENTS

(Updated 06/24/10)

<u>Occupations</u>	<u>Organizations</u>
1. <u>Professional Engineer</u>	<u>Florida Engineering Society</u>
2. <u>Attorney</u>	<u>Palm Beach County Bar Association</u>
3. <u>Hydrologist</u>	<u>Florida Geological Society</u>
4. <u>Citizen with Business Management Expertise</u>	<u>At Large</u>
5. <u>Biologist or Chemist</u>	<u>Florida Society of Environmental Professionals</u>
6. <u>Environmentalist</u>	<u>Audubon Society, Native Plant Society</u>
7. <u>Concerned Citizen</u>	<u>At Large</u>

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ARTICLE 17 – DECISION MAKING BODIES

SUMMARY OF AMENDMENTS

(Updated 06/24/10)

c. No two members of the LDRAB shall represent the same occupation or business.

Occupations	Organizations
1. Residential Builder	Gold Coast Builders
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Fla. Society of Professional Surveyors <u>Florida Surveying and Mapping Society</u>
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress

c. No more than two members of the LDRAB shall represent the same occupation or business.

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance ~~or~~ as may be determined to be appropriate by the BCC from time to time.

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT K

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 4. ULDC Article 17.D.3.B, Jurisdiction, Authority and Duties (page 14 of 26), is hereby amended as follows:

CHAPTER D STAFF OFFICIALS

Section 3 County Administrator

B. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon PBC Administrator by other provisions of PBC Code and PBC Charter, County Administrator shall have the following jurisdiction and authority under this Code:

1. to administer PBC administrative officials charged with regulatory authority under this Code;
- ~~2. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC on a duly approved plat of record and constructed pursuant to a Land Development Permit for subdivision required improvements;~~ and
32. to appoint Hearing officers as set forth in Article 17.C.7, Hearing Officers.

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EXHIBIT L

ANNUAL PUBLIC FACILITIES UPDATE REPORT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 2.F.6, Monitoring Program (page 54 of 56), is hereby amended as follows:

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 6 Monitoring Program

~~B. Annual Public Facilities Update Report (AUR)~~

~~By March 1 of each year, the Executive Director of PZB shall submit to the Office of Management and Budget (OFMB) an AUR. The AUR shall (a) determine the existing conditions of all potable water, sanitary sewer, solid waste, drainage, public school, park, road, mass transit, and fire-rescue public facilities, (b) determine and summarize the available capacity of these public facilities based on their LOS, and (c) forecast the capacity of existing and planned capital improvements identified in the five year capital improvement schedule for each of the five succeeding years. The forecasts shall be based on the most recently updated schedule of capital improvements for each public facility. The AUR shall also revise relevant population projections. Specifically, the AUR shall include:~~

- ~~1. A summary of development exempted pursuant to Article 2.F.3.C, Standards for Review of Application for Concurrency Reservation.~~
- ~~2. A summary of development activity.~~
- ~~3. An evaluation of public facilities (potable water, sanitary sewer, solid waste, drainage, public school, park and recreation, road, mass transit, and fire-rescue facilities) indicating:~~
 - ~~a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;~~
 - ~~b. An evaluation of the LOS for each public facility; and~~
 - ~~c. A forecast of the capacity for each public facility based upon the most recent updated schedule of capital improvements in the CIE.~~

~~C. Amendments~~

~~Based upon analysis of the AUR, OFMB shall propose to the BCC each year, any necessary amendments to the CIE, and any proposed amendments to the PBC's annual budget for public facilities.~~

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC, Art. 1.A.2 [Related to Applicability] (page 6 of 114) is hereby amended as follows:

CHAPTER A AUTHORITY

Section 2 Applicability

The provisions of this Code shall apply to the development of all land in unincorporated PBC, unless stated otherwise. No development shall be undertaken unless authorized by a ~~valid~~ Development Order.

Part 2. ULDC, Art. 1.E.1.B [Related to Prior Approvals] (page 15 of 114) is hereby amended as follows:

CHAPTER E PRIOR APPROVALS

Section 1 General

B. Prior Approvals

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations, shall remain in full force and effect. The uses, site design, intensity, density, and tabular data shown on a valid development order Development Permit ~~such as a master plan subdivision, land development permit, or building permit~~ that was approved in accordance with a prior ordinance, shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan.

Part 3. ULDC, Art. 1.I.2.A.41 [Related to Definition of Agreement] (page 34 of 114) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~41. Agreement—~~

- ~~a. For the purposes of Art. 2, the interlocal agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida; [Relocated to Art.1.I.2.I.26, Interlocal Agreement]~~
- ~~b. For the purposes of Art. 12, a Development Agreement, public facilities agreement, or other binding agreement entered into between the applicant and PBC or other service provider for the purpose of assuring compliance with the adopted LOS standards. The form of the Agreement may include, but not be limited to a Development Agreement pursuant to F.S. § 163.3220.~~

[Renumber accordingly]

Part 4. ULDC, Art. 1.I.2.B.69 [Related to Definition of Buildout Period] (page 43 of 114) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

69. **Buildout Period** - for the purposes of Art. 12, the anticipated time between the issuance of the Specified Site Specific Development Order and December 31st of the year of completion of a proposed Project as assumed in the Traffic Impact Study and approved by the County

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Engineer in accordance with the standards set forth in Art.12.C.1.B.3, Projected Buildout Period. Completion of a project shall mean the issuance of the final certificates of occupancy (CO) for buildings in a project. [Ord. 2005-002] [Ord. 2007-013]

Part 5. ULDC, Art. 1.1.2.C.81 [Related to Definition of Condition of Approval] (page 48 of 114), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

81. **Condition of Approval** - imposed as part of, or associated with, the issuance of a ~~valid local government d~~ Development ~~e~~ Order.

Part 6. ULDC, Art.1.1.2.D.31 [Related to Development Order] (page 52 of 114) is hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

31. **Development Order** -

- a. Any order granting, ~~or~~ granting with conditions, or denying an application for a development permit- *through procedures established required by the Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. A Development Order typically involves the submission and review of a plan, but may not necessarily involve such. It shall not include land use designations or amendments established by the Comprehensive Plan and Rezoning initiated by PZB pursuant to direction of the BCC.* [Relocated from Art.1.2.D.33, Development Order, Local Government]
- b. For the purposes of Art. 2.F, any Concurrency Reservation that applies to lands that are owned by a unit of local, state, or federal government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. [Ord. 2007-013]
- ~~c. For the purposes of Art. 9 and Art. 12, as defined in F. S. § 163.3164. [Ord. 2007-013]~~

Part 7. ULDC, Art.1.1.2.D.32, 33, and 34 [Related to Development Order] (page 52 of 114), are hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

-
- ~~32. **Development Order, Final** - a development order for site plan/final subdivision plan, or a building permit.~~
- ~~33. **Development Order, Local Government** - a development order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include affidavits of exemption and subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by Local Government's Comprehensive Plan. It does not include comprehensive general rezoning district boundary changes initiated by PBC. It typically involves a petition of the landowner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.~~
- ~~34. **Development Order, Preliminary** - a development order for an amendment to the official zoning map, a planned development, a conditional use, a special use, a variance, a coastal~~

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

~~protection permit, a flood prevention permit, an environmentally sensitive lands permit, a wetlands permit, a Wellfield protection permit, or a sea turtle protection permit.~~
[Renumber accordingly]

Part 8. ULDC, Art.1.1.2.D.35 [Related to Development Permit] (page 52 of 114), are hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~35. **Development Permit** – any amendment to the text of this Code or Official Zoning Map (rezone), conditional use, special use, planned development, site plan/final subdivision plan, subdivision, building permit, variance, special exception, certificate of conformity, unique structure, or any other official action of PBC having the effect of permitting the development of land or the specific use of land. [Ord. 2009-040]~~

35. **Development Permit** – includes any building permits, zoning permits such as Rezoning, Conditional/Requested Uses, Development Order Amendments, DRO/Administrative approvals, Special Permits, Deviations, Waivers, Variances, Subdivisions or any other official action of PBC having the effect of permitting the development of land or the specific use of land.

Part 9. ULDC, Art.1.1.2.I.28 [Related to Interlocal Agreement] (page 65 of 114), is hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

28. **Interlocal Agreement** - Agreement between the BCC, the municipalities of PBC, and the PBC School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, PBC, Florida;

[Renumber accordingly]

Part 10. ULDC, Art. 1.1.2.L.53 [Related to Local Government Development Order] (page 69 of 114) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~53. **Local Government Development Order** – a Development Order properly issued by PBC through procedures established by Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. It shall include Affidavits of Exemption and Subdivision approval. It typically involves the submission and review of a master plan, site plan, or building plans, but may not necessarily involve such. It shall not include land use designations established by a Local Government's Comprehensive Plan. It does not include comprehensive general rezoning/district boundary changes initiated by PBC. It typically involves a petition of the land owner for his property alone and not adjoining properties. It does not include vegetative removal, clearing, grading or demolition permits.~~

[Renumber accordingly]

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 11. ULDC, Art. 1.I.2.P.87 [Related to Project] (page 83 of 114) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

87. Project -

- a. Land use or group of land uses involving the development of a particular parcel of land at a particular density which was granted a ~~valid local government development order~~ Development Order, or which substantially complies with applicable provisions of the PBC Subdivision Code as determined by the Director of the Land Development Division of the PBC Engineering Department.
- b. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order(s). All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental agency for public use shall be considered a Project separate from the PUD for the purposes of reviewing the traffic impacts of the Civic Sites under this Article.
- c. For the purposes of Art. 12, a land use or group of land uses, or land development activity or activities, or amendment thereto, which require the issuance of a Development Order. [Ord. 2006-036]

Part 12. ULDC, Art.1.I.2.V.3 [Related to Valid] (page 106 of 114), is hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~3. Valid – for the purposes of Art. 13, Impact Fees, a development order or other authorization which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or canceled; or is not subject to such by the passage of time or the conduct of the owner or developer, and on which or for which all conditions of approval are satisfied that must be satisfied by the terms or conditions of approval.~~

[Renumber accordingly]

Part 13. ULDC, Art. 2.A.1.Q.3 [Related to Implemented Development Orders] (page 17 of 56), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

Q. Development Order Abandonment

3. Implemented Development Orders

Certain implemented ~~dDevelopment eOrders~~ qualify for administrative abandonment. Other implemented ~~dDevelopment eOrders~~ require Public Hearing abandonment by the Board (~~BCC or ZC~~) that approved the ~~dDevelopment eOrder (BCC or ZC)~~. [Ord. 2009-040]

Part 14. ULDC, Art. 2.E.2.D.1 [Related to Scheduling of Status Reports (pages 40-41 of 56), is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

1. Scheduling of Status Reports

If a property owner fails to comply with a time requirement and has not received a time extension, staff shall advertise a status report public hearing for the ~~agenda of the body Board (BCC or ZC) which that~~ approved the Development Order subject development order

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

~~(BCC or ZC)~~. If a property owner violates a condition of approval, staff may advertise a status report public hearing for the ~~agenda of the body~~ Board (BCC or ZC) ~~which that~~ approved the ~~Development Order subject development order (BCC or ZC)~~. The hearing shall be held within 90 days of the filing of the notice required by Article 2.E.2.A, Suspension of Development Orders. Staff may delay the scheduling of the status report public hearing if, prior to the most recent deadline for compliance, the property owner files for an amended or new ~~development order~~ Development Order which may affect the time requirement or any condition being violated. If the new ~~petition application~~ petition application is approved and the time requirement has not been affected, or if the ~~petition application~~ petition application is denied, staff will place the status report on a BCC or ZC agenda within 65 days of the approval of the new application. Staff will not delay scheduling of the staff status report when ~~there has been a failure~~ the property owner fails to comply with a Development Order Condition of Approval that is required for compliance with Traffic Performance Standards, concurrency reservation or development order conditions which are required for the Development Order for to comply with Art. 12.C.1, Traffic Impact Study.

Part 15. ULDC, Art. 2.F.3.B.5.b [Related to Review for Adequate Public Facilities] (page 49 of 56), is hereby amended as follows:

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 3 Review for Adequate Public Facilities

B. Procedure for Review of Application for a Concurrency Reservation

5. 90 Day Negotiation

b. Joint Review

The timing and review of an application shall be consistent with the timing and review procedures outlined in Article 2, DEVELOPMENT REVIEW PROCESS, for the requested Development Permit ~~Order~~. Approval of the Development Permit ~~Order~~ shall not be granted until Concurrency is approved.

Part 16. ULDC, Art. 3.B.10.E.3.b.1) and 2) [Related to Review procedures of PBIA-O] (page 29- of 195), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 10 PBIAO, Palm Beach International Airport Overlay

E. Review Procedures

3. Industrial Rezoning in Residential FLUA Designations

b. Rezoning Criteria

Lands may be rezoned to the IL district, except for those areas described as non-conversion areas, provided one of the following conditions are met: [Ord. 2004-051]

1) Lands that support existing residential development or that have a ~~valid development order~~ Development Order for residential development may be rezoned to the IL or PIPD district, if they:

- a) are at least five acres; and, [Ord. 2004-051]
- b) about a R-O-W identified on the County's Thoroughfare Identification Map; or
- c) are at least ten acres; and, [Ord. 2004-051]
- d) do not about a R-O-W identified on the County's Thoroughfare Identification Map; or [Ord. 2004-051]

2) Lands that are currently vacant or do not have a ~~valid development order~~ Development Order may be rezoned to the IL or PIPD district provided the parcel is contiguous on no more than two sides to existing residential development and they

- a) are at least five acres, and, [Ord. 2004-051]

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 17. ULDC, Art. 3.E.1.A.2.a [Related to Previous approvals] (pages 102 of 195), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

A. General

2. Applicability

a. Previous Approvals

Previously approved planned developments with a ~~valid development order~~ Development Order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E, Prior Approvals. Nonconforming uses shall comply with 1.F, Nonconformities, and any other applicable requirements, unless stated otherwise herein. [Ord. 2009-040]

Part 18. ULDC, Art. 4.B.1.A.106-1.e [Related to Renewable Energy Facility, Solar] (page 79 of 166), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

106-1.Renewable Energy Facility, Solar

e. Collocation with Existing Electric Power Facilities

Solar facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a ~~legislative dDevelopment eOrder a~~ amendment pursuant to Article 2.B.2.F, Development Order Amendment. [Ord. 2009-040]

Part 19. ULDC, Art. 4.C.4.Q.9.e [Related to Communication Tower, Commercial] (pages 133 of 166), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 4 Standards

Q. Additional Standards and Requirements

9. Consultant Services

e. the applicant shall reimburse PBC for the consultant fees prior to the ~~issuance certification of the application for public hearing process or approval~~ of the application by the DRO. final development order.

Part 20. ULDC, Art. 4.D.4.B.1, [Related to Previously Approved Development Orders] (pages 139-140 of 166), is hereby amended as follows:

CHAPTER D EXCAVATION

Section 4 Prohibitions and Exemptions

B. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1. Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid development order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a ~~development order amendment~~ Development Order Amendment shall be requested pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and shall comply with the provisions in Article 1.F, NONCONFORMITIES.

- Regulated by a National Pollutant Discharge Elimination System Permit; or
- Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or

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EXHIBIT M

DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

- c. Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
- 1) A surface water management construction permit issued by the SFWMD; or,
 - 2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
 - 3) An applicable ~~County land development~~ Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C.

Part 21. ULDC, Art. 4.D.5.D.5 [Related to Excavation Necessary to Implement a Final Development Order] (page 144 of 166), is hereby amended as follows:

CHAPTER D EXCAVATION

Section 5 Excavation Standards

D. Type II Excavation

5. Use Approval and Procedures

Prior to initiating excavation activity, approval shall be required in accordance with this Section. [Ord. 2008-037]

d. Excavation Necessary to Implement a ~~Final~~ Development Order

If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.D, Type II Excavation, then the excavation shall be considered a Type III A mining operation. This exception applies only to sites located within the Urban Service Area or a site in the rural service area which has a ~~valid development order~~ Development Order approved prior to the effective date of this ordinance. The applicant shall apply for a Class A Conditional use approval for a Type III A excavation pursuant to the standards of Art. 2.B.2, Conditional and Requested Uses Development Order Amendments and Unique Structures, and shall comply with the following standards: 1) Art. 4.D.8.A, Operational Standards and Requirements, 2) Littoral; 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; 4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in Art. 4.D.8.E, Maintenance and Monitoring; 5) Buffer requirements in Art. 4.D.5.E, Type III Excavation; and 6) Setbacks shall be provided pursuant to Type II setback requirements in Art. 4.D.5.D.3, Separations and Setbacks.

Part 22. ULDC, Art. 5.G.3.K.5.d [Related to TDR: Receiving Area Procedure] (page 86 of 93), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 3 Transfer of Development Rights Program

K. TDR: Receiving Area Procedure

5. Standards

- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no ~~development~~ Development Order approvals ~~or development permits will~~ shall be issued for the sending area or receiving area;

Part 23. ULDC, Art. 9.B.3.C.9, [Related to Archaeological and Historic Preservation, Review Guidelines for Certificate of Appropriateness] (page 12 of 18), is hereby amended as follows:

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 3 Procedures

C. Review Guidelines for Certificate of Appropriateness

9. The HRRB may approve, modify or deny an application for a Certificate of Appropriateness. For purposes of granting a Certificate of Appropriateness, the HRRB shall have access to the

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**DEVELOPMENT ORDER – DEVELOPMENT AGREEMENT – DEVELOPMENT PERMIT
SUMMARY OF AMENDMENTS
(Updated 06/24/10)**

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EXHIBIT N

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

Part 1. ULDC, Art 3.B, Overlays (page 81 of 195), is hereby amended to add new Art. 3.B.17, SR-7 Economic Development Overlay, as follows:

CHAPTER B OVERLAYS

SECTION 17 SR-7 ECONOMIC DEVELOPMENT OVERLAY

A. PURPOSE AND INTENT

The purpose of the SR7 EDO is to provide a framework that will increase the available amount of developable land area necessary to attract skilled trades companies, and provide for economic activities that diversify those already found in the vicinity. The primary intent is to encourage the establishment of industries that provide professional and technical types of jobs for the local population, provide land for the establishment of skilled trades companies, while potentially reducing the volume of employment related east – west commuter trips for area residents. Alternatively, the SR7 EDO establishes protections for existing uses within the overlay, and other development protections to mitigate any adverse impacts to residents.

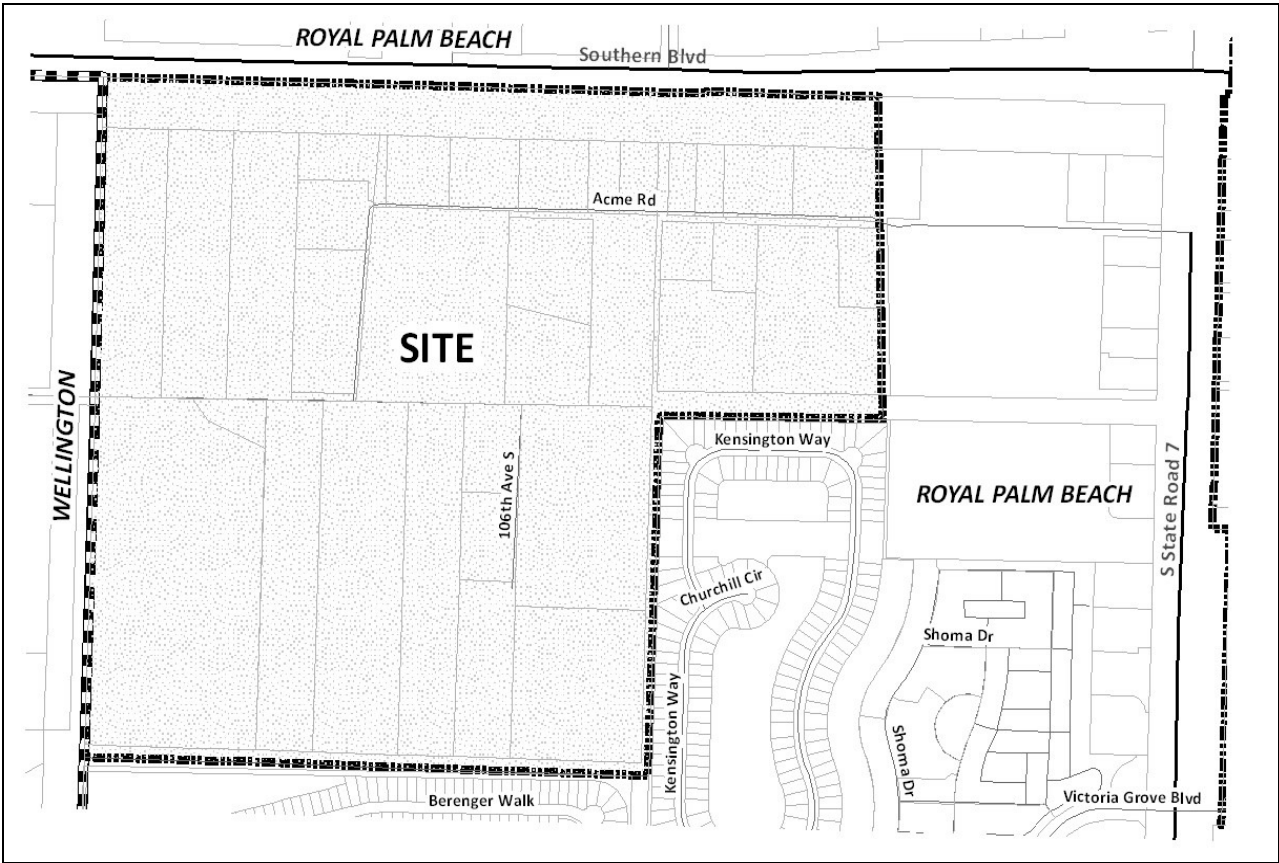
B. APPLICABILITY

This Section shall apply to all new development within the defined boundaries of the SR-7 EDO, unless exempted otherwise herein.

1. BOUNDARIES

The SR7 EDO consists of an within unincorporated PBC approximately 174.4 acres in size generally bounded on the north by the SFWMD West Palm Beach Canal (State Road 80/Southern Boulevard); to the South and Southeast by the Victoria Grove subdivision; to the east by the lots 72-42-43-27-05-009-0101 and 72-41-43-36-01-000-0010 (aka Lowes Home Center subdivision); and, to the west by an un-named canal and the Village of Wellington. See Figure 3.B.17.B, Map of SR7 EDO Boundaries.

FIGURE 3.B.17.B – MAP OF SR-7 EDO BOUNDARIES



[ORD. 2010-...]

2. PREVIOUSLY APPROVED USES

All uses that were legally established or approved prior to the effective date of FLUE Objective 1.10, SR-7 Economic Development Overlay, shall be vested from the requirements of this Section if they continue to operate as approved. Expansion shall be permitted where in compliance with all other ULDC requirements. This shall not be deemed to vest any prior approvals from the requirements of Art. 1.E, Prior Approvals, or Art. 1.F, Nonconformities.

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EXHIBIT N

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

C. SR-7 EDO MINIMUM DENSITY REQUIREMENTS

Each SR-7 EDO application shall be required to provide residential units, including workforce housing program (WHP) units. The minimum required density shall be 20 percent of the maximum density for the underlying LR-2 FLU designation as indicated in Table 3.E.1.B, PUD Density (i.e. 0.4 x total gross acreage of each project). The minimum percentage of required workforce housing units shall be calculated in accordance with Art. 5.G.1, Workforce Housing Program.

D. APPLICATION REQUIREMENTS

Each application for a SR7 EDO project shall comply with the following:

1. **PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) REZONING**

Each application shall rezone to the PIPD district.

2. **PRE-APPLICATION CONFERENCE (PAC)**

Each application shall require a PAC in accordance with Art. 2.A.1.E, Pre-Application Conference.

E. DESIGN PRINCIPLES

A SR-7 EDO application shall outline the potential for industrial and commercial jobs that will be generated by the proposed uses. Special consideration shall be given to mitigate any adverse impacts to adjacent development, while providing for the needs of the workforce and related business activities.

1. **LOCATION LIMITS FOR SUPPORT USES**

Where permitted, commercial uses shall be located internally to the overlay and designed to primarily serve residents, workers and associated business affiliates within the SR-7 EDO. These uses shall be designed to minimize internal vehicle usage, with an enhanced pedestrian circulation system that provides weather protection by use of landscaping or other canopy structures. This requirement may be addressed by providing access to adjacent SR-7 EDO projects, provided a cross access agreement, or other similar safeguard approved by the Planning Division, is established to ensure that access shall be maintained in perpetuity.

2. **PIPD THRESHOLDS – MINIMUM LOT SIZE**

The minimum 40 acre lot size requirement may be reduced for any SR-7 EDO PIPD application that shares a common lot line with a PIPD, or combination of PIPDs, having a land area totaling 40 acres or more.

3. **ACCESS**

Access shall be provided in accordance with any R-O-W located and dimensioned by the FLU amendment, and the following:

- a. One access point shall be located at the intersections of Southern Boulevard and 103rd Avenue North;
- b. One access point shall be located at the northeastern boundary of the overlay to provide access onto Southern Boulevard;
- c. Internal vehicular circulation within the overlay shall be designed so that primary access is from Southern Blvd. with existing secondary access to SR-7 limited to serving existing uses or emergency vehicles;
- d. No SR-7 EDO projects shall be approved without establishing a minimum of one access point to Southern Boulevard for the SR-7 EDO area; and,
- e. Each SR7 EDO project shall provide minimum legal access built to minimum local commercial road standards. All property owners shall convey R-O-W for a local commercial road through their property, on an alignment approved by the County Engineer.

4. **INTERCONNECTIVITY**

SR-7 EDO applications shall consider the overall framework necessary to allow for the development of all parcels within the overlay, to include sufficient R-O-W to allow for access to Southern Boulevard, and development of any needed utilities.

- a. Projects abutting the SFWMD C-51 Canal shall provide an east-west street that shall be constructed to minimum County standards on an alignment acceptable to the County Engineer;
- b. Projects that include parcels fronting on the SFWMD C-51 Canal shall provide a means of access to adjacent parcels that do not abut this canal. Access shall comply with minimum legal access required by Art. 11 for a local commercial street and be the minimum R-O-W necessary to establish frontage and accommodate any requisite connections to additional parcels within the overlay;
- c. The alignment of access roads shall be clearly depicted on all plans; and,
- d. An irrevocable cross access agreement, to include provisions for utility connections, shall be provided to all property owners entitled to the interconnectivity standards above, and where appropriate shall indicate that cross access may be extended to additional parcels within the overlay. This requirement may be supplanted where similar access rights are dedicated by plat, subject to Engineering approval.

5. **PERIMETER BUFFERS**

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STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

- a) Required buffer width and number of trees, palms and shrubs shall be increased by 50 percent; or
- b) Alternatively, increased buffer width and planting requirements within the EDO shall not be required where adjacent to properties within the SR-7 EDO (shall not apply to perimeter buffers abutting parcels outside of the SR-7 EDO) if notarized affidavits are provided from adjacent property owners, or designated agents, releasing the applicant from these requirements.

Buildings located within 50 feet of the SR-7 EDO outer boundary shall be limited to a maximum of 35 feet in height and consist of no more than two stories.

This section shall regulate primary or collocated uses that shall be permitted within an SR-7 EDO project. Limited commercial, civic, and recreational uses are permitted only where intended to serve workers within the overlay, inclusive of any associated business affiliates.

Table 3.B.17.F, SR-7 EDO Permitted Use Schedule, identifies uses permitted within the overlay.

Accessory uses shall be permitted in accordance with Art. 5.B, Accessory and Temporary Uses. Any proposed use that exceeds the limitations of an accessory use shall only be permitted if allowed above and where in compliance with the requirements of this code.

Outdoor storage, speakers, manufacturing and processing shall be prohibited.

Drive-through uses are prohibited within the SR-7 EDO.

Shall be prohibited as a principal use.

Where permitted by a FLU amendment, restaurants shall be limited to a maximum of 15,000 square feet of rentable space.

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STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

USE TYPE	PIPD USE ZONE				NOTE
	R E S	I N D / L	C O M	I N D / G	
RESIDENTIAL USES					
Townhouse	P		D		132
Multi-family	P		D		87
Accessory Dwelling	P		D		1
CLF, Type III	R		R		34
Garage Sale	P		P		60
Guest Cottage	P		D		66
Home Occupation	P		P		70
Security or Caretakers Quarters	S	S	S	S	119
COMMERCIAL USES					
Broadcast Studio		P	D		21
Dispatching Office		P	P	P	42
Financial Institution			R		55
Hotel, Motel, SRO, Rooming And Boarding			R		72
Laundry Services			P		78
Office, Medical or Dental			P		83
Office, Business or Professional			P		91
Personal Services			P		98
Printing and Copying Services			P		100
Restaurant, Type I			R		109
Restaurant, Type II			R		111
Vocational School			D		137
Work/Live Space			D		141-1
Live/Work Unit			D		141-2

USE TYPE	PIPD USE ZONE				NOTE
	R E S	I N D / L	C O M	I N D / G	
UTILITIES AND EXCAVATION USES					
Excavation, Type II		P	P	P	49
Utility, Minor	P	P	P	P	134
PUBLIC AND CIVIC USES					
Assembly Non Profit Institutional			R		14
Places of Worship			R		29
College or University			R		30
Daycare, General		R	R	R	40
Daycare, Limited		R	R	R	40
Government Services		P	P	P	63
Hospital or Medical Center			R		71
RECREATIONAL USES					
Fitness Center			R		56
Park, Passive	P	P	P	P	93
INDUSTRIAL USES					
Data Information Processing		P	P	P	38
Film or Production Studio		P	P	P	54
Laboratory, Research		P	P	P	76
Manufacturing and Processing		P		P	81
Medical or Dental Laboratory		P			84
Warehouse		P		P	138
Wholesaling, General		P		P	140

[Ord. 2010-]					
KEY					
P	Permitted by right.				
D	Permitted subject to DRO approval.				
S	Permitted subject to Special Permit approval.				
R	Permitted subject to Board of County Commission Approval.				

□ □ □ □

Page 324

EXHIBIT N

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

Part 3. ULDC, Art 3.E.5, Planned Industrial Park Development (pages 140 and 142 of 195, is hereby amended, as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

SECTION 5 PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)

A. GENERAL

3. CONFLICTS

If a conflict exists between this Section and other Sections in this Code, the provisions of this Section shall apply to the extent of the conflict, with exception to the SR-7 EDO.

B. OBJECTIVES AND STANDARDS

1. DESIGN OBJECTIVES

b. Be designed as a predominantly industrial development, with exception to the SR-7 EDO, which shall allow for larger percentages of business or professional office uses, or other similar uses that are identified in Art. 3.B.17, SR-7 EDO;

E. PODS

3. RESIDENTIAL POD

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod , indicated under Table 3.E.1.B-22-PDD Use Matrix, except for a SR-7 EDO; and Art. 4.B.1.A, Supplemental Standards Art. 4, Use Regulations. [Ord. 2004-040] [Ord. 2008-003]

Part 4. ULDC, Art 4.B.1.A, Supplemental Standards (page 21 of 166), is hereby amended, as follows:

CHAPTER B SUPPLEMENTAL USE STANDARDS

SECTION 1 USES

A. DEFINITIONS AND SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

21. BROADCAST STUDIO

An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.

a. SR-7 EDO

Accessory broadcast towers or antennae are prohibited.

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.

c. SR-7 EDO

Drive through uses are prohibited.

109. RESTAURANT, TYPE I

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

f. SR-7 EDO

Drive through uses are prohibited.

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EXHIBIT N

STATE ROAD - 7 ECONOMIC DEVELOPMENT OVERLAY (SR-7 EDO)
SUMMARY OF AMENDMENTS
Updated 06/24/10

114.RETAIL SALES, GENERAL

-
f. SR-7 EDO
Shall be prohibited as a principal use.

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EXHIBIT O

HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 1.F.1.B, Applicability [Related to Nonconformities] page 16 of 114), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 1 General

B. Applicability

This Chapter applies to nonconforming lots, structures, uses and site elements. In determining whether such nonconformities will be regulated by the provisions of this Chapter, the following shall apply:

1. Nonconforming status shall not be provided for any: lot, structure, use, or site element, which was illegally created, commenced, constructed or unlawfully continued, or commenced after the restrictions, became applicable.
2. Nonconforming status shall only be authorized upon demonstration by the applicant that a lot, structure, use or site element was created, commenced or constructed, and not merely contemplated, unless permitted by this Code.
 - a. For a nonconforming use, affidavits alone are not sufficient evidence to establish nonconforming status. The applicant must demonstrate that the use was in continuous operation during business hours and not an occasional use of the property. The applicant will be required to submit a Vested Use Recognition Form established by the Zoning Director to confirm the use is vested.
3. An accessory nonconforming use shall not become the principal use.

4. Exemption for all Designated Historic Sites/Structures by the BCC

Limitations for maintenance, renovation and natural disaster damage repair shall not apply to conforming uses for nonconforming structures, site elements or lots that have been granted waivers from all applicable nonconformities by the BCC in accordance with Art. 9.B.4.B, Waiver of the Code Provisions, for historic sites.

Part 2. ULDC Art. 9.B.4.B.1 [Related to Waiver of the Code Provisions] (page 13 of 18), is hereby amended as follows:

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 4 Regulations Affecting Historic Sites

B. Waiver of the Code Provisions

1. General

The HRRB may recommend that the BCC approve a waiver of Code requirements for designated historic resources or contributing properties to a designated historic district. The waiver may occur concurrently with the designation process or may be requested regarding any property subject to the historic site or district designation. Waivers may include: setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, nonconforming provisions pursuant to Art. 1.F.1.B.4, Exemption for Historic Sites and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental or health standards.

a. Findings

Before granting a waiver of Code requirements, the HRRB shall recommend and the BCC must shall make a finding that all of the provisions 1 thru 5 have been satisfied:

- 1)a-that the waiver will be in harmony with the general appearance and character of the community;
- 2)b-that the waiver will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare;
- 3)c-that the project is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner(s) a reasonable use of their land; and
- 4)d-the waiver is the minimum necessary to allow reasonable use of the property while preserving maintaining the historic attributes of the property.
- 5) existing uses and structures proposing maintenance, renovation and natural disaster damage repair shall receive special consideration from the nonconforming limitations when maintaining a designated historic site or building.

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EXHIBIT P

TRADITIONAL MARKETPLACE DEVELOPMENT (TMD)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 1.C.4. Measurement [Related to Building Transparency] (page 14 of 114), is hereby amended as follows:

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 4 Measurement

....
K. Building Transparency

For the purpose of determining a building's transparency requirement, the following calculation shall be utilized: the height of the first story of the building, a minimum height of 12 feet above finished grade, multiplied by the length of the façade and the applicable transparency percentage. The window or glass door openings including frames and mullions shall be allowed to be included in the calculation.

[ReNUMBER accordingly]

Part 2. ULDC Art. 3.F.4.D.4.c Standards for Perimeter Frontages (page 188 of 195) and Art. 3.F.4.D.9.a, Building Transparency (page 190 of 195), are hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

The following standards apply to TMDs located in all tiers: [Ord. 2005 – 002]

4. Frontages and Residential PDRs

c. Standards for **Buildings abutting** Perimeter Frontages

Exterior ~~façade of buildings that abut arterial or collector streets~~ frontages on the ~~perimeter of a TMD~~ shall be designed to provide views of building entrances or, display windows, ~~plazas and squares from adjacent arterial and collector streets.~~

....
9. Building Design

a. Transparency

~~A minimum of 75 percent of A~~all commercial ~~ground floor first story~~ façades ~~on a Primary Frontage, 50 percent of commercial ground floor façades on a Secondary Frontage, and 25 percent of the façade on commercial buildings on a Perimeter Frontage,~~ shall consist of be transparent glass, ~~that~~ providing views into a commercial use or window display. Calculation of transparency shall be pursuant to Art.1.C.4.K, Building Transparency.

1) **Percentage**

a) Primary Frontage – 60 percent.

b) Secondary Frontage – 50 percent.

c) Perimeter Frontage – 25 percent. [Ord. 2005 – 002]

2) **Exemption**

Indoor movie or any type of theater shall be exempt from the Secondary and Perimeter Frontage transparency requirements.

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Notes:

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

Part 1. ULDC Art. 1.F.1.A, Purpose and Intent (page 16 of 114,), is hereby amended as follows:

CHAPTER F NONCONFORMITIES

Section 1 General

A. Purpose and Intent

....
In addition, this Chapter addresses projects within the Redevelopment Areas in Art.3.B (IRO, ~~LWRCCO, URA-PRA, URAO~~ and WCRAO) where new developments and redevelopments are regulated by form-based design standards.

Part 2. ULDC Table 1.F.1.F, Non-conformities – Percentage and Approval Process for Expansion (page 17 of 114,) and Table 1.F.1.G, Nonconformities, Percentage and Approval Process for Maintenance, Renovation and National Damage Disaster Repair (page 18 of 114), is hereby amended as follows:

Table 1.F.1.F, Nonconformities – Percentage and Approval Process for Expansion

Improvement Classification	Major Nonconforming Use in a Conforming Structure (1)	Minor Nonconforming Use in a Conforming Structure (1) (2)	Conforming Use in a Nonconforming Structure	Nonconforming Site Element (-4 3)
Expansion				
Non-Government and Government
IR-O, PRAs, LWRCCO-O, WCRA-O (3)				
Notes:				
....				
3. A higher percentage shall be allowed for Redevelopment Areas and Overlays to encourage infill and redevelopment that requires built forms to regulate uses. All improvements must comply with applicable Sections of Art.3.B, Overlays.				
3-4. Refer to Art.1.F.5, Nonconforming Site Elements for additional information.				

Table 1.F.1.G – Nonconformities, Percentage (1) and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair

Improvement Classifications	Major Nonconforming use (1) (2)	Minor Nonconforming use (1) (2)	Conforming Use in Nonconforming Structure (1)	Nonconforming Site Elements	
Non-Government					
Maintenance	≤ 20%; By Right	≤ 30%; By Right	≤ 20%; By Right	Comply with applicable Code to greatest extent possible through applicable review approval process. (5)	
Renovation					
Natural Disaster Damage Repair					
Government (3)			OR		
Maintenance	≤ 30%; By Right	≤ 45%; By Right	> 20%≤30%; DRO		
Renovation					
Natural Disaster Damage Repair					
PRAs, LWRCCO URAO					
WCRAO, IR-O (4)					
Maintenance	≤ 20%; By Right	≤ 30%; By Right	≤ 30%; By Right		
Renovation	OR	OR	OR		
Natural Disaster Damage Repair					
	>20% ≤ 30%; DRO	>30 ≤ 50%; DRO	≤ 50%; DRO		
Notes:					
....				

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

Part 3. ULDC Art. 1.I, Definitions and Acronyms (page 29 of 114), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

2. Alley –

a. ~~a~~ A R-O-W providing a secondary means of access to property ~~that and~~ is not intended or used for principal traffic circulation.

b. for the purposes of the Priority Redevelopment Areas, may provide for primary vehicular access to a building, parking and service areas.

80. **Arcaded Sidewalk** – a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public and includes usable floor area above the roof of the arcade.

~~For the purposes of Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay, an arcaded sidewalk shall require usable floor area above the roof of the arcade. [Ord. 2006-004]~~

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

52. **Build-to-Line or Zone** – an alignment establishing ~~established~~ a certain location for a building distance away from ~~either~~ the R-O-W for a public street or the curb line along internal streets which the front elevation of a building must be built for a TMD, TND Neighborhood Center, LCC, WCRAO, ~~or~~ IRO or PRA project.

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

14. **Fenestration** – windows, doors and openings in a building façade or wall allowing light and views between interior and exterior.

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

61. **Lot Frontage** -

b. For the purposes of TDD, WCRAO, ~~or~~ IRO, LCC or PRA projects where a build-to-line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build-to-line requirements shall be the lot frontage. **[Ord. 2006-004]**
[Ord. 2010-005]

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

43. **Mixed Use** –

a. ~~For the purposes of Art. 3.B.15, Westgate Community Redevelopment Agency Overlay (WCRAO), means~~ the combination of residential and one or more non-residential uses that are functionally integrated.

b. for the purposes of Art. 13, means a group of different uses of land within a tract of land or a building for which applications for development permits are sought.

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

10. **Neighborhood** – a defined and compact geographic area consisting of residences which may include non-residential uses to serve the daily needs of the residents, such as shops, workplaces, recreational areas and civic uses (schools, places of worship), that are accessible by interconnecting streets.

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

34. **Parking Garage/Structure** –

a. for the purposes of Art. 4, a building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principle use ~~and subject to:~~

b. a building or structure that provides parking for motor vehicles as an accessory use to a principal use.

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

33. Pedestrian Circulation Zone – for the purposes of the Priority Redevelopment Areas, a continuous unobstructed space reserved for pedestrian movement.

49. Planting/Amenity Zone – for the purposes of the Priority Redevelopment Areas, accommodating streets and, landscaping or hardscaped areas, providing a transition between vehicular travel lanes and pedestrian circulation zones.

78. Principal Entrance - the main point of pedestrian access into a building or storefront.

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

87. **Store Front** - for the purposes of Art. 3, the front of a retail establishment facing a street, plaza, square or other public use area, where the primary main building entrance is located.

117. **Streetscape** – for the purposes of the IRO, WCRAO, PRAs, LCC and TDDs, the visual elements of a street, adjoining buildings, street furniture, trees, pedestrian areas and open spaces, that combine to form the street's character.

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

50. **Transect** – *a distinct category of physical form ranging from the most urban to the least urban. Generally, the classifications range from highest to lowest density or intensity and are: urban core, urban center, general urban, suburban, rural and natural.*

~~50. **Transect Zones** – For the purposes of the IRO, a distinct category of physical form ranging from the most urban to the least urban. The IRO requires the application of one or more of four transect zones: Core, General, Edge and Open Space.~~

Section 3 Abbreviations and Acronyms

IRO Infill Redevelopment Overlay

LWRCCO Lake Worth Road Commercial Corridor Overlay

PRA Priority Redevelopment Area

UC Urban Center

UI Urban Infill

URAO Urban Redevelopment Area Overlay

SD Specialized Development

Part 4. ULDC Art. 2.A.1.E, Pre-Application Conference (pages 8 and 9 of 56) and Art. 2.A.1.G.3.d, Master Plan (page 10 of 56), , is hereby amended, as follows:

CHAPTER A GENERAL

Section 1 Applicability

E. Pre-Application Conference (PAC)

1. Plan Review

The applicant shall specify in the application whether the PAC is requested for a conceptual site plan review. A conceptual master site plan shall be required for the an Infill Redevelopment Overlay (IRO), or Lifestyle Commercial Center (LCC) or applications for rezoning or conditional use approval for Development Orders in the Priority Redevelopment Areas (PRAs) project. [Ord. 2005 – 002] [Ord. 2010-005]

3. Additional LCC, and IRO and PRA Requirements

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

Conceptual <u>Master Site Plan</u> Requirements	IRO	LCC	PRAs
Intensity or density	✓	✓	✓
Transect zones assigned to all land. All land must be assigned one of the four transect zones described in Art.3.B-16.F, no land may be assigned two or more transect zones. Transect zone boundaries shall follow proposed lot lines or be clearly dimensioned for parcels developed under one entity.	✓		✓
Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.	✓	✓	✓
For IRO, General outline of building placement and building type, including any tenants 65,000 square feet or larger.	✓		
For LCC, any freestanding or any tenants 65,000 square feet or larger.		✓	
Pedestrian streetscape realm for all perimeter street frontages <u>or required frontage types.</u>	✓		✓
Pedestrian area for main street(s).		✓	
Proposed <u>and or</u> required mix of uses, including live/work or residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓	✓
Location of any requested uses, and outdoor uses such as restaurant or bank drive through facilities, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓	✓
Location of parking, loading and service areas (dumpsters, etc.).	✓	✓	✓
Required public open space or usable open space.	✓	✓	✓
Demonstrate consistency with the master plan or design guidelines adopted under the Future Land Use Atlas amendment ordinance, if applicable.		✓	
<u>Green Building Incentive Program: Where applicable, include any site improvements that will be used towards an application for bonus height.</u>			✓
[Ord. 2010-005] [Ord. 2010-...]			

1) Preliminary Master Plan (PMP) for Public Hearing Approval

a) Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options

b) IR, UC, UI or SD District Requirements

Section 1 Applicability

1. General

□ □ □ □

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

Part 6. ULDC Art. 2.D.1, Development Review Officer (pages 29 through 32 of 56), and Ord. 2010-005 page 43 of 94), is hereby amended, as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

B. Application Types

1. The following types of development shall require approval of a master plan, site plan or subdivision plan by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO:

d. All proposed Development Orders within the UC, UI or SD districts, excluding any improvements permitted under Art. 1.E, Prior Approvals or Art. 1.F, Non-conformities;

[Renumber Accordingly.]

G. Administrative Review

1. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve modifications to a Development Order ~~development order~~ approved by the BCC or ZC. An application for an amendment shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. Applications must be submitted on deadlines established on an Annual Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following: [Ord. 2008-003] [Ord. 2010-005]

- j. Modification to ~~an IRO or URAO Master Plans~~, provided that there are no conflicts with prior conditions of approval, any improvement or amenity used to garner support for a project, or testimony from Public Hearing(s). [Ord. 2010-005]

Part 7. ULDC Art. 3.A.1.B.1, Overlays (page 13 of 195), is hereby in it's entirety, as follows:

CHAPTER A GENERAL

Section 1 Districts

B. Overlays and Zoning Districts

1. Overlays

~~LWRCCO, Lake Worth Road Commercial Corridor Overlay~~

Part 8. ULDC Art. 3.B.7, Overlays (page 20 of 195), is hereby deleted in entirety.

Part 9. ULDC Art. 3.B, Overlays (page 81 of 195), is hereby amended to add a new Section titled Art. 3.B.17, Urban Redevelopment Area Overlay, as follows:

CHAPTER B OVERLAYS

Section 17 Urban Redevelopment Area Overlay (URAO)

A. Purpose and Intent

The purpose and intent of the Urban Redevelopment Area Overlay (URAO) is as follows:

1. Implement the concepts of the July 2007 Palm Beach County Urban Redevelopment Area Planning Study and Corridor Master Plan, prepared by the Treasure Coast Regional Planning Council, inclusive of the 2009 Planning Division addendum;
2. Implement the Urban Redevelopment Area (URA) Objectives and Policies of the Plan, with an emphasis on Priority Redevelopment Area (PRA) Policies;
3. Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable regulatory framework and built form that improves the aesthetics of the streetscape and establishes, enhances the pedestrian realm and encourages redevelopment of the PRAs;

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

(Updated 06/28/10)

4. Encourage a compact, mixed use and walkable development form, with an emphasis on safety, comfort and ecological responsibility;
5. Create an interconnected pedestrian-friendly street network that establishes parallel, alternate vehicular routes between the PRAs and creates new blocks that are a walkable scale;
6. Advocate walking, cycling, mass transit or other modes of transportation as viable alternatives to automobile use by encouraging the development of commercial, civic and recreational uses that provide for the daily needs of residents within walking distance;
7. Promote mixed use development that balances housing with employment, commercial, and civic uses;
8. Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, ethnicities and lifestyles;
9. Promote sustainability by integrating the social, economic and ecological needs of the community with overall regional, state and national policy advocating management of resources for future generations;
10. Redevelop retail uses along the PRA corridors along stipulated street frontages; and,
11. Simplify and facilitate the permitting process.

B. Applicability

1. FLU Designation

The requirements of the URAO shall only apply to parcels having an Urban Center (UC) or Urban Infill (UI) FLU designation, with exception to general requirements for interconnectivity in the URA between complementary neighboring land uses, unless permitted otherwise under Art. 1.E, Prior Approvals, Art. 1.F, Non-Conformities, or any other provisions herein.

2. Boundaries

The exact boundaries of the URA are depicted in Map LU 3.1 of the Plan, but can be generally described as being bound by Community Drive to the north, the Lake Worth Drainage District L-14 Canal to the south, I-95 to the east, and extending as far west as Jog Road at some points. The UC and UI parcels are located within the Priority Redevelopment Area, generally located along the east and west sides of Military Trail and Congress Avenue and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. The PRA boundaries are depicted in Maps LU 9.1 and 9.2 of the Plan.

3. Other Overlays

Development Orders with UC or UI FLU designation may not be used in conjunction with any other overlays.

4. Zoning District Requirements

There are three Zoning districts permitted within the PRAs: Urban Center (UC), Urban Infill (UI) and Specialized Development (SD) districts.

a. UC and UI Districts

As of August 2010, all parcels that opted in to the PRA and have a UC or UI FLU designation, were rezoned to the corresponding UC and UI districts (Zoning applications 2010-00667 and 00668, respectively). Rezoning applications shall only be required for parcels which initially opted out of the PRA, and have since processed or are applying for a concurrent FLU amendment to the UC or UI FLU designation.

b. SD District

The SD district is an optional district to accommodate projects that cannot conform to the mixed use requirements of the PRAs, or are generally desirable and contribute to the furthering of County directions and characteristics of a livable community. Application for a rezoning to the SD district shall be optional, and subject to the standards below:

1) Permitted Deviations

The following deviations from the requirements of Art. 3.B.17, URAO shall be permitted within a SD district where approved by the BCC at time of a rezoning, or as a DOA:

- a) Minimum standards for building types (new or existing structures), including requirements for two stories, frontage, build to line, and other general placement standards; and,
- b) Location and configuration of uses.

2) Standards for Approval of Deviations

When considering a Development Order application that includes any requests for deviations, the BCC shall consider standards 1 through 6 below. Any requested deviation that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

- a) Development of new buildings shall demonstrate similar mass and disposition as illustrated in the PRA Master Plan.
- b) Redevelopment or expansion of existing structures that do not meet the building placement requirements of the PRAs shall utilize innovative site design elements,

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

(Updated 06/28/10)

- 1 such as the introduction of plazas, squares, streets, or other urban configurations
2 to minimize any deviation from the purpose and intent of the URAO.
- 3 c) The density, intensity and maximum building height shall not exceed that which
4 would be allowed by the building types permitted in the applicable PRA Sub-area
5 Transect.
- 6 d) All buildings shall front a street or usable open space area, and should not
7 feature principal entrances accessible from parking lots.
- 8 e) Surface parking lots and outdoor uses shall be screened from view of streets,
9 usable open space areas, and abutting residential neighborhoods to the
10 maximum extent feasible by the use of a street-wall or incompatibility buffers.
- 11 **3) Specific Deviations– Congress Avenue**
- 12 The following deviations shall be allowed by right upon approval of a rezoning to the
13 SD:
- 14 a) Between the L-14 Canal and Melaleuca Lane/6th Avenue South – office and other
15 medical related uses are exempt from use restrictions for Mixed Use Type II
16 Buildings for the 2nd story; or,
- 17 b) Between Melaleuca Lane/6th Avenue South and Lake Worth Road – residential
18 and commercial uses oriented to serve and support the educational and
19 residential needs of Palm Beach Community College are allowed and
20 encouraged.
- 21 **4) Conditions of Approval**
- 22 In granting approval of a rezoning to the SD District, the BCC may adopt conditions
23 of approval that address the goals and objectives of the PRA Master Plan and
24 implementing Policies of the Plan.
- 25 **5. Prior Approvals, Non-conformities and Continuation/Change of Uses**
- 26 The list of allowable uses permitted for any previously approved Development Orders that do
27 not comply with the requirements of this section shall be in accordance with Table 3.B.17.F –
28 PRA Permitted Use Schedule.
- 29 **C. Future Land Uses and Density/Intensity**
- 30 Deviations from this section shall be prohibited.
- 31 **1. Density and Intensity**
- 32 The maximum density and intensity for a PRA Development Order shall only be limited by
33 any applicable site development requirements of this code, the PRA TCEA (TE Policy 1.2-v
34 of the Plan), and the physical constraints of the site.
- 35 **2. Density Bonus Program Prohibitions**
- 36 The use of TDR, AFH or WHP density bonus incentives are not eligible within the PRAs.
- 37 **3. Required Workforce Housing Units**
- 38 Residential projects comprised of 10 units or more shall comply with Art. 5.G.1, Workforce
39 Housing Program.
- 40 **4. Mixed Use**
- 41 Only those projects that are subject to the requirements of the PRA TCEA may be required to
42 develop as mixed use.
- 43 **D. Application Requirements**
- 44 **1. Pre-Application Conference (PAC)**
- 45 All PRA applications requiring DRO approval shall require a PAC pursuant to procedures in
46 Art. 2.A.1.E, Pre-Application Conference, with exception to amendments to prior approvals
47 and non-conformities that do not comply with the provisions of the URAO.
- 48 **2. Plan Requirements**
- 49 Required plans shall comply with Art. 2.A.1.G.3, Plan Requirements, and the following:
- 50 **a. Other Plans**
- 51 The DRO shall approve a Master Sign Plan, and a Regulating Plan or Alternative Design
52 Standards.
- 53 **3. Waivers**
- 54 An applicant may apply for a waiver from a specific regulation if listed in Table 3.B.17.G, PRA
55 Waivers.
- 56 **a. Standards**
- 57 An application for a waiver shall be submitted in a form specified by the Zoning Director.
58 When considering whether to approve, approve with conditions, or deny a waiver
59 request, the Zoning Director shall consider the following standards:
- 60 1) The waiver does not create additional conflicts with this Section of the ULDC, and is
61 consistent with the stated purpose and intent for the URAO;
- 62 2) The waiver will not cause a detrimental effect on the overall design and development
63 standards of the project, and will be in harmony with the general site layout and
64 design details of the development; and,
- 65 3) The alternative design option recommended as part of the waiver approval, if
66 granted, will not adversely impact adjacent properties.
- 67 **b. Appeal**

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URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

An appeal of the Zoning Director's decision shall be made to the Zoning Commission pursuant to Art, 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the Zoning Director.

E. PRA General Design Standards

PRA Development Orders shall be designed in a manner that establishes an enhanced pedestrian environment by providing a functional interface with perimeter streets, existing neighborhoods and adjacent uses. This is accomplished by regulating the following: building and parking disposition, building configuration, function and intensity, site layout; interconnectivity; provision of an enhanced streetscape and usable pedestrian amenities.

1. Built Form Regulates Uses Permitted

The PRA requirements are modeled after the concept of a form based code and seeks to establish a precise and predictable set of regulations to dictate the placement of buildings and site improvements with less emphasis on the regulation of uses. However, the PRAs also serve to implement the concepts of the TCRPC Corridor Plans by establishing limits on building height, mix of uses, and uses by floor, to ensure that development will serve the needs of residents while mitigating adverse impacts to existing neighborhoods.

2. Streets, Access and Interconnectivity

Blocks, streets and alleys are the fundamental components for creating traditional neighborhoods. Blocks are formed by streets which provide an interconnected pedestrian and vehicular circulation system, while regulating the physical and functional relationship between buildings and open space. To improve the pedestrian environment are detailed with pedestrian crossings, street trees, and traffic calming measures such as on-street parking. Regulating block sizes, vehicular access points, and the use of alleys to access parking and service areas are intended to disperse traffic to create a more pedestrian friendly oriented form of development. The alley is located behind buildings, to allow buildings to face and have access directly from the street. Alleys lessen necessary trips on the thoroughfare and provide a physical separation between the existing residential neighborhoods and redevelopment.

3. Frontage Classifications

Frontage classifications define the details of the pedestrian realm located between the public R-O-W or internal streets and the build facade. Three frontage types are established, as follows: Slip Street, Primary, and Secondary. The default location for the PRA Frontage Types shall be in accordance with Maps LU 9.1 and LU 9.2, Urban Redevelopment Area Regulating Plan.

a. Slip Street Frontage

The Slip Street is an optional designation for areas that were determined to have sufficient depth to accommodate landscaping along the existing thoroughfare, a one-way vehicular lane, a parallel parking lane, and a wide pedestrian zone. Applicants in areas designated for Slip Streets are encouraged to utilize this frontage type when identified on Maps LU 9.1 and LU 9.2, or in the following instances:

1. The parcel, or group of parcels, has 400 feet of frontage; or
2. The parcel, or group of parcels, is located between two side streets; or
3. The parcel, or group of parcels, is located adjacent to an existing slip street.

Applicants may opt to utilize the slip street in areas not designated for slip street, provided the parcel or group of parcels has at least 400 feet of frontage where a Primary Frontage type is identified.

FIGURE 3.B.17.F – TYPICAL EXAMPLE OF SLIP STREET FRONTAGE



[ORD. 2010-...]

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

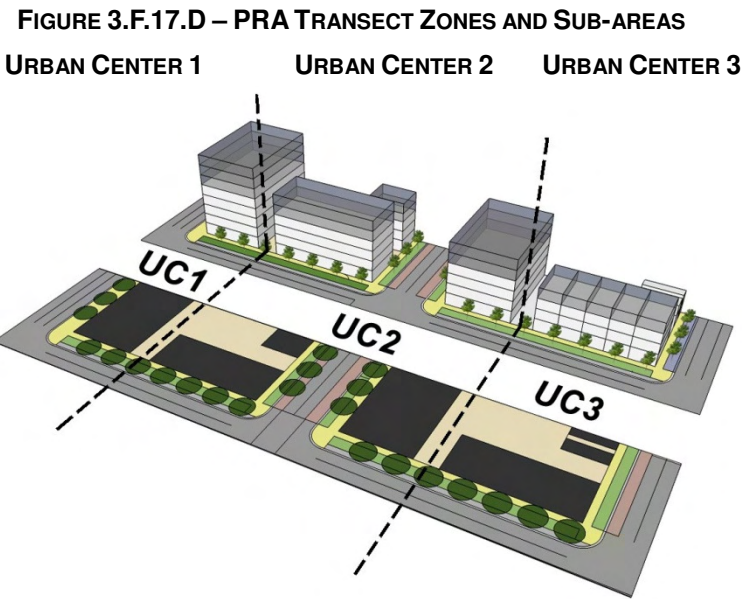
Primary Frontages are located along adjacent thoroughfares or new internal streets, and accommodate a wide pedestrian zone, lined by the main building façade and entrance(s).

Secondary frontages are located along existing side streets that intersect the main commercial thoroughfare, or new internal side streets. Secondary frontages provide a planting strip for street trees and a pedestrian zone appropriate for less intense uses and building sides.

Transect Zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The URAO establishes the Urban Center (UC) and Urban Infill (UI) FLU designations for the PRAs, and further refines these designations using sub-areas as transect zones. Transect zones facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The default location for the URAO Transect Zones shall be in accordance with the PRA GIS Regulating Plan maintained by PZB.

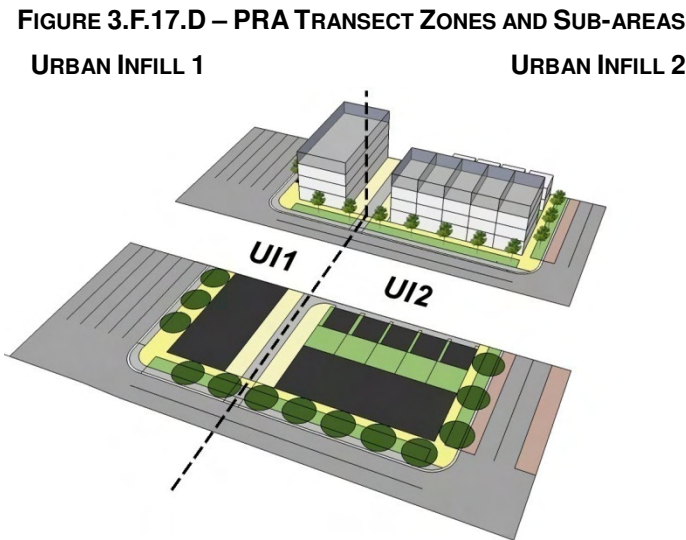
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URBAN REDEVELOPMENT AREA
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- a. **Urban Center (UC) Sub-area Transects**
- The UC is designated at prominent intersections and is the most intense PRA district, typically comprised of larger interconnected commercial and buildings containing a wide variety of uses, of at least two stories in height that create a continuous street wall along designated street frontages. A well-balanced mix of residential, commercial, civic, and recreational uses is encouraged, but may also be a requirement of the PRA TCEA. The UC is broken down into three distinct Sub-areas, as follows:
- 1) **UC 1 Sub-area**
- The most intense Sub-area accommodates the most intense types of uses and largest building scale permitted in the PRAs. Building heights shall be at least two stories and are permitted up to five stories by right, with green building incentives allowing up to eight stories for certain building types.
- 2) **UC 2 Sub-area**
- This Sub-area allows for the same intensity of uses, but begins a physical transition to the UC 3 Sub-area. Buildings shall be at least two stories in height and are permitted up to four stories by right, with green building incentives allowing up to six stories for certain building types.
- 3) **UC 3 Sub-area**
- The least intense UC Sub-area intended to provide for a transition between the more intense UC 1 and 2 Sub-areas, and abutting residential neighborhoods or adjacent UI Sub-areas. Buildings shall be at least two stories in height and are limited to a maximum of three stories by right.



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URBAN REDEVELOPMENT AREA
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- b. **Urban Infill (UI) Sub-area Transects**
The UI accommodates mixed use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The UI is broken down into two distinct sub-areas, as follows:
- 1) **UI 1 Sub-area**
A moderately intense Sub-area accommodating commercial, mixed use, and residential uses. Building heights up to three stories are permitted by right, with green building incentives allowing up to four stories for some building types.
- 2) **UI 2 Sub-area**
The least intense UI Sub-area providing for a gradual transition between the UI 1 Sub-area and adjacent residential areas. Buildings shall be at least two stories in height and are limited to a maximum of three stories by right.
- c. **TZ Sub-area Deviations**
The DRO shall have to authority to allow deviations to the location and boundaries of the default UC or UI Sub-area Transects illustrated in the PRA GIS Regulating Plan, where in compliance with the standards of Table 3.B.17.E, PRA Sub-Area Transect Standards.

TABLE 3.B.17.E – PRA SUB-AREA TRANSECT STANDARDS

PARCEL STANDARDS	TRANSECT ZONE				
	UC 1	UC 2	UI 1	UC 3	UI 2
MINIMUM SETBACK FROM ABUTTING RESIDENTIAL	400 ft.	200 ft.	200 ft.	N/A	N/A
[ORD. 2010-...]					

5. **Building Types**
Six general building types are permitted in the PRAs; however the variation of building height by transect zones in effect yields a wider range of buildings. Permitted building types are determined by Sub-area Transect, and deviations shall be prohibited unless except where permitted by the Specialized Development district.
- a. **Mixed Use**
A two to six story mixed use building having retail or other non-residential uses at street level, residential units or office uses located on the second floor, and exclusively residential uses on the remaining floors.
- b. **Block Building**
A two to eight story building limited to the UC Sub-areas, accommodating a predominant single use such as offices, other type of employment center, or residential uses. The provision of ground floor retail or non-residential uses serving the needs of building tenants is encouraged.
- c. **Liner Building**
A two to six story building limited to the UC 1 and 2 Sub-areas, used to conceal parking garages, offices or other non-residential structures from view of streets or residential neighborhoods. Liner buildings shall have retail or other non-residential uses at street level, with residential or office uses in the upper floors, may be attached to or have rear alley access between the structure to be concealed, and shall be the same height or greater than the use to be concealed.
- d. **Civic Building**
An architecturally distinctive building comprised of or appearing to be between two to six stories, of which a minimum of sixty percent of building area is used to accommodate public or private civic uses. Limited retail or non-residential uses in the form of storefronts or second floor offices serving the needs of the community or building tenants are encouraged. Residential uses providing for workforce of affordable housing are also encouraged. A civic building may also front a plaza, courtyard or square.
- e. **Row house**
A two to four story town house, or multi-family building built with similar characteristics, with accessory structures, vehicular access and parking located to the rear of the building.
- f. **Apartment Building**
A two to four story multi-family residential building. The principal entrance is typically recessed from the sidewalk via a courtyard, forecourt or other similar means. A limited amount of ground floor retail or non-residential uses may be permitted to provide for the needs of tenants where fronting usable open space areas or a primary street frontage.
6. **Parking and Loading**
Parking and loading for each tenant shall be located behind buildings or a street wall. Parking shall only be permitted in front of buildings in the form of on-street parking.
7. **Streetscape and Usable Open Space**
Examples of required PRA streetscape improvements include:

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

- ## 8. Landscape and Open Space Transitional Elements

F. PRA Design and Development Standards

Table 3.B.17.F, General Uses Permitted by Building Type or Floor, identifies permitted building types by Sub-area Transect, building height, and allowable uses by floor, to ensure development will serve the needs of residents while mitigating adverse impacts to existing neighborhoods. This section shall only apply to uses in the PRAs. See Art. 3.B.17.F.7, for a listing of specific uses permitted and related approval processes.

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

TABLE 3.B.17.F – GENERAL USES PERMITTED BY BUILDING TYPE OR FLOOR

TABLE 3.B.17.F – GENERAL USES PERMITTED BY BUILDING TYPE OR FLOOR																																															
TZ		URBAN CENTER																URBAN INFILL																													
ELEVATION	PLAN VIEW																																														
SUB-AREAS		UC1								UC2								UC3								UI1								UI2													
FLOOR		1	2	3	4	5	6	7	8	1	2	3	4	5	6	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4																
MIXED USE		C, O CV	O R	R	(gs)			N/A		C, O CV	O R			R	(gs)	N/A	C, O CV	O R			C, O CV	O R			C, O CV	O R			C, O CV	O R																	
BLOCK (1)		All	O, R, CV								All	O, R, CV								(gs)	N/A								N/A																		
LINER (2)		All	O, R	R	(gs)	N/A				All	O, R			R	(gs)	N/A		N/A								N/A																					
CIVIC (3)			CV									CV								(gs)	N/A		CV								(gs)	N/A		CV								(gs)	N/A				
APARTMENT		R (4)	R	R	(gs)	N/A				(4)	R			R	(gs)	N/A	(4)	R			(4)	R			(4)	R			(4)	R																	
ROWHOUSE			R		(gs)	N/A					R				N/A			R				R				R				R																	
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USE CLASSIFICATION KEY:														C = COMMERCIAL, OTHER														O = COMMERCIAL, OFFICE										CV = PUBLIC AND CIVIC									
NOTES:																																															
1. A block building shall be a "predominantly single use building, devoted to employment, office or residential uses. Other permitted uses shall also be allowed.																																															
2. Internal building located behind liner building may be a parking garage, or any use permitted in the TZ Sub-area – with no limits for uses by floor.																																															
3. A minimum of 60 percent building square footage shall be for governmental, institutional or other civic use. 40% or less may apply Mixed Use Building uses by floor.																																															
4. Non-residential uses shall be uses permitted shall be permitted for first floor primary frontages, or other frontage facing usable open space area such as plazas and squares.																																															
gs LEED silver: Building floor only permitted where in compliance with Green Building Incentive Program.																																															
gg LEED gold: Building floor only permitted where in compliance with Green Building Incentive Program.																																															

2. Access and Frontage

Access shall be limited to minimize curb cuts to streets to improve traffic flow and reduce pedestrian-vehicular conflicts. Where available, access from rear alleys is required.

a. **External**

One access point shall be permitted for each 160 linear feet of street frontage. Access shall be in the form of a street or alley, unless exempted otherwise herein. Parcels with

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URBAN REDEVELOPMENT AREA
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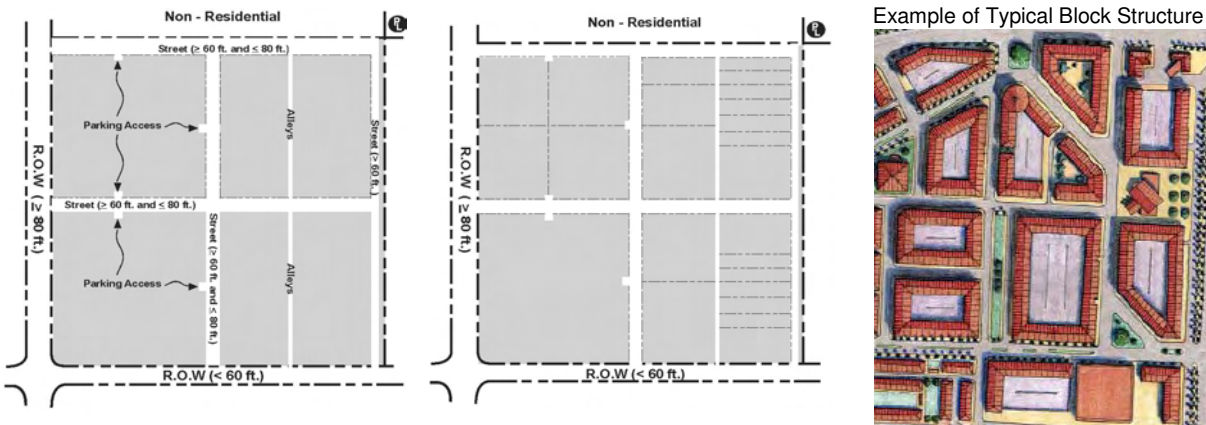
- secondary street frontages shall be required to provide rear alley access or a wider street, unless bounded by a street along the rear property line.
- b. **Internal**
No more than one access point or alley shall be permitted for each 160 linear feet of street frontage to allow for access to parking and loading, drive through facilities, or other similar uses. A maximum of two access points shall be permitted per block face.
- c. **Small Parcel Exception**
Parcels with less than 160 feet of frontage shall be permitted to establish one access point along a perimeter street; however, alley access shall be encouraged as the primary means of vehicular access where feasible.
3. **Block Standards Design**
Blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and vehicular circulation, interconnectivity and accessibility in PRA projects. Cul-de-sacs and other dead-end streets shall not be permitted unless it can be demonstrated that physical constraints prohibit practical alternatives. Any new blocks shall comply with the following:
- a. **Applicability**
Blocks are required for projects five or more acres in size, or where the subdivision of land is proposed, excluding lot recombination.
- b. **Minimum Dimensions**

TABLE 3.B.17.F - BLOCK DIMENSION REQUIREMENTS (1)

TRANSECT ZONE	BLOCK FACE (2)		BLOCK PERIMETER	
	AVERAGE	MAXIMUM	AVERAGE	MAXIMUM
UC	300 – 500 ft.	600 ft.	1,500 – 1,800 ft.	2,500 ft.
UI			1,200 – 1,500 ft.	1,800 ft.
NOTES:				
1.	Exceptions may be permitted only where PBC DEPW requirements preclude required vehicular access points necessary to complete the block structure.			
2.	A block face greater than 400 ft. shall provide for an alley, lobby, or other mid-block pedestrian pass through connecting to another street, alley, parking structure or other internal block use.			
Deviations shall be prohibited.				
[ORD. 2010-....]				

- c. **Block Frontage**
All blocks shall have frontage on a perimeter or internal street. Streets shall be used to interconnect blocks. When using alleys to meet block requirements, they shall only be permitted along the side or rear of a block where streets are not required.
- d. **Subdivision**
Any subdivision of land shall comply with all lot dimensions applicable to the UC, UI or SD district, with exception to townhouse lots.
- e. **PDD Subdivision Alternative**
A PRA Development Order may apply for an exemption from subdivision recordation requirements and subdivide by fee title conveyance of individual lots in accordance with the approval process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites.

Figure 3.B.17.F – Typical Example of PRA Blocks, Streets and Subdivision



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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

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4. Street Standards

This code addresses the design of perimeter and internal streets and establishes related standards to ensure that pedestrian amenities and walkways, buildings and other improvements are properly and safely situated.

a. Perimeter Street Frontages

Perimeter streets are defined in accordance with the frontage types of the GIS Regulating Plan, as slip street, primary or secondary frontages.

1) Slip Streets

The slip street establishes a pedestrian oriented parallel street with on-street parking accommodations immediately abutting a commercial corridor.

- a) Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W;
- b) The street shall be a minimum of 12 feet wide, or as required by the County Engineer;
- c) Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and,
- d) On-street parking shall only be required on one side of the street.

2) Primary Street Frontages

Shall comply with streetscape standards.

3) Secondary Street Frontages

Shall comply with streetscape standards.

b. Internal Streets

The design for the street and on-street parking shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.D.2.a.1), Design Exception as illustrated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. Internal streetscapes shall be designed as either Primary or Secondary Frontages. Internal streets may include access ways designed to comply with minimum street standards.

c. Alleys

Alleys shall provide primary access to parking lots, service areas, residential garages or driveways. A continuous network of alleys shall serve as the primary means of vehicular ingress/egress to individual parcels. Alleys shall provide rear access to all buildings except for Block and Liner Buildings. Alleys shall conform to the requirements of Art. 3.F.2.A.a.1, Alleys.

5. Interconnectivity Standards

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required between similar uses. In addition, the following shall apply. Deviations shall be prohibited unless stated otherwise herein.

a. Street Connections

Parcels required to or proposing to establish a block structure, shall provide interconnectivity where any new internal intersections abut adjacent parcels.

b. Parallel Alley

All parcels with frontage on a commercial corridor shall provide an alley running parallel to the corridor. The alley shall be generally located along the rear property line, or at a point that allows interconnectivity to shallower abutting lots. Where new blocks are not required or proposed, alleys may be incorporated as drive aisles within parking lots. In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections.

c. Gates

The use of gates or other similar barriers is prohibited. Exceptions are permitted for the following: dumpsters, loading areas, and private garages or parking lots.

d. Cross Access Agreement

When interconnectivity is required, an irrevocable cross access easement shall be provided prior to final DRO plan approval.

6. Building Standards

The provisions of this section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings or structures, unless stated otherwise herein.

a. Building Placement

The Building Placement PDR Tables herein provide the dimensional requirements for PRA building placement. All building types excluding outdoor uses and related structures shall comply with the following:

1) General

- a) All buildings shall be a minimum of two stories, except civic buildings, or other buildings approved as a Special Development district.
- b) To maximize the street frontage of buildings and minimize the visibility of parking areas from the street, a building should be articulated so that the longest side fronts the street. When located at an intersection, the façade with the greatest

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EXHIBIT Q

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- length shall be considered the front. This standard does not preclude two or more facades from being designated as front facades.
- c) Taller buildings should not cast a shadow line on existing neighborhoods. To avoid this, building height should be compatible with adjacent development, which may require reducing building heights or stepping back upper stories in certain instances.
- 2) **Corners**
Where a parcel is located at the intersection of two streets, at least one building shall be placed at the corner meeting the build-to-lines for both streets.
- 3) **Building Hierarchy**
Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior main streets, but shall be ordered so as to create a consistent streetscape. Frontage requirements must be addressed for the most intense perimeter streets first.
- 4) **Civic Buildings**
If civic buildings are proposed they shall be located in visually prominent centralized locations, easily recognizable and accessible to the public.
- 5) **Parking Structures**
Parking structures may be allowed within a block provided they are located in the interior of a block and are completely screened by buildings with habitable uses on all stories. Parking structures located on a secondary frontage shall be completely screened by habitable uses on at least the first story. Parking structures are allowed to face an alley without meeting the requirement for habitable screening on the alley façade.
- c. **Building Property Development Regulations**
The primary façade of all buildings shall front a street and shall be designed in compliance with the following:
- 1) **Perimeter Street Building Frontage**
Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building.
- 2) **Perimeter Frontage Exceptions**
Buildings located on secondary frontages, except for Row Houses, are not required to meet minimum building frontage requirements. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive isle for ingress/egress.
- 3) **Internal Building Frontage**
Internal buildings shall only be permitted when located facing an internal street frontage, unless exempted herein.
- 4) **Setback Measurement**
Setbacks shall be in accordance with Table 3.B.17.F, PRA Liner Building Configuration PDRs, and the following:
- a) **Perimeter Streets**
Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable.
- b) **Internal Streets**
Setbacks shall be measured from the proposed building frontage façade to the outside edge of curb.
- c) **Row Houses**
Building placement setbacks shall be used to establish the location of fee simple townhouse lots. Additional building setbacks may be permitted. This may also be applied to multi-family buildings that are constructed to row house standards.
- d) **Side Setback Reduction**
If permitted, a zero side setback reduction shall comply with the following:
- (1) Windows, doors or other openings shall not be permitted. No portion of a building, including roof eaves, gutters and soffits may encroach onto adjacent parcels;
- (2) Openings, attachments, or any item requiring maintenance other than cleaning and painting, when visible, shall not be permitted; and,
- (3) A maintenance easement a minimum of two feet in width shall be provided to ensure access to exposed portions of the building.

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URBAN REDEVELOPMENT AREA
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TABLE 3.B.17.E. – PRA MIXED USE, BLOCK, CIVIC AND APARTMENT BUILDING PDRs

BUILDING PLACEMENT		MIN.	MAX. (1)
A.	Slip Street Frontage	45 ft.	50 ft.
	Primary Frontage	20 ft.	25 ft.
	Secondary Frontage	10 ft.	20 ft.
B.	Non-Residential	6 ft. (2)	N/A
C.	Residential (PRA)	6 ft. (2)	N/A
	Residential (non PRA) (5)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.	Slip Street and Primary	65%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		N/A	300 ft.
COURTYARD % OF FOOTPRINT (OPTIONAL)		MIN.	MAX.
H.		N/A	25%
COURTYARD DIMENSIONS (OPTIONAL)		MIN.	MAX.
H.		30 ft.	N/A
PEDESTRIAN PASS THRU (4)(6)		MIN.	MAX.
I.	Separation	100 ft.	300 ft.
	Width	10 ft.	N/A



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NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.

2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction.

3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.

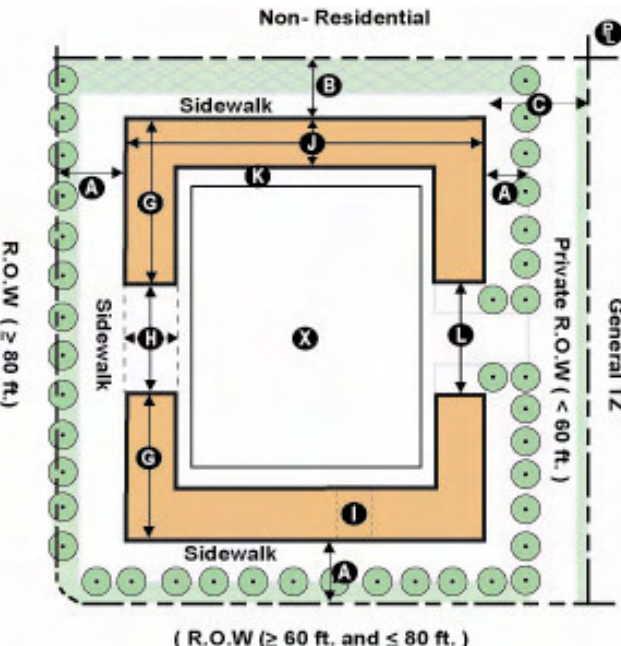
4. Shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be the result of the overall length divided by the number buildings.

5. Means adjacent residential parcels that are not located within a development using PRA regulations.

6. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.

TABLE 3.B.17.F. – PRA LINER BUILDING CONFIGURATION PDRs

BUILDING PLACEMENT		MIN.	MAX. (1)
A	Slip Street Frontage	45 ft.	50 ft.
	Primary Frontage	20 ft.	25 ft.
	Secondary Frontage	10 ft.	20 ft.
B	Non-Residential	6 ft. (2)	N/A
C	Residential (PRA)	6 ft.	N/A
	Residential (Non-PRA) (7)	30 ft.	N/A
D	Between rear parking and alley	5 ft. (3)	N/A
BUILDING FRONTAGE % (4)		MIN.	MAX.
G.	Slip Street and Primary	65%	100%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		200 ft.	400 ft.
COURTYARD % OF FOOTPRINT		MIN.	MAX.
H.		N/A	10%
COURTYARD DIMENSIONS (OPTIONAL)		MIN.	MAX.
H.		15 ft.	30 ft.
PEDESTRIAN PASS THRU (4)(5)		MIN.	MAX.
I.	Separation ⁴	100 ft.	300 ft.
	Width	10 ft.	20 ft.
LINER AND INTERIOR STANDARDS		MIN.	MAX.
J.	Depth	30 ft.	100 ft.
(6)	Length	75 %	100 %
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A



[Ord. 2010-...]

NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.

2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction.

3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.

4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.

5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.

6. Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter-street, slip-street, primary-street, and usable open space. Additional standards may apply to parking garage structures.

7. Means adjacent residential parcels that are not located within a development using IRO regulations.

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TABLE 3.B.17.F. – PRA ROWHOUSE LOT AND BUILDING CONFIGURATION PDRS

LOT PLACEMENT		MIN.	MAX. (1)
A.	Required Frontage	45 ft.	50 ft.
	Primary Street Frontage	15 ft.	25 ft.
	Secondary Street Frontage	10 ft.	15 ft.
B.	Non-Residential	6 ft.	N/A
C.	Residential (PRA)	6 ft.	N/A
	Residential (non PRA) (4)	30 ft.	N/A
F.	No minimum or maximum	n/a	n/a
BUILDING FRONTAGE % (2)		MIN.	MAX.
G.		70%	96%
INDIVIDUAL BUILDING LENGTH		MIN.	MAX.
G.		32 ft.	250 ft.
WING STANDARD (3)		MIN.	MAX.
M.	Wing Width	N/A	50%
BUILDING SETBACKS (3)		MIN.	MAX.
N.	Rear Setback to Alley	5 ft.	N/A
O.	Front/End Setbacks	5 ft.	10 ft.

[Ord. 2010-...]

NOTES

1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.

2. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.

3. Townhouse, including wings, garages or accessory dwellings shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL.

4. Means adjacent residential parcels that are not located within a development using IRO regulations.

d. Building Height

1) Exterior Height

- a) All building frontages abutting a required, primary, secondary or side street shall be exempt from Art. 3.D.1.E.2, Multifamily, Nonresidential Districts and PDDs.
- b) Maximum building height shall be in accordance with the maximum floor limitations of Table 3.B.17.F, General Uses Permitted by Building Type or Floor, and the following:

TABLE 3.B.17.F - MAXIMUM BUILDING HEIGHT

FLOOR #	2	3	4	5	6	7	8
MAXIMUM HEIGHT	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	105 ft.	120 ft.
[ORD. 2010-...]							

2) Green Building Incentive Program

The Green Building Incentive Program is intended to stimulate private sector investment to construct sustainable buildings by allowing for “bonus height” for projects meeting industry criteria and standards for certification. Where applicable, bonus height shall only be permitted subject to the following:

a) Applicability

Allowable increases in building height are indicated in Table 3.B.17.F, Uses Permitted by Building Type or Floor.

b) Standard for Certification

The standard for certification shall be the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Green Building Rating System (LEED Silver or Gold/Platinum levels), or appropriate Florida Green Building Coalition designation standards, or other similar standard approved by the County.

c) Application Procedures

All applications for bonus height shall be submitted concurrently with an application for Public Hearing or DRO approval, as applicable. The application form and requirements shall be submitted on forms specified by the PBC Official responsible for reviewing the application.

d) Review Process

(1) Public Hearing Certification

If applicable, projects requiring BCC approval and including a request for bonus height shall provide a LEED scorecard accompanied by a detailed analysis of each credit and why the standard can or cannot be achieved.

(2) DRO Approval

Documentation indicating the project has been registered with the Green Building Certification Institute (GBCI) as a LEED project or other standard for

Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

(Updated 06/28/10)

certification as noted above. If applicable, bonus height requested at time of BCC approval may be reduced if the GBCI registration is inconsistent with the original LEED scorecard and proposed level of certification.

(3) Monitoring

During plan review and construction, the applicant's LEED certified inspector or architect will provide documentation and submit quarterly reports to Planning/Monitoring demonstrating compliance with the LEED standards and scorecard and the approved site plan. If during construction, the developer is unable to include required green building components, or if the inspector/architect finds that the developer failed to include these components, the County shall pursue enforcement, actions which may include revocation of building permits, remand back to DRO to remove the bonus height awarded, or release of surety to the County.

(4) Amendments

If during construction of the building, the developer is unable to include all of the approved green building components previously identified in the GBCI registration, the developer may be permitted to replace components not provided with other green building components where documented as approved by the GBCI for the project. Any amendment to an exterior component shall require DRO approval.

(5) Completion

UGCI certification shall be obtained within two years of the date of issuance of Certificate of Occupancy.

e) Surety

Prior to DRO approval of the site plan, the County (Planning Division) and the developer shall enter into a development agreement requiring that the green building components identified in the GBCI registration be constructed or installed in the building and that any third-party inspection fees will be paid for by the developer. Furthermore, the developer shall post a surety with the County. The amount of the surety shall be based on the number of dwelling units contained within the "bonus height" stories. Non-residential uses shall be based upon the equivalent of one dwelling unit for each 1,000 square feet of non-residential use area (measured by gross square footage). The number of dwelling units shall be multiplied by the BCC's established price for TDRs at the date of the application.

(1) Default

If the applicant fails to comply with the requirements above after CO, the County may, at its discretion collect the surety and apply the funds to a TDR contract to purchase an equivalent number of units to those proposed for the original bonus height consideration.

(2) Release of Surety

If in compliance with the review process requirements above, upon receipt of the GBCI certification by the County, the property owner shall submit a in writing to the Planning Director a request that the posted surety shall be returned.

e. Special Civic Building Standards

A single story civic building shall be designed and constructed to have the appearance of a two to six story building for each facade fronting a street or usable open space area. The façade shall be designed to appear as a minimum of two stories, with additional floors based on the maximum height per floor indicated in Table 3.B.17.F, PRA Maximum Building Height.

f. Additional Architectural Design Standards

Architecture shall be in accordance with Art. 5.C, Design Standards, unless specified otherwise herein.

1) Primary Entrances

A primary entrance shall occur at a minimum of every 75 feet for primary facades. The primary entrance for all 1st floor tenants must directly face a street, courtyard, plaza, square or other form of usable open space fronting a street. Access for tenants located on upper floors shall provide similar entrances, but may be permitted to deviate from this requirement on sites less than one acre in size. Street access may be in the form of common lobbies, elevators, stairwells, or other form of consolidated access.

2) Secondary Entrances

Each tenant may be permitted to have additional entrances located at side or rear facades facing a parking lot or other area, subject to the following limitations:

- Shall not exceed the number of primary entrances; and,
- Limitations shall not apply to service access or emergency exits.

Notes:

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EXHIBIT Q

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS

(Updated 06/28/10)

b) Screening

Outdoor uses shall be screened from all streets by the use of a streetwall comprised of either or a combination of the following:

- (1) Buildings or similar structures; or,
- (2) A five foot wide landscape strip that includes a four foot high concrete wall, a 30 inch high hedge, and multi-trunk or flowering trees planted 30 feet on center. Breaks to allow for pedestrian or vehicular access shall be permitted.

c) Drive-through Uses and Gasoline Service Facilities

- (1) Shall only be permitted in the Specialized Development District or where approved by the BCC as a Conditional Use approval.
- (2) All drive-through lanes and gasoline service areas, inclusive of pump islands, canopies, and queuing areas shall be located behind buildings that comply with minimum frontage standards, and shall be consistent with Figure 3.F.17.F, Typical Gasoline Service Facilities and Figure 3.B.17.F, Typical Drive-through Configurations. Exceptions shall be permitted for drive through facilities that are located inside a building or side façade where vehicular traffic exits onto a side street, subject to approval by the County Engineer, where designed similar to Figure 3.B.17.F, Typical Drive Through Configurations.

FIGURE 3.F.17.F – TYPICAL GASOLINE SERVICE FACILITIES

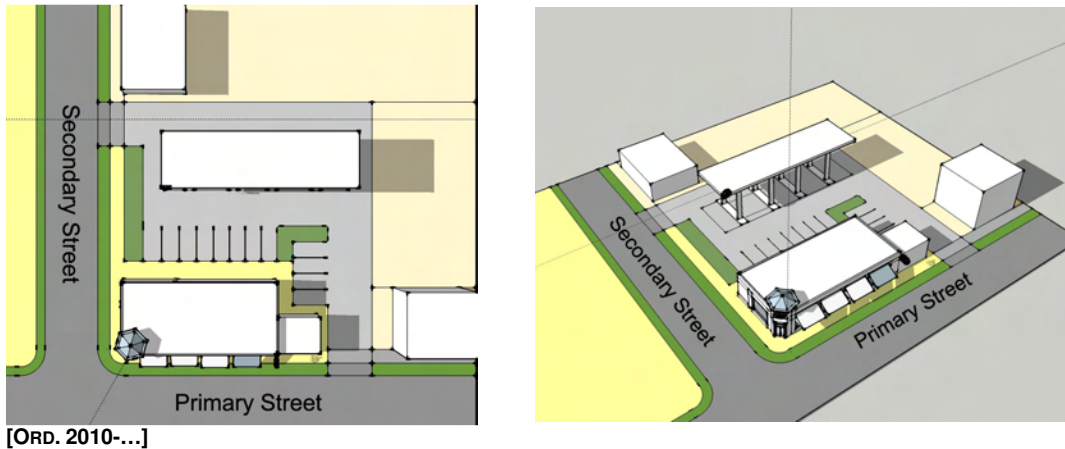
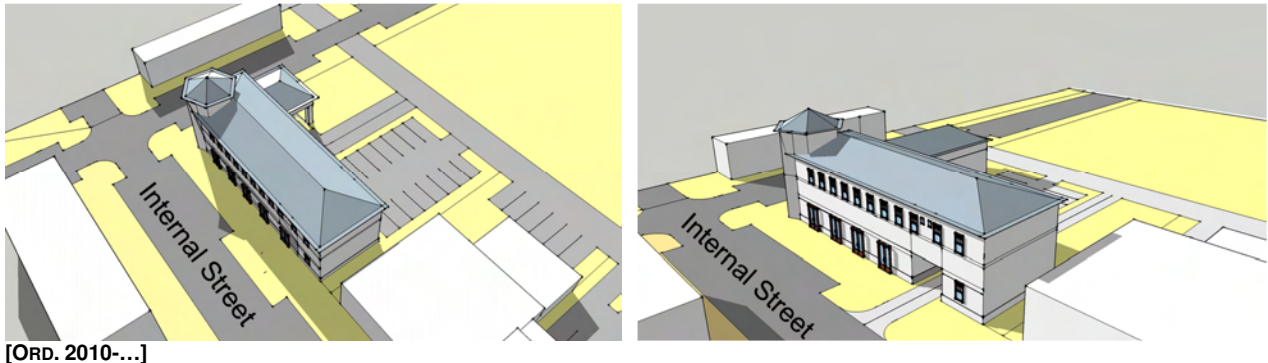


FIGURE 3.B.17.F – TYPICAL DRIVE THROUGH CONFIGURATIONS



7. PRA Use Standards

If permitted, only those uses that have been indicated on a DRO approved final FSP or FSBP are eligible to apply for building permits or a business tax receipt (BTR), with exception to uses permitted for non-conforming prior approvals. Deviations from the use limitations of this section shall be prohibited unless permitted under the provisions for a Specialized Development District. Table 3.B.17.F, PRA Permitted Use Schedule, identifies the uses permitted in the PRA by TZ sub-area, SD district, and for non-conforming prior approvals, and the required approval processes.

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

TABLE 3.B.17.F – PRA PERMITTED USE SCHEDULE (1)

USE TYPE	TRANSECT SUB-ZONES							NOTE
	UC 1	UC 2	UC 3	UI 1	UI 2	SD (2)	NON-CONFORMING (3)	
RESIDENTIAL USES								
Townhouse		D	D	D	D	D		132
Multi-family	D	D	D	D	D	D		82
Accessory Dwelling			D	D	D	D		1
Congregate Living Facility, Type I	D	D	D	D	D	D		34
Congregate Living Facility, Type II	D	D	D	D	D	D		34
Congregate Living Facility, Type III	D	D	D	D	D	D		34
Garage Sale			D	D	D	D		60
Guest Cottage			D	D	D	D		66
Home Occupation	D	D	D	D	D	D		70
Kennel, Type I (Private)			D		D	D		73
Nursing Convalescent Facility	D	D	D	D	D	D		90
Security or Caretaker Quarters	D	D	D	D	D	D		119
COMMERCIAL USES								
Adult Entertainment	S	S		S		S		2
Auto Paint or Body Shop						A		17
Auto Service Station						A		18
Bed and Breakfast			D		D	D		20
Broadcast Studio	D	D	D	D	D	D	D	21
Building Supplies						A		22
Car Wash						A		25
Catering Services	D	D	D	D	D	D	D	26
Convenience Store	D	D	D	D	D	D		36
Convenience Store with Gas Sales						A		37
Dispatching Office	D	D	D	D	D	D		42
Dog Daycare	D	D	D	D	D	D	D	43
Financial Institution	L	L	L	L	L	L	L	55
Flea Market, Enclosed	D	D	D	D	D	D		57
Funeral Home or Crematory						A		59
Green Market	D	D	D	D	D	D		64
Hotel, Motel, SRO, Rooming and Boarding	D	D	D	D	D	D		72
Kennel, Type II (Commercial)				D		A		74-1
Kennel, Type III (Commercial Enclosed)	D	D		D		D		74-2
Laundry Services	D	D	D	D	D	D	P	78
Lounge, Cocktail	D	D	A	D	A	D		79
Medical or Dental Office	D	D	D	D	D	D	P	83
Office, Business or Professional	D	D	D	D	D	D	P	91
Parking Garage, Commercial	D	D	D	D	D	D		95
Pawnshop	A	A		A		A		97
Personal Services	D	D	D	D	D	D	P	98
Printing and Copying Services	D	D	D	D	D	D	P	100
Repair and Maintenance, General						A		107
Repair Services, Limited	D	D	D	D	D	D	P	108
Restaurant, Type I	L	L	L	L	L	L	L	109
Restaurant, Type II	D	D	D	D	D	D	D	111
Retail Sales, Auto	D	D		D		D		113
Retail Sales, General	D	D	D	D	D	D	P	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	S	S	115
Self-Service Storage	A	A		A		A		120
Theater, Indoor	D	D	A	D	A	A		129
Vehicle Sales and Rental	L	L		L		L		135
Veterinary Clinic	L	L		L		D	L	136
Vocational School	D	D		D		P	P	137
NOTE:								
1. Further restrictions may depend on building type and floor location.								
2. Any project that wishes to operate a use with a drive-thru must receive a Specialized District designation.								
3. New uses permitted in non-conforming prior approvals.								
KEY								
P Permitted by Right (limited to new uses permitted for non-conforming prior approvals).								
S Permitted subject to Special Permit approval.								
D Permitted subject to DRO approval.								
A Permitted subject to Board of County Commission Approval.								
L Limited use - Permitted in the UC or UI districts only where allowed as a P or D under Supplementary Standards, and shall not include any drive through uses, or other similar outdoor vehicular related uses such as fueling stations or vehicle sales or rental display or storage.								

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

TABLE 3.B.17.F – PRA PERMITTED USE SCHEDULE (1)

USE TYPE	TRANSECT SUB-ZONES							NOTE
	UC 1	UC 2	UC 3	UI 1	UI 2	SD (2)	NON-CONFORMING (3)	
PUBLIC AND CIVIC USES								
Assembly, Nonprofit Institutional	D	D	D	D	D	D		14
Assembly, Nonprofit Membership	D	D	D	D	D	D		15
College or University³	D	D	D	D	D	D		30
Day Camp	D	D	D	D	D	D		39
Day Care, General	D	D	A	D	A	D		40
Day Care, Limited	D	D	A	D	A	D		40
Government Services	D	D	D	D	D	D	D	63
Hospital or Medical Center	A	A		A		A		71
Place of Worship	D	D	D	D	D	D		29
School, Elementary or Secondary	D	D	D	D	D	D		118
RECREATIONAL USES								
Entertainment, Indoor	D	D	D	D	D	D	L	45
Fitness Center	D	D	D	D	D	D	L	56
Gun Club, Enclosed	A	A		A		A		67
Park, Passive	D	D	D	D	D	D		93
Park, Public	D	D	D	D	D	D		94
Park, Neighborhood	D	D	D	D	D	D		92
Special Event	S	S	S	S	S	S		124
AGRICULTURAL USES								
Community Vegetable Garden	D	D	D	D	D	D		32
Farmers Market	D	D		D		D		52
UTILITES AND EXCAVATION								
Communication Cell Sites on Wheels (COWS)	S	S	S	S	S	S		31
Communication Panels, or Antennas, Commercial	A	A	A	A	A	A		31
Utility, Minor	D	D	D	D	D	D		134
Water or Treatment Plant						A		139
INDUSTRIAL USES								
Film Production Studio						A		54
Laboratory, Industrial Research	D	D	A	D	A	A		76
Machine or Welding Shop						A		80
Medical or Dental Laboratory	D	D		D		A		84
Transportation Facility						A		133
[Ord. 2010-...]								
NOTE:								
1. Further restrictions may depend on building type and floor location.								
2. Any project that wishes to operate a use with a drive-thru must receive a Specialized District designation.								
3. New uses permitted in non-conforming prior approvals.								
KEY:								
P Permitted by Right (limited to new uses permitted for non-conforming prior approvals).								
S Permitted subject to Special Permit approval.								
D Permitted subject to DRO approval.								
A Permitted subject to Board of County Commission Approval.								
L Limited use - Permitted in the UC or UI districts only where allowed as a P or D under Supplementary Standards, and shall not include any drive through uses, or other similar outdoor vehicular related uses such as fueling stations or vehicle sales or rental display or storage.								

8. Streetscape Standards

Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian friendly environment for the areas located between building facades and abutting streets.

a. General Standards

The following standards shall apply to all streetscapes.

- 1) Required street trees shall be located in the planting amenity zone;
- 2) Required pedestrian sidewalks shall not be encumbered;
- 3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, and shall be constructed of concrete acceptable to the Engineering Department;
- 4) Consistent paving patterns and materials for streetscapes are required for all individual projects, and are encouraged for parcels abutting a PRA Development Order;
- 5) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different texture or a color contrast with the vehicular surface, but preferably consistent with the paving material of the path;

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

(Updated 06/28/10)

- 6) Where a street tree planting area is required, improvements shall be in accordance with the requirements of the planting/amenity zone;
- 7) Consistency in street tree species shall be encouraged within a block, if applicable, and shall be reflective of the character of the surrounding area;
- 8) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated into the streetscape requirements of this section, subject to a sidewalk easement agreement with the DEPW;
- 9) All paving materials in planting/amenity and pedestrian circulation zones shall be constructed entirely of pervious/porous materials, allowing some storm-water to percolate into the underlying soil and promote healthy street tree growth; and,
- 10) If an existing or proposed utility easement is located adjacent to subject roadways, streetscape requirements shall be applied from the inner edge of the utility easement, and shall be landscaped with appropriate groundcover, with exception to the following:
 - a) Utility easements may be improved hardscaped or landscaped to be consistent with required streetscape areas;
 - b) Utility easements may encroach into required streetscape areas up to a maximum of five feet, subject to Engineering approval and consent from easement holder; and,
 - c) Street trees may be located in utility easements subject to use of tree root barrier approved by County Landscape and easement holder.

b. Streetscape Components

The area between a front facade and the vehicular lanes of required, primary, secondary and side streets shall include two distinct zones: planting/amenity zone and pedestrian circulation zone.

1) Planting/Amenity Zone

The planting/amenity zone shall be a minimum of five feet in width, and serves as the transition between the vehicular and pedestrian areas. Bus stop locations, lighting, benches, trash receptacles, art, street trees, groundcovers and pavers may be placed in these areas.

- a) Street trees shall be installed in accordance with 3.F.2.A.4.d, Street Trees. Exceptions to tree spacing may be permitted where necessary to accommodate bisecting utility easements, or other similar improvements;
- b) Street lights shall be required for all perimeter and internal streets in accordance with Art. 3.F.2.A.1.f.2, Lighting;
- c) Trees shall be planted in tree wells/grates with an approved groundcover or other acceptable treatment over the top to protect the roots, when planted along a street frontage.
- d) One bench shall be provided for every 50 linear feet of street frontage. Signage or advertising is prohibited on benches.
- e) A minimum of one trash receptacle shall be provided at each bench location.
- f) Moveable chairs and sidewalk cafes are strongly encouraged in the planting/amenity zone, but may not encroach into the pedestrian circulation zone.

2) Pedestrian Circulation Zone

The pedestrian circulation zone is a continuous unobstructed space reserved for pedestrian movement typically located adjacent to the planting/amenity zone. Minimum width shall be eight feet for slip street and primary frontages, and five feet for secondary frontages.

- a) The surface shall be constructed entirely of plain poured concrete.
- b) The pedestrian circulation zone shall function as a continuous unobstructed space along the street frontage, with the exception of an arcaded sidewalk and gallery.

3) Slip Street Planting/Amenity Zone

The following standards shall apply for all slip street frontages:

- a) A ten foot wide landscape planting area shall be required between a perimeter R-O-W and the slip street;
- b) Additional width may be permitted to accommodate utility easements or Engineering requirements, but shall not be increased otherwise;
- c) Street trees shall be planted in the landscape area in accordance with Art. 3.F.4.A.4.d, Street Trees, but shall be generally consistent with the tree species and spacing provided in the enhanced sidewalk area; and,
- (d) Ground treatment shall comply with the standards for the planting/amenity zone.

9. Civic and Usable Open Space Standards

A minimum of five percent of the gross acreage of all PRA projects shall be dedicated or provided as usable open space. Plaza's or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

Table 3.B.17.F - PRA Dimensions for Usable Open Space

a. General

- ## b. Plazas and Squares

c. Playground

d. Greens

1) Minimum 80 percent unpaved surface area (turf, groundcover, soil or mulch).

- ### e. Streetscape Credit

f. Street Frontage

g. Shade

h. Pervious Areas and Landscaping

i. Pedestrian Amenities

- ## 10. Parking and Loading Standards

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

a. Location and Access

Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure. Parking and service areas shall be located along or at the rear of building(s) with exception to on-street parking, including required frontage streets.

1) On-street Parking

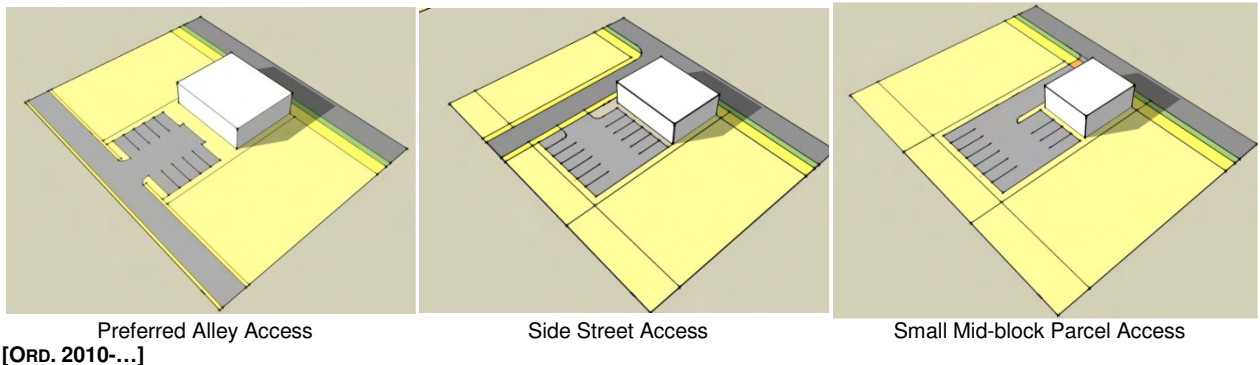
Parking in front of buildings shall only be permitted where on-street parking is allowed.

2) Parking Lots

It is the intent that parking lots shall be located behind buildings to screen from view from all street frontages and usable open space areas, unless specified otherwise herein. Exceptions shall be permitted for secondary streets. The perimeter of parking lots shall be framed by a street-wall using:

- Buildings; or,
- A five foot wide landscape strip that includes a minimum 30 inch high hedge or concrete street-wall, with canopy trees planted 30 feet on center. Breaks to allow for pedestrian access shall be permitted.
- Separation between parking and parallel alleys shall not be required for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive isles.

FIGURE 3.B.17.F – TYPICAL PARKING LOCATION AND ACCESS



3) Parking Garages

a) Liner Building Requirements

Parking garages shall not front a street unless constructed as a Liner Building, and shall comply with the following:

- Parking structures located on Slip Street and Primary frontages shall be completely screened by buildings with habitable uses on all stories.
- Parking structures located on a Secondary frontage shall be completely screened by buildings with habitable uses on at least the first story.
- Parking structures facing alleys do not have a habitable use screening requirement on the alley façade.

b) Threshold

Parking for any use in excess of five spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure/garage.

4) Row House

Parking for Row Houses shall only be permitted to the rear and shall meet the requirements for town house parking. Garage setbacks shall be in accordance with PDRs for Row Houses.

5) Service and Loading Areas

All service and loading areas shall be located along the rear or side of buildings, and shall not be visible from usable open space areas, streets or abutting residential neighborhoods. The service areas shall be located within the footprint of the building or immediately adjacent to the building. Required loading space areas may be waived, reduced in number or dimension, in accordance with Art. 6.B, Loading Standards, or by PRA waivers.

- Waste and recycling containers shall be integrated within in the building or entirely screened from view.
- Loading docks, service areas and trash disposal facilities shall not face usable open space areas, a street frontage or an abutting residential neighborhood unless screened from view or integrated within a building.
- Trash collection and other services shall be accessed through the alley.

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

b. Parking Ratios

The required number of parking spaces shall correspond to broad uses and not to a specific use, and shall be responsive to the long term transition of tenants within a non-residential or mixed use development. The applicant may choose from the following parking requirements:

1) Non-residential

- a) Minimum: one space per 333 square feet of GFA (3/1000) excluding assembly, and 1 space per 5 seats for assembly uses;
- b) Where uses are not intended to allow for transition to other uses, the general parking standards outlined in Art. 6, Parking may be applied, provided that use limitations are identified on the DRO approved site plan;
- c) Reduction in required parking through use of a shared parking study, as defined in Art. 6, Parking; or,
- d) If eligible, credit may be given for any perimeter on-street parking spaces located along secondary streets, subject to approval by the County Engineer (use of this option may be limited to where the developer pays for required improvements), or for any new slip street or internal street parking developed.

2) Residential

Multi-family residential parking ratios may be reduced in accordance with Table 3.B.15.I, WCRAO Mixed Use Parking Deviations.

c. Bicycle Parking

One parking area shall be provided for every five units in multi-family housing and for every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle parking space required, a stationary object shall be provided to which a user can secure the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO approved alternative.

11. Landscape Standards

Landscaping shall be in accordance with Art. 7, Landscaping, unless stated otherwise herein:

a. Perimeter Buffers

1) Streetscape Exemptions

Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be required where an PRA streetscape is required.

2) Compatibility Buffers

The PRAs shall be exempt from compatibility buffer requirements.

3) Alternative Incompatibility Buffer

The following incompatibility buffer option may be utilized subject to the following:

- a) Shall be a minimum of ten feet in width, and, easement encroachment shall be prohibited, with exception to drainage easements;
- b) An eight foot tall solid concrete block or panel wall shall be installed along the affected property line, with a setback a minimum of two feet to allow for maintenance of the exterior side of the wall. Setback may be increased as needed to accommodate required footers;
- c) The required wall shall be constructed of materials and with a design consistent with the principal building, and shall have the same architectural finish treatment and color on both sides of the wall.
- d) Exterior landscape areas shall have groundcover that is low maintenance and does not impede necessary access for maintenance;
- e) Canopy trees shall be planted along the internal side of the wall to be spaced a minimum of 20 feet on center;
- f) A hedge shall be installed in accordance with the standards for medium shrubs, as specified in Table 7.F.7, Shrub Planting Requirements; and,
- g) A drainage easement may be permitted within the buffer on the interior side of the wall to be used as a storm-water management system, subject to approval by Land Development.

b. Foundation Planting

The PRAs shall be exempt from foundation planting requirements.

c. Alternative Parking Lot Design Options

This section provides landscape or alternatives, or reductions for interconnectivity that allow for the use of innovative design or green building materials necessary for smaller sites or desired for larger projects. The following may be used individually or in combination:

1) Option 1

Projects that are one-half acres or less in size, with 20 or fewer parking spaces may relocate all interior landscape parking materials into one open space preserve;

2) Option 2

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EXHIBIT Q

URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS

(Updated 06/28/10)

Projects that are two acre or less in size may reduce required terminal island landscape width to a minimum of five feet in width of landscape area;

3) Option 3

Landscape area and shrub requirements for terminal, interior and divider median islands may be replaced with bio-swales and appropriate landscaping, provided that required canopy trees can be accommodated. Alterations to required curbing may be permitted subject to demonstration that vegetated areas are protected from vehicles and that there will be no adverse impacts to pedestrians;

4) Option 4

Up to a maximum of 25 percent of required terminal, interior and divider median landscape areas shall not be required provided those parking areas provide shade by installing covered parking that utilizes materials with appropriate solar reflectance index (SRI) depending on the pitch of the roof of the structure.

5) Option 5

Required terminal, interior and divider median landscape areas and required shrubs shall not be required, subject to the following:

- a) The number of required terminal, interior and divider median trees are doubled;
- b) Trees are protected by curbing, wheel stops or other similar methods of protection;
- c) Green building standards for tree wells and related root growth areas are utilized;
- d) All abutting parking spaces utilize pervious pavement that has an SRI of at least 29 to improve solar reflectance; and,
- e) Land Development approval.

6) Option 6

No interior island required if parking spaces are abutting landscape buffers, street walls or tree planting areas.

d. Rear or Side Entrances

Buildings with secondary entrances located on the side or rear facades shall either apply the streetscape standards for a side street building frontage; or shall provide foundation planting along a minimum of 50 percent of the applicable façade, with a minimum depth of five feet, to be planted in accordance with Art. 7, Landscaping, with a sidewalk a minimum of five feet in width as needed to separate pedestrians from abutting vehicle use areas along the building façade.

13. Signage Standards

Signage shall be in accordance with Art. 8, Signage, unless stated otherwise herein.

a. Freestanding Signage Prohibitions

Freestanding signs, including outparcel identification signs, shall be prohibited, with exception to Development Orders that include buildings located on internal streets that do not have any frontage on a perimeter street, subject to the limits of Table 8.G.2.A or the following, whichever is more restrictive:

- 1) Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height; and,
- 2) A maximum of one freestanding sign per right of way frontage shall be permitted.

G. PRA Waivers

The applicant may apply for waivers for development standards in accordance with Art. 3.F.17.D.3, Waivers and Table 3.B.17.G, PRA Waivers. Waiver requests shall be submitted concurrently with any DRO application, and shall reviewed by the Zoning Director for denial, approval or approval with conditions, prior to either DRO certification or approval. The following table summarizes the development standards that could be requested through a waiver process:

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

1

TABLE 3.B.17.G – PRA WAIVERS

REQUIREMENTS	MAXIMUM WAIVER	MINIMUM CRITERIA OF REVIEW
STREET STANDARDS		
Art. 3.B.17.F.4, Street Standards	Allow additional lanes, or minor increases in lane width.	<div>- Where required to accommodate traffic, or where required by the DEPW or Palm Tran.</div> <div>- Minimum deviation required and remains generally consistent with TDD street standards.</div> <div>- Consistent with livable street standards that prioritize pedestrian safety.</div>
BLOCK STANDARDS		
Table 3.B.17.F, Block Dimension Requirements	Allow smaller block sizes.	<div>- Location of existing streets precludes meeting desired average block face or perimeter; or,</div> <div>- Demonstration that smaller blocks are necessary for traffic circulation, and do not adversely impact pedestrian circulation or requirement that parking be located behind the street wall.</div>
INTERCONNECTIVITY STANDARDS		
Art. 3.B.17.F.5, Interconnectivity Standards	No interconnectivity requirement.	<div>- Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails, or other similar facilities.</div>
Art. 3.B.17.F.5.c, Gates	Allow use of gates within the development.	<div>- Special circumstances between adjacent uses.</div> <div>- Specific user requirements within the PRA project requires the use of gates, provided such does not impact the continuity of required blocks, streets or alleys.</div>
BUILDING STANDARDS		
Art. 3.B.17.F.6.b.3), Building Hierarchy	Allow deviations from perimeter placement.	<div>- Internal streets shall be required to establish building frontage.</div> <div>- Necessary to allow for expansion of existing buildings or uses.</div> <div>- Will not result in inability of perimeter frontages to be developed in accordance with PRA requirements.</div>
Art. 3.B.17.F.6.f.2), Primary Entrances	Allow 100% increase in distance.	<div>- Façade is less than 150 feet in length.</div>
USABLE OPEN SPACE STANDARDS		
Art. 3.B.17.F.9, Civic and Usable Open Space Standards	Allow for reduction.	<div>- Lot less than 2.5 acres in size having insufficient frontage to accommodate usable open space in pedestrian streetscape areas.</div>
PARKING STANDARDS		
Art. 3.B.17.F.10.a.6), Service and Loading Areas; and, Art. 6.B.1, Loading.	Waive or reduce required loading spaces, dimensions for width, length, maneuvering area, and location.	<div>- Limitations due to access, lot size; location of residential uses; proximity to streets or alleys; or vehicular circulation.</div> <div>- Document that any loading alternatives will not adversely impact pedestrian or vehicular circulation, including alleyways, drive isles, handicapped accessibility, or other similar functional considerations.</div> <div>- Document that any loading alternatives will not conflict with DEPW or FDOT requirements.</div>
Landscape Standards		
Art. 7.F.9, Incompatibility Buffer	Allow use of Compatibility Buffer in lieu of Incompatibility Buffer.	<div>- Where abutting any PRA residential building type, provided that such buildings provide screening from any commercial or civic uses.</div> <div>- Upon demonstration of site design that uses preserves, passive open space areas, drainage retention areas a minimum of 50 feet in width, or other screening a minimum of 6 feet in height to create buffers between non-residential uses and residential neighborhoods.</div>
[Ord. 2010-...]		

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

Part 10. ULDC, Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (page 82 of 195), and is hereby amended as follows:

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

FLU Designation		Zoning District				
.....						
LR-1	AR ^{§2}	RE ^{§2}	RT	AP ²		
LR-2	AR ^{§2}	RE ^{§2}	RT			
LR-3	AR ^{§2}	RE ^{§2}	RT			
MR-5	AR ^{§2}	RE ^{§2}	RT ^{§2}	RS	RM	
HR-8	AR ^{§2}	RE ^{§2}	RT ^{§2}	RS	RM	
HR-12	AR ^{§2}	RE ^{§2}	RT ^{§2}	RS ^{§2}	RM	
HR-18	AR ^{§2}	RE ^{§2}	RT ^{§2}	RS ^{§2}	RM	
Commercial						
.....						
UC	UC	SD				
UI	UI	SD				
.....						
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-...]						
Notes:						
1.	Unless exempted otherwise by Art. 3.C.1.B, Standard District Exceptions and Limitations, or where a parcel is rezoned to a PDD or TDD, all new development such as any application for a rezoning, conditional use or subdivision of property shall require the subject site be rezoned to a shaded district.					
2.	Typical Example of a "shaded district."					
3 2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with Art. 3.C.1.B.1.					

Part 11. ULDC, Art. 3.C.1, Future Land Use (FLU) Designation and Corresponding Districts (page 86 of 195), and is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 Future Land Use (FLU) Designation and Corresponding Districts

- H. PRA, Priority Redevelopment Area Districts**
PRA districts shall be subject to the requirements of Art. 3.B.17, Priority Redevelopment Area Overlay.
- 1. UC, Urban Center District**
The UC district is the most intense PRA district, typically comprised of larger interconnected commercial subareas with buildings containing a well-balanced mix of residential, commercial, civic and recreational uses.
- 2. UI, Urban Infill District**
The UI district accommodates mixed use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The UI consists primarily of residential uses, with non-residential uses encouraged on the 1st story of buildings.
- 3. SD, Specialized Development District**
The SD district is an optional district to accommodate projects that cannot conform to the mixed use requirements of the PRA's or are generally desirable and contribute to the furthering of County directions and characteristics of a livable community. Development of parcels in the SD district shall be in accordance with the standards of Art. 3.B.17, URAO, unless permitted otherwise herein.

[Renumber accordingly]

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

Table 3.D.1.A - Property Development Regulations

[Ord. 2005 – 002] [Ord. 2005-041]

Notes:

10. Building setbacks shall be in accordance with Art. 3.B.17, Priority Redevelopment Area Overlay.

[Renumber accordingly.]

j. Priority Redevelopment Area (PRAs)
Shall only be permitted in the SD district.

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URBAN REDEVELOPMENT AREA SUMMARY OF AMENDMENTS (Updated 06/28/10)

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

64. Green Market

A permanent Green Market shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO site plan. A Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2.

f. Bay Door Orientation

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**

Bay doors shall not be oriented towards perimeter streets.

g. Priority Redevelopment Area (PRAs)

Drive through shall only be permitted in the the SD district.

f. Priority Redevelopment Area (PRAs)

Outdoor sales or rental display or storage areas shall only be permitted in the SD district.

c. Infill Redevelopment Overlay (IRO) and Priority Redevelopment Area (PRAs)

A veterinary clinic shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel.

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

Part 14. ULDC, Table 5.G.1.B, Workforce Housing Program (page 65 of 93, Ord. 2010-005), is hereby amended as follows:

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

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S
	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18, <u>UC and UI</u>
Density Bonus Incentive		
LR-1 thru LR-3		up to 30%
MR-5 thru HR-18 (2)		up to 100% (Pre-App required for > 30%)
<u>UC or UI</u>		<u>N/A</u>
Required % of WHP Units (3)		
Standard Density		5%
Maximum Density		16%
WHP Density Bonus		34%
<u>UC or UI</u>		<u>15%</u>
Required WHP Ranges (4)(6)		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (>100-120%)		25%
Middle (>120- or ≤ 140%)		25%
Provision of Units		
....		
[Ord. 2006-055] [Ord. 2007-013] [Ord. 2010-005]		
Notes:		
....		
(6) <u>UC or UI applications: Consideration may be given to additional affordable housing household incomes in developments requesting all or a portion of the 15% unit requirement within their proposal be based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or by an entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust). The final determination is to be made by the Planning Director or designee.</u>		

Part 15. ULDC, Art. 7.C, MGTS Compliance [Related to Landscaping] (page 13 of 48), and is hereby amended as follows:

CHAPTER C MGTS TIER COMPLIANCE

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.

Section 1 U/S Tier

Landscaping in the U/S Tier should have a higher level of detail and more structure, such as pedestrian accents, formal arrangements in perimeter landscape and buffers, street tree plantings, and inter-connections between pedestrian and vehicular areas. The Revitalization and Redevelopment Overlay, Priority Redevelopment Areas, and Westgate/Belvedere Homes Community Redevelopment Area, among others, serve to promote infill redevelopment or more urbanized forms of development and allow for commensurate forms of urban landscaping that accommodate CPTED principles, walk-ability and other attributes of the urban environment. ~~is located with the U/S Tier and recognizes the unique opportunities and restrictions often encountered in development of infill parcels.~~ Greater flexibility and alternative landscape solutions are available to promote development within the boundaries of these areas. However, it also recognizes the unique opportunities and restrictions that may be encountered for parcels developing consistent with Art. 3.B.16, Infill Redevelopment Overlay, and recommends allowing greater flexibility and alternative landscape solutions to be made available to these types of projects.

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EXHIBIT Q

URBAN REDEVELOPMENT AREA
SUMMARY OF AMENDMENTS
(Updated 06/28/10)

Table 7.C.3 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers ⁷			
....			
Interior Landscaping ⁷			
....			
Plant Standards ⁷			
....			
Foundation Planting ⁷			
....			
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040]			
Notes			
....			
5. Interior quantities for shrub planting shall be calculated based on gross lot area, excluding preservation areas and lake tracts. [Ord. 2009-040]			
6. TDDs, <u>LCC, IRO and PRA Development Orders</u> are exempt from foundation planting requirements for primary and secondary, <u>or other similar types of</u> building frontages, buildings along an alleyway or access-way to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004]			
....			

Part 16. ULDC Art. 17.C.1.B, Installation (page 19 of 26), is hereby amended, as follows:

CHAPTER C Appointed Bodies

Section 13 Zoning Commission

B. Powers and Duties

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

....
8. to consider and render a final decision on appeals of denials for Zoning Waivers.

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EXHIBIT R

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC, Art. 3.B.15.B.1, Nonconformities (page 36 of 195), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

B. General Development Standards

1. Nonconformities

Nonconforming uses, structures and lots shall be allowed to continue subject to the provisions of Art. 1.F, Nonconformities and the following: [Ord. 2006-004]

a. Expansion of Existing Non-conforming Parking

The addition of parking that does not meet the location requirements of this Section, that is included in the expansion of a non-conforming structure shall be permitted subject to BCC approval of a Class A Conditional Use. [Ord. 2006-004]

b. Permitted Uses and Uses Subject to DRO Approval within Nonconforming Structures

The WCRA Plan encourages rehabilitation of existing commercial and residential properties to prevent and eliminate slums and urban blight, to promote physical and economic revitalization of the neighborhoods and commercial areas, and to improve the visual appearance of existing structures and the overall experience of the area. Uses permitted by right and uses subject to DRO approval therefore may exceed the allowable percentages of Table 1.F.1.G, Nonconformities – Percentage (1) and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair, up to a maximum of 50 percent provided all the standards below are met:

1) Exterior Building and Site Elements Improvements

A minimum 25 percent of the total maintenance, renovation, or natural disaster damage repair improvement value shall be dedicated to exterior building and site elements. Of that percentage, a minimum of ten percent shall be dedicated to façade improvements abutting the ROW and a minimum ten percent shall be dedicated to landscape improvements;

2) Limitation

The total maintenance, renovation, or natural disaster damage repair improvements for the proposed use(s) may be allowed only if the proposed improvements will not cause an increase in building square footage or generate additional parking unless the additional parking requirements or design is required to bring the site into compliance with the ULDC to the greatest extent possible; and,

3) Certification of Improvements

The detailed justification statement of compliance to the above standards and calculations of the improvements, including the total improvement value for the project, shall be signed and sealed by the architect of record for the project, and shall be reviewed and certified by the Westgate CRA for compliance with this section prior to submittal to the Building Division.

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EXHIBIT R

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 2. ULDC, Table 3.B.15.E, WCRAO Sub-area Use Regulations (page 40 of 195), is hereby amended as follows:

Table 3.B.15.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2) ²
Residential Uses								
Multi-family	X	-	-	-	-	-	-	87
Commercial Uses								
Adult entertainment (3) ³	X	X	X	X	X	X	X	2
Auto Service Station	X	X	X	-	-	-	-	18
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Day Labor Employment Serv.	X	X	X	X	X	X	X	41
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Self-service Storage	X	X	X	X	-	-	-	120
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Office Warehouse	X	X	X	X	A (1) ⁺	A (1) ⁺	A (1) ⁺	138
Work/Live Space <u>Or Live/Work Unit</u>	X	P (4) ⁴	P (4) ⁴	P (4) ⁴	P (4) ⁴	P (4) ⁴	P (4) ⁴	141, 141-2
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040]								
Key								
X Prohibited in Sub-area. - Subject to Use Regulations of zoning district. P Permitted by Right [Ord. 2007-013] [2009-040] A Class A Conditional or Requested Use								
Notes:								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004] 2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004] 3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013] 4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]								

Part 3. ULDC, Art. 3.B.15.F, Property Development Regulations (PDRs) (page 42 of 195), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

a. NRM, NG and NC Side Setback Reduction

A building in the NRM, NG and NC sub-areas may be built along the interior side property line with a zero setback, subject to the following for the façade built with a zero setback: [Ord. 2006-004]

- 1) No windows, doors or other openings are permitted. No portion of building, including roof eaves, gutters and soffits may encroach onto adjacent property. [Ord. 2006-004]
- 2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting when visible, shall be permitted. [Ord. 2006-004]
- 3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of a structure left exposed and requiring limited maintenance, such as cleaning and painting. [Ord. 2006-004]
- 4) Height shall be limited to two stories and a maximum of 25 feet for properties in the NRM and NG sub-areas abutting existing single-family uses. Additional height may be permitted subject to the standard setback and any other setback requirements. [Ord. 2006-004]

....
2. Build to Line and Frontages

a. Build to Line

....
b. Building Frontage

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EXHIBIT R

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Building frontage shall be in accordance with the requirements for each Sub-area and Figure 3.B.15.F, WCRAO Sub-area Building Configurations and Lot Placements, and Figure 3.B.15.F, Required Building Orientation. Frontage requirements may be reduced for lots with no rear access to required parking to accommodate a drive ~~isle~~ aisle to the rear of the lot and required landscaping.

....

Part 4. ULDC, Table 3.B.15.F, WCRAO Sub-area PDRs (page 41 of 195), is hereby amended as follows:

Table 3.B.15.F – WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Lot Dimensions:							
Minimum Lot Depth	90'	-	-	-	-	-	-
Maximum Building Coverage	-	40%	40%	40% (2) [±]	40% (2) [±]	40% (2) [±]	45% (2) [±]
Setbacks:							
Front <u>or Side Street (1, 3)</u> ^{1,3}	-	Build to Line - 15'	Build to Line -15'	Build to Line -10'	Build to Line - C/MU: 10-25'	-	Build to Line - C 10' -25'
Side ¹	-	10' (4) ⁴	10' (4) ⁴	10' (4) ⁴	15'	15'	15'
Side Street ^{1,3}	-	Build to Line	Build to Line	Build to Line	Build to Line	-	Build to Line
Rear (1, 4) ^{1,4}	-	25'	25'	25'	25'	25'	25'
Build to Line [±] :							
Frontage [±]	-	15'	15'	10'	C/MU: 10-25'	-	C-10'—25'
Minimum Building Frontage							
Frontage (1) [±]	-	60%	60%	80%	60%	-	C: 60%
Plazas and Squares							
Build to Line Exception (1, 5) [±]	-	20 50% of frontage, <u>minimum length or frontage of 20' and a maximum up to a depth of 20 25'</u>				-	-
Min Width ^{1,5}	-	20'	20'	20'	20'	-	-
Minimum Length [±]	-	20'	20'	20'	20'	-	-
Maximum Height (7)							
Stories (1) [±]	-	3	4	6	20	10	15
Feet (1, 7) [±]	-	36'	48'	72'	240'	120'	180'
Accessory dwellings	2 stories and 25'			-	-	-	-
Other							
Maximum Building Length (1, 6) ^{1,6}	-	300'	300'	300'	300'	-	-
Key							
-	PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.						
C	For Commercial Uses						
MU	For Mixed Uses						
[Ord. 2006-004]							
NOTES:							
1. Single-family dwellings shall not be required to comply with identified Sub-area PDRs. [Ord. 2006-004]							
2. Building coverage may be increased to 60% if all parking is provided offsite or in a parking structure. [Ord. 2006-004]							
3. Additional setbacks may apply per Art. 3.B.15.F.3, Sky Exposure Plane. [Ord. 2006-004]							
4. Side setbacks may be reduced to zero in accordance with Art. 3.B.15.F.1.a, NRM, NG and NC Side Setback Reduction. [Ord. 2006-004]							
5. Width may be reduced by 50 percent for buildings <u>with a building frontage</u> less than 80 feet in length <u>along the build to line</u> . [Ord. 2006-004]							
6. Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]							
7. <u>Minor increases in maximum height may be permitted subject to all of the standards of Art. 5.C.1.E.4.a – c and as exempted by Art. 3.D.1.E.4. and as defined by Art. 1.</u>							

Part 5. ULDC, Art. 3.B.15.G, Supplementary Standards (pages 46 thru 47 of 195), is hereby amended as follows:

CHAPTER B OVERLAYS

SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

G. Supplementary Standards

-
1. Accessory and Prohibited Uses
-
2. Fences, Walls and Hedges

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EXHIBIT R

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Interior fences and walls in the NRM, NG and NC Sub-areas shall be decorative in nature, and shall not obstruct views of pedestrian access-ways, courtyards, or parking entrances. Lots developed for single-family residential use may be exempted from this requirement. [Ord. 2006-004]

....
3. Architectural Guidelines
a. Porches and Balconies

....
b. Building Entrance Orientation
All uses in the NRM, NG, NC and UG Sub areas shall have a principal entrance on the first floor oriented towards the street used as the primary frontage for the building. Buildings less than 100 feet in length or frontage or sites less than one acre in size may be exempted from this requirement. [Ord. 2006-004]

c. Fenestration Details - Windows and Doors
All mirrored or reflective glass, sliding glass doors and glass blocks shall be prohibited. Where required, glazing shall have a minimum 85 percent transparency. A minimum of six square feet of glazing per linear foot of façade shall be provided at a pedestrian scale, on the first floor frontage or side street frontage. ~~A minimum of two square feet of glazing per linear foot facade shall be required per floor, for all floors on the frontage or side street frontage.~~ [Ord. 2006-004]

d. Arcades and Galleries
Arcade or gallery dimensions shall be in accordance with Figure 3.B.15.G, WCRAO Arcade and Gallery Standards. Where arcades and galleries are required, galleries shall not exceed ~~25~~ 50 percent of the total building frontage. [Ord. 2006-004]

....

Part 6. ULDC, Art. 3.B.15.H.1.b, Approval Process [Related to Density Bonus Programs] (page 48 of 195), is hereby amended as follows:

CHAPTER B OVERLAYS

SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

H. Density Bonus Programs

1. Density Bonus Pool

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.15.H, WCRA Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the BCC administratively by the Division responsible for reviewing the application. [Ord. 2006-004]

Part 7. ULDC, Art. 3.B.15, WCRAO, (page 52 of 195), is hereby amended to add new Art. 3.B.15.J, Landscaping, as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

J. WCRAO Landscape Deviations

1. Foundation Planting

A. Build to Line

Required foundation planting along any façade with a required build to line may be deleted. [Relocated from Art. 7.D.11.B, WCRAO Exemptions]

B. Foundation Planting Deviations

The following deviations shall be permitted subject to DRO approval of an ALP:

1) *The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent.* [Relocated from Art. 7.D.11.B, WCRAO Exemptions]

2) *Side foundation planting may be eliminated for buildings using a zero side setback.* [Relocated from Art. 7.D.11.B, WCRAO Exemptions]

3) *Side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25 percent if the applicant can*

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WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

- demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. [Relocated from Art. 7.D.11.B, WCRAO Exemptions]*
- 2. Perimeter Buffer Width Reductions**
A required R-O-W or incompatibility buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects, provided that a minimum five foot wide planting areas is provided with no encroachments, and that all other code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used. [Relocated from Art. 7.F.10, WCRAO Exceptions]
- 3. R-O-W Planting Reductions**
Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed use project in the NRM, NC, NG and UG Sub-areas. [Relocated from Art. 7.F.10, WCRAO Exceptions]
- 4. Parking Lots**
Side interior perimeter buffers are not required where adjacent to a surface parking lot that shares a common border with and is interconnected to an adjacent surface parking lot, subject to DRO approval. [Relocated from Art. 7.F.10, WCRAO Exceptions]
[Renumber accordingly.]

Part 8. ULDC, Table 4.A.3.A, Thresholds for Projects Requiring DRO Approval (page 20 of 166), is hereby amended as follows:

Table 4.A.3.A – Thresholds for Projects Requiring DRO Approval

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
IR	Any project utilizing the Infill Redevelopment Overlay
WCRAO	All commercial or industrial development and residential development of more than two dwelling units.
[Ord. 2010-005]	
Notes:	
1.	Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Platting and Required Improvements or which exceeds the threshold above.
2.	Projects exceeding the thresholds above shall comply with Article 5.C, DESIGN STANDARDS.

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EXHIBIT R

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 9. ULDC, Art. 7.D.11.B, WCRAO Exemptions (pages 22 of 48), is hereby amended, as follows:

CHAPTER D GENERAL STANDARDS

Section 11 Foundation Plantings

B. WCRAO Deviations Exemptions

Parcels located in the WCRAO may deviate from foundation planting requirements pursuant to Art. 3.B.15.J., WCRAO Landscape Deviations.

1. Build to Line

~~Required foundation planting along any façade with a required build to line may be deleted.~~
[Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

2. Foundation Planting Deviations

~~The following deviations shall be permitted subject to DRO approval of an ALP:~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

a. ~~The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on-site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

b. ~~Side foundation planting may be eliminated for buildings using a zero side setback.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

c. ~~Side foundation planting may be relocated on-site or the equivalent required landscaping within the site, be increased in height by 25 percent if the applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

Part 10. ULDC, Art. 7.F.10, WCRAO Exceptions (pages 39 of 48), is hereby amended, as follows:

CHAPTER F PERIMETER LANDSCAPE REQUIREMENTS

Section 10 WCRAO Deviations Exceptions

Parcels located in the WCRAO may deviate from perimeter landscape requirements pursuant to Art. 3.B.15.J, WCRAO Landscape Deviations.

A. Perimeter Buffer Width Reductions

~~A required R-O-W or incompatibility buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects, provided that a minimum five foot wide planting areas is provided with no encroachments, and that all other code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

B. R-O-W Planting Reductions

~~Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed use project in the NRM, NC, NG and UG Sub-areas.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

C. Parking Lots

~~Side interior perimeter buffers are not required where adjacent to a surface parking lot that shares a common border with and is interconnected to an adjacent surface parking lot, subject to DRO approval.~~ [Relocated to new Art. 3.B.15.J, WCRAO Landscape Deviations]

U:\Zoning\CODEREV\2010\BCC Hearings\2010-01 Round\2 7-22-10 First Reading\Exhibit R - Westgate Community Redevelopment Area Overlay.docx

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 1. ULDC Art. 1.I, Definitions and Acronyms (page 35 and 107 of 114), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....
65. Allocation Plan, AGE – for the purposes of Art. 3, an AGE Allocation Plan means a graphic and informational representation of an AGE FLU amendment Conceptual Plan, used to verify compliance with transect zone acreage, density and intensity requirements. The AGE Allocation Plan includes the general location or layout of arterials and collector streets, access points, location of proposed uses, Transect Zone requirements for acreage, density and intensity, and any remnant parcels that are located within the boundaries of an AGE, but was not included in the FLU amendment.

[Renumber accordingly.]

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

....
18. Village Center, AGE – for the purposes of Art. 3, an AGE Village Center means a TMD or TND Neighborhood Center.

[Renumber accordingly.]

Part 2. ULDC Art. 1.I.3, Abbreviations and Acronyms (page 110 and 114 of 114), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....
AGE Agricultural Enclave
AGEO Agricultural Enclave Overlay

....
VC Village Center
....

Part 3. ULDC Art. 2.A.1.G.3.h, Other Types of Plans, (page 12 of 56), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

3. Plan Requirements

h. Other Types of Plans

....
3) Agricultural Enclave Allocation Plan
The AGE Allocation Plan shall be required for any Development Order application for a rezoning, requested or conditional use within an AGE, including any related Development Order amendments, but excluding any exempted agricultural uses. Approval of an Allocation Plan by the BCC shall be binding upon the landowners subject to the Development Order, their successors and assignees. All other required Plans, excluding exempted agricultural uses, shall be consistent with the AGE Allocation Plan. The AGE Allocation Plan includes the general location or layout of arterials and collector streets, access points, location of proposed uses, Transect Zone requirements for acreage, density and intensity, and any remnant parcels that are located within the boundaries of an AGE, but was not included in the FLU amendment. All subdivisions and plats shall be consistent with the AGE Allocation Plan. The Allocation Plan shall include all land areas located within an AGE and shall be consistent with the Conceptual Plan and New Urbanism Guiding Principles adopted with a Site Specific AGE FLU amendment.
a) AGE Preliminary Allocation Plan

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

The BCC shall approve an AGE Preliminary Allocation Plan for any application for a rezoning.

b) AGE Final Allocation Plan

Any application for FSP or FSBP within the AGE shall require the submittal of an AGE Final Allocation Plan for DRO approval. The AGE Final Allocation Plan shall be consistent with the BCC approved AGE Allocation Plan, and all modifications shall be approved by the BCC unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, whichever is more restrictive.

....

Part 4. ULDC 3.B, Overlays (page 81 of 195), is hereby amended to add new Section 3.B.18, Agricultural Enclave Overlay (AGEO), as follows:

CHAPTER B OVERLAYS

Section 18 Agricultural Enclave Overlay (AGEO)

A. Purpose and Intent

These regulations are intended to provide supplemental standards for PUD, TDD and PO district applications within an Agricultural Enclave, as necessary to ensure compliance with related goals, policies and objectives of the Plan, F.S. 163.3162, and a Site Specific AGE FLU amendment. The AGE must include appropriate new urbanism concepts to achieve clustering, mixed use development, the creation of village centers, and the transfer of development rights. The Plan allows for an AGE to be rezoned as a TTD as contained in Art. 3.F.5, or developed as a single, or series of, Development Orders.

B. Boundaries

The boundaries of an AGEO shall be consistent with an AGE Site Specific FLU amendment.

C. Applicability

The provisions of the AGEO shall apply to any application for a rezoning within an AGE. Properties with an AGE FLU designation may only be rezoned to a TDD, PUD or PO district.

1. Bona-fide Agricultural Uses

Existing or new bona fide agricultural uses shall be permitted in the AR district or an area within an approved Development Order for a rezoning, until such time as a specific area of the AGE physically converts to the uses permitted by the applicable Development Order.

D. Allocation Plan Requirements

Any application for a Development Order for a rezoning, conditional or requested use approval, or Development Order Amendment, within an AGEO shall be consistent with an AGE Site Specific FLU amendment Conceptual Plan. The Conceptual Plan shall govern future development. Any interpretation of the Conceptual Plan shall be made by the Planning Director. The first applicant for a Development Order subject to the AGEO shall prepare the Allocation Plan in a form established by the Zoning Director. Subsequent submittals shall include all previous approvals and any concurrent applications. The AGE Allocation Plan shall include the following to ensure compliance with an AGE Site Specific FLU Amendment.

1. The location and boundaries of the Natural, Rural and Suburban Transects;
2. An allocation chart delineating the percentages of Transect Zone acreages, range of density and intensity for the overall AGE and each Development Order for: a rezoning, conditional or requested use, or DOA;
3. General location of all civic sites and a summary chart for required or additional civic acreages;
4. General location of existing or proposed arterials, thoroughfares and collector streets;
5. Location and description of any remnant parcels located within the overall boundaries of the AGE not included in the Site Specific FLU amendment;
6. The following information shall be required for individual Development Orders for rezoning, conditional or requested uses, or DOAs, as applicable:
 - a. Density or intensity;
 - b. Location of all internal and external access points;
 - c. Identification of Suburban Transect Sub-zones.
 - d. Identification of Natural Transect areas approved as part of an Interconnected System.

E. AGE Transects

The AGE requires the use of a series of Transect Zones that serve to cluster density, promote a variety of neighborhoods and housing types, and to act as transition areas between development within the AGE and adjacent existing neighborhoods and existing or proposed arterials and collector streets.

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

1. Density and Intensity

An AGE allows for the transfer of density between Transect Zones, and only allows for the use of density within the Rural and Suburban Transects. The limits for non-residential intensity shall not apply to civic or institutional uses where permitted by the applicable Zoning district. Minimum and maximum acreage, density and intensity shall be within the ranges permitted in the AGE Transect Zone Allocation Requirements table below, or in accordance with the AGE Site Specific FLUA where more restrictive.

Table 3.B.18.E – AGE Transect Zone Allocation Requirements

Transect	Total AGE Acreage		Density		Intensity (1)	
	Min	Max	Min	Max	Min	Max
Natural	40%	-	Prohibited		Prohibited	
Rural	20%	25%	1 unit/20 acres	1 unit/2 acres	(2)	
Suburban	-	40%	1 unit/2 acres	6 units/acre	(2)	
Neighborhood Edge Zone	-	20%	1 unit/2 acres	1 unit/acre		
Neighborhood General Zone	-	30%	1 unit/acre	3 unit/acre		
Neighborhood Center Zone Village Center	-	10%	4 units/acre (4)	-	(3)	
[Ord. 2010-...]						
Notes:						
1.	Minimum and maximum intensity shall apply to any square footage located within a Village Center, but shall not apply to public or civic uses, or equestrian related uses where permitted by this Overlay and located in areas outside of a Village Center.					
2.	Commercial uses shall be limited to Village Centers approved as part of a Site Specific FLU Amendment, or equestrian centers and accessory commercial recreation facilities associated with equestrian facilities.					
3.	Shall be in the form of a TMD or TND neighborhood center where permitted by a Site Specific FLU amendment.					
4.	Shall include a minimum of 20 percent of the total units permitted within an AGE.					

2. Natural Transect

The Natural Transect shall be comprised of active and passive recreation uses, pastures and uses including agriculture, preservation, conservation, wetlands, greenways, landscaping, landscape buffers, water management tracts and well-fields.

a. Interconnected System

All areas classified as Natural Transect shall be physically linked and used to define and connect different neighborhoods and zones. Where applicable, Natural Transects shall be interconnected by the use of pedestrian pathways, bike lanes or equestrian trails,

b. Location

The Natural Transect is required along the outermost perimeter of an AGEO and the Rural Parkway. The Natural Transect may also be located within neighborhoods where developed as part of the Interconnected System. In order to be classified as Natural Transect, the width shall be pursuant to Table AGE Transect Zone, Natural Transect Width Requirements. Variances shall be prohibited from this Table.

Table 3.B.18.E – AGE Transect Zone, Natural Transect Width Requirements

Natural Transect	Minimum Width
AGEO Perimeter Boundary	100 feet (1)
Landscape Buffer adjacent to collector street, arterial street or Rural Parkway	50 feet measured from the edge of the ultimate R-O-W which shall include a pedestrian pathway, bike lane or equestrian trail (2)(3) (4)
Landscaping, Landscape Buffer adjacent to residential street	30 feet which shall include pedestrian pathway, bike lane or equestrian trail (3)(4)
Recreation	75 feet by 100 feet in length
Agriculture, Conservation, Greenways , Pastures, Preservation, Wetlands, Water Management Tracts Well fields,	100 feet
Notes:	
1.	Except where indicated pursuant to the Site Specific FLU Amendment Conceptual Plan
2.	Rural Parkways are identified by the Transportation Element of the Plan
3.	A minimum of eight feet in width for a single pedestrian pathway, bike lane or equestrian trail, and a minimum of 15 feet in width where a pedestrian pathway or bike lane is combined.
4.	Streets shall not be included in the Natural Transect, except for any unimproved portions dedicated as a parkway easement for non-vehicular pathways.

c. Overlap of Landscape Buffers

A required perimeter landscape buffer tract may be located within the Natural Transect, subject to all of the following:

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

- 1) The Natural Transect is included within the Development Order and shall be dedicated to the Master Property Owners' Association pursuant to Art.5.F.1.B.2, AG Enclave (AGE) for the affected area;
- 2) No reductions to required plant material is requested unless approved as part of an ALP; and,
- 3) Required landscape materials shall be located between development areas and any pedestrian pathways, bike paths, equestrian trails, or other similar use areas.
- 3. Rural Transect**
- The Rural Transect shall consist of sparsely settled lands including agricultural uses and equestrian estates. Equestrian centers and accessory commercial recreation facilities for use by residents of the AGE shall be permitted.
- a. Development Pattern**
- The following development pattern is encouraged in the Rural Transect: Provision of large lot configurations at the edge/perimeter of the Rural Transect where adjacent to the Natural Transect, with a transition to progressively smaller lot sizes concentrated around an identifiable centralized open space, Village Center, or other equestrian/agricultural use.
- b. Civic**
- Civic and institutional uses shall be limited to public civic and institutional, and equestrian use only.
- c. Recreation**
- Active recreation uses may include equestrian centers or related equestrian facilities. Equestrian uses shall be permitted in a TND or PUD in accordance with the Civic and AGR/P pod uses permitted in Table 3.E.1.B, PDD Use Matrix.
- d. Village Centers**
- Any commercial uses shall be located in a Village Center, unless specified otherwise herein. Village Centers may be permitted in accordance with an AGE FLUA Conceptual Plan where developed as a TMD or TND Neighborhood Center.
- 4. Sub-urban Transect**
- The Suburban Transect consists of low to medium density residential areas with some potential for the mixing of uses.
- a. Development Pattern**
- Clustering shall be established through the use of Sub-zones to achieve consistency with an AGE Site Specific FLUA Conceptual Plan.
- b. Sub-Zones**
- 1) Neighborhood Edge Zone**
- The Neighborhood Edge Zone allows for lower density large lot residential uses and shall be located along the outer perimeter of the Suburban Transect in accordance with the development pattern requirements above. The Neighborhood Edge Zone may abut the Natural Transect, Rural Transect, Neighborhood General Zone or Neighborhood Center Zone.
- 2) Neighborhood General Zone**
- The Neighborhood General Zone allows for single-family residential uses, but may also include small scale public and civic uses where appropriate. The Neighborhood General Zone may abut the Natural Transect, Rural Transect, Neighborhood Edge Zone or Neighborhood Center Zone.
- 3) Neighborhood Center Zone**
- The Neighborhood Center Zone allows for the clustering of all residential uses, mixed use and public and civic uses, and shall be pedestrian friendly, incorporating residential uses integrated in mixed use buildings which front usable open space areas accessible to the public. The Neighborhood Center Zone may abut the Neighborhood General Zone, Natural Transect where it consists of a Rural Parkway, or arterial streets.
- a) Village Center**
- All commercial uses shall be located in a Village Center, unless specified otherwise herein. A portion of the Neighborhood Center Zone may be designed as a Village Center. The Village Center shall be approved as a TMD or TND Neighborhood Center that incorporates some residential uses in mixed use buildings.
- 5. Design Standards**
- An AGE Development Order for a rezoning shall comply with the following:
- a. Neighborhood Design**
- Neighborhoods within the Suburban Transect shall be based on a street design that fosters alternative modes of transportation such as pedestrian pathways, bike lanes or equestrian trails. A minimum of 51 percent of residential units within the General Zone shall be located within a ½ mile radius of centrally located usable open space areas.

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Residential units within the Neighborhood Center Zone shall be located within a ¼ mile radius of commercial, mixed use, public spaces or schools.

b. Internal Street Network

Dead end streets or cul-de-sacs shall be prohibited within the Suburban Neighborhood Center and General Zones. The Suburban Transect shall be developed with enhanced connectivity between neighborhoods, schools, civic uses, and commercial uses where appropriate. Streets shall be configured to provide efficient circulation systems for pedestrians, non-motorized vehicles and motorists, and serve to functionally integrate uses in each Sub-Zone.

c. Recreation

Recreational amenities shall be required in accordance with the applicable Zoning standards for the district. A range of parks should be distributed within or near each neighborhood.

d. Storm-water Management

The storm-water management system shall be designed to provide connectivity with the linked open space network and buffers where appropriate.

e. Compatibility Buffers

Compatibility buffers shall not be required between PUDs or TDDs within the AGE.

f. Required Civic Location

Minimum civic area required for PUDs or TDDs may be relocated outside of the boundaries of a specific Development Order to central areas within the AGE where designated on the AGE Conceptual Plan and approved by the BCC.

Part 5. ULDC Art. 3.C.1.F.1, AR, Agriculture Residential District (page 85 of 195), is hereby amended, as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 Future Land Use (FLU) Designation and Corresponding Districts

F. Residential Districts

1. AR, Agriculture Residential District

d. Agricultural Enclave (AGE)

The AR district shall be consistent with the AGE FLU designation for purposes of allowing existing bona-fide agricultural uses to continue or expand, or for new bona-fide agricultural uses.

Part 6. ULDC Table 3.E.1.B, FLU Designation and Corresponding Planned Development Districts, (page 102 of 195), is hereby amended, as follows:

Table 3.E.1.B – FLU Designation and Corresponding Planned Development Districts (1) ¹

	AGR (2) ²	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	x	x	x	x	x	x	x	x	x	x	x	
MHPD		x		x	x	x	x	x	x	x		
MXPD									x	x		

	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			x	x	x	x	x	x	x	x	x
MXPD				x		x				x	x
PIPD							x			x	x
RVPD		x							x		
LCC			x	x							
[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005]											
Notes:											

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 7. ULDC Table 3.E.1.B, PUD Density , (page 103 of 195), is hereby amended, as follows:

Table 3.E.1.B - PUD Density

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	(3)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)		1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac
[Ord. 2006-004]										
Notes:										
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5acres.										
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 - 1 unit/2.5acres.										
3. Minimum and maximum density shall be in accordance with the specified Transect Zone and Sub-area of the AGE Site Specific FLUA Conceptual Plan.										

Part 8. ULDC Table 3.E.2.C, PUD Minimum Thresholds (page 122 of 195), is hereby amended, as follows:

Table 3.E.2.C –PUD Minimum Thresholds (Acreage)

	AGR	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	40 (80/20)	100	100 (Rural TZ)	5	5	5	5	3	3	3
Minimum Acreage	250 (60/40)		3 (Suburban TZ)							

Part 9. ULDC Art. 3.E.2, Planned Unit Development (PUD) (page 133 of 195), is hereby amended to add new Art. 3.E.2.H, AGE PUD, as follows:

CHAPTER E. PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2. Planned Unit Development

H. Agricultural Enclave (AGE) PUD

An AGE PUD shall comply with the additional development standards of Art. 3.B.18, Agricultural Enclave Overlay (AGEO).

1. Notice to Property Owners

At the time of submitting the Zoning application for a Development Order, the applicant shall notify all landowners of the undeveloped property within the AGEO that is not subject to the Development Order, and all Property Owners' Association of the developed parcels within the AGEO, subject to the following requirements:

- The Notice shall describe the applicant's request for a Development Order;
- The list of landowners and Property Owners' Association shall be pursuant to the latest PBC Property Appraisal list;
- The Notice shall be sent to the landowners and Property Owners' Association by certified mail within ten days of filing its applications; and,
- The applicant shall provide to the Zoning Division a copy of the Notice and written confirmation the Notice requirements have been satisfied.

[Renumber accordingly.]

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 10. ULDC Table 3.F.1.E, TDD Corresponding Land Use (page 157 of 195), is hereby amended, as follows:

Table 3.F.1.E - TDD Corresponding Land Use

	AGE	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
TND	√(1)			√	√	√	√	√	√	√	√	√
TTD	√(1)			√	√	√	√	√	√	√	√	
	AGE	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
TMD	√(1)			√	√	√	√			√	√	√
[Ord. 2010-...]												
Legend: Check (√) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]												
Note:												
1) A TMD or TND Neighborhood Center shall only be permitted where a Village Center is generally located on an AGE Site Specific FLUA Conceptual Plan.												

Part 11. ULDC Table 3.F.3.C, TND Land Use (page 175 of 195), is hereby amended, as follows:

Table 3.F.3.C – TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential	-	-
Single Family	25	70
Zero Lot Line (ZLL)	-	50
Multi-Family/Townhouse	20	50
Neighborhood Centers	2	10
Civic (1) +	2	25
Open Space/ Recreation	5	-
[Ord. 2006-004]		
Notes:		
1. Civic uses may be collocated with the Neighborhood Centers.		
2. Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan. [Ord. 2006-004]		

Part 12. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 160 of 195), is hereby amended as follows:

Table 3.F.1.F – Traditional Development Permitted Use Schedule

District	TND						TMD				N O T E S
Tier	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
Pods	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve	
Commercial Uses											

Lounge, cocktail							R	<u>R</u>			79

[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											
[Ord. 2005-002]											

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 13. ULDC Art. 3.F.3.C.3, Minimum Development Thresholds (page 175 of 195), is hereby amended, as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

C. Thresholds

3. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD¹ excluding AGE TNDs. [Ord. 2006-004]

....

Part 14. ULDC Art. 3.F.4.D.1, General Standards (page 182 of 195), is hereby amended, as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

1. General Standards

a. Thresholds

2) Minimum Total Floor Area

The following MGTS thresholds shall apply to all non-residential development within a TMD, unless stated otherwise herein:

a) U/S Tier

In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase.

b) Exurban/Rural Tiers

In the Exurban and Rural tiers, 125,000 square feet is required. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers.

(1) Agricultural Enclave (AGE) Exception

The minimum square footage for TMDs within an AGE shall be in accordance with an AGE Site Specific FLUA Conceptual Plan.

c) AGR Tier

See Art. 3.F.4.E, Standards Applicable to AGR Tier, for AGR Standards.

d) Civic and Institutional Exception

Civic and Institutional uses are not subject to these floor area limitations. ~~The floor area standards for the Rural and Exurban Tiers are not applicable to the Central Western Communities Sector Plan area (Plan Map Series LU 3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant to the provisions of the Plan.~~ [Ord. 2005 – 002] [Ord. 2006-004]

b. Permitted Locations

1) Within the CL designations in Exurban, Rural and AGR Tiers. [Ord. 2005 – 002]

2) Within the CL/CH designations in the U/S Tier. [Ord. 2005 – 002]

3) Within an area designated as a Village Center within an AGE.

4) A TMD must have at least 200 feet of frontage along an arterial or collector street. [Ord. 2005 – 002]

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 15. ULDC Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities (page 43 of 166), is hereby amended, as follows:

Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre) (2)	
		Standard District	PDD or TDD (1) Planned Development [†]
AGR	AGR	PROHIBITED	0.23
RR	AR	PROHIBITED	0.23
RR20	AR	PROHIBITED	0.11
<u>AGE</u>	<u>N/A</u>	<u>N/A</u>	<u>(3)</u>
LR1	RE, RT	PROHIBITED	2.34
LR2	RT	PROHIBITED	4.68
LR3	RT	PROHIBITED	7.02
MR5	RS	PROHIBITED	11.70
HR8	RS, RM	14.04	18.72
HR12	RM	18.72	28.08
HR18	RM	18.72	28.08

[Ord. 2005 – 002]

Notes:

- For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
- For CLF, one TDR unit is equivalent to 2.34 beds. [Ord. 2005 – 002]
- The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by 2.34 residents.

4) PDD Occupancy Bonus

a) No Double Counting Density

The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD.

Part 16. ULDC Art. 5.A.3, Deviations for the PO Zoning District (page 7 of 93), is hereby amended, as follows:

CHAPTER A GENERAL

Section 3 Deviations ~~for the PO Zoning District~~

Deviations from the provisions of this Article may be permitted for ~~the following: development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards:~~ [Ord. 2007-013]

A. PO Zoning District

Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards:

[Renumber accordingly.]

B. Agricultural Enclave (AGE)

Development within an AGE village center, civic sites, or Suburban Transect neighborhood center, general or edge may apply the requirements of the U/S Tier, where applicable.

Part 17. ULDC Art. 5.B.1.A.1.d.2), AR District (page 8 of 93), is hereby amended, as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1. Supplementary Standards

A. Accessory Uses and Structures

1. General

d. Setbacks, Accessory Structures

2) AR District and AGE Rural Transect

....

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Part 18. ULDC Art. 5.F.1, Maintenance and Use Documents (page 57 of 93), is hereby amended, as follows:

CHAPTER F LEGAL DOCUMENTS

Section 1 Maintenance and Use Documents

A. Purpose and Intent

B. Applicability

1. General

This Chapter shall apply to all developments subject to review by the DRO as delineated elsewhere in this Code. Developments for which waivers of platting are administratively obtained shall also comply with the requirements of this Chapter.

2. AG Enclave (AGE)

A Master Property Owner's Association shall be established in accordance with the requirements of this section, for all Development Orders for a Rezoning, Requested or Conditional use, or related Development Order Amendment subject to the requirements of the AGE. The Master Property Owner's Association shall be established concurrent with the first AGE Development Order approval, and shall be amended to include all subsequent AGE Development Orders, where applicable.

F. Content Requirement for Documents

1. Property Owner's Association (POA) Documents

a. Declaration of Covenants and Restrictions

1) Legal Description

a) For Master Property Owner's Associations

All property included within the Master Plan for a ~~d Development Order, (no matter regardless of~~ how many phases, ~~in which it shall be developed)~~ shall be subjected to the terms of the declaration at the time the first plat of the development is recorded. Property shall not be withdrawn from the terms of the declaration unless it is also withdrawn from the Master Plan. This shall also apply to any affected portion of an AGE Allocation Plan with a Development Order for a Rezoning, Conditional or Requested Use, or related Development Order Amendment subject to the requirements of the AGE.

b) For Sub-Associations

All property included within a plat in which a sub-association is named in a dedication/reservation shall be subjected to the terms of the declaration for that sub-association at the time the plat is recorded.

Part 19. ULDC Art. 7.C, MGTS Tier Compliance (page 14 and 15 of 48), is hereby amended, as follows:

CHAPTER C MGTS TIER COMPLIANCE

Landscape design shall comply with the relevant MGTS characteristics in both plant material selection and overall landscape composition.

Section 3 Exurban and Rural Tiers

The Exurban and Rural Tiers primarily consist of larger residential lots and require the use of more informal design patterns that incorporate reduced impervious areas; preservation of native vegetation, lakes and other similar open space areas; and, more naturalistic landscaped areas. Non-residential uses shall also provide for the increased use of landscape materials in perimeter buffers, parking areas and building foundation plantings; dispersed parking with additional screening from adjacent streets and residential uses; and, compliance with rural architectural design guidelines where applicable. [Ord. 2009-040]

A. Agricultural Enclaves (AGE) Exemption

The landscaping standards for the U/S Tier may be applied to AGE Suburban Transect Village Centers, Neighborhood Center and General Sub-zones.

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EXHIBIT S
AGRICULTURAL ENCLAVE (AGE)
SUMMARY OF AMENDMENTS
(Updated 06/24/10)

Table 7.C.3 – Minimum Tier Requirements

Code Requirements	U/S Tier (8)	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers ⁷			
Design	Linear design, formal arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces
Berms	Optional	Optional	No ¹
Fences/Walls	Optional ²	Optional ²	Optional ^{2,3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping ⁷			
Minimum Tree Quantities – Residential Lot	1 per 1,250 sq. ft. (max. 15)	1 per 1,000 sq. ft. (max. 30)	1 per 800 sq. ft. (max. 30)
Minimum Tree Quantities – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Shrub Quantities – Residential Lot ⁵	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Shrub Quantities – Non-Residential Lot ⁵	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Interior Islands	1 per 10 spaces	1 per 8 spaces	1 per 6 spaces
Interior Islands Landscape Width	8 ft.	10 ft.	12 ft.
Protective Curbing	Yes	Yes	Optional
Plant Standards ⁷			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1)	Yes	Yes – Native clusters only	Yes – Native clusters only
Foundation Planting ^{6,7}			
Foundation Planting Width	5 ft. along front façades 8 ft. along side façades	10 ft. all sides	12 ft. all sides
Facades to be Planted	Front & Sides	Front, Sides & Rear	Front, Sides & Rear
Percentage of Facade	40 percent	50 percent	60 percent
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040]			
Notes			
....			
8. <u>U/S Tier standards may be applied to a PUD or TDD with a village center, civic site, or suburban center, general or edge subarea.</u>			

Part 20. ULDC Art. 8.G, Signage (page 24 and 26 of 39), is hereby amended, as follows:

....

Table 8.G.1.A - Wall Sign Standards

	U/S Tier (3)	AG-R Tier	Exurban, Rural, and Glades Tiers (3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along building frontage, a minimum of 24 square feet ¹	0.75 sq. ft. along building frontage, a minimum of 24 square feet ¹	0.5 sq. ft. along building frontage, a minimum of 24 square feet ¹
	0.5 sq. ft. along the side and rear walls		
	0.25 sq. ft. for walls facing a residential zoning district		
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building ²	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
[Ord. 2005-002] [Ord. 2009-040]			
Notes:			
1.	Projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. [Ord. 2005-002]		
2.	Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.		
3.	<u>Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards.</u>		

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

	U/S Tier <u>(4)</u>	AG-R Tier	Exurban, Rural, and Glades Tiers <u>(4)</u>
Maximum Number Per Project Frontage	3 ¹	2 ²	1 (with minimum 150 ft. frontage)
Maximum Sign Area (per lineal ft. of frontage)	1.0 sq. ft.	0.75 sq. ft.	0.5 sq. ft.
Maximum Sign Area (per individual sign)	200 sq. ft.	150 sq. ft.	100 sq. ft.
Minimum setback ³	5 ft.	10 ft.	15 ft.
[Ord. 2005 – 002] [Ord. 2006-036]			
Notes:			
1.	Number per frontage based on the frontage of the entire project or development, (1 sign per 200 ft. or less, 2 signs per 201-300 ft., 3 signs maximum per 301 ft. or greater in U/S Tier only);		
2.	Number per frontage based on the frontage of the entire project or development (1 sign per 200 ft. or less, 2 signs per 201 ft. or more in the AGR Tier only).		
3.	Freestanding signs shall have a minimum setback of 75 feet from a residential zoning district.		
<u>4.</u>	<u>Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards.</u>		

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