

Board of County Commissioners

Shelley Vana, Chair
Steven L. Abrams, Vice Chair
Karen T. Marcus
Paulette Burdick
Burt Aaronson
Jess Santamaria
Priscilla A. Taylor



County Administrator
Robert Weisman

Department of Planning, Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

**TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2012-01**

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments.

- ☐ Ordinance Title
- ☐ Exhibit A Art. 2.C, FLU Plan Amendments
- ☐ Exhibit B Art. 5.G, Density Bonus Programs
- ☐ Exhibit C Art. 6, Parking
- ☐ Exhibit D Art. 8, Signage
- ☐ Exhibit E Art. 14, Environmental Standards
- ☐ Exhibit F Mobile Home Parks
- ☐ Exhibit G **[BCC Direction/Industry Request]** Planned Industrial Park Development (PIPD)
- ☐ Exhibit H **[BCC Direction/Industry Request]** Location Criteria – Convenience Store with Gas Sales and Retail Gas and Fuel
- ☐ Exhibit I Commercial Parking
- ☐ Exhibit J Location Criteria – Type I Restaurant
- ☐ Exhibit K Elementary or Secondary School
- ☐ Exhibit L AGR Tier, Agriculture Marketplace
- ☐ Exhibit M AGR Tier, Institutional Medical Office
- ☐ Exhibit N AGR Tier, Packing Plant in AGR-PUD Preserve Area
- ☐ Exhibit O AGR PUD, 60/40 Frontage
- ☐ Exhibit P TND NC Mixed Use
- ☐ Exhibit Q Urban Redevelopment Area Overlay (URAO)
- ☐ Exhibit R Palm Beach International Airport Overlay
- ☐ Exhibit S Waivers
- ☐ Exhibit T Livestock Keeping

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on January 25, 2012, February 22, 2012, on April 25, 2012, May 23, 2012, and, June 13, 2012; and, the Land Development Regulation Commission (LDRC) on May 23, 2012 and June 13, 2012. All proposed ULDC amendments were found to be consistent with the Plan.

BCC PUBLIC HEARINGS:

- ☐ June 28, 2011 - Request for Permission to Advertise for First Reading on July 26, 2012: Approved as amended, 5 – 1, Commissioner Santamaria voted in opposition to the motion related to Exhibit T, Livestock Keeping.
- ☐ July 26, 2012 - First Reading and Request to Advertise for Adoption Hearing on August 23, 2012: Approved, 7 - 0.

STAFF RECOMMENDATION: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

MOTION: TO ADOPT 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 C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES;** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER C, FLU PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS, CHAPTER G, DECISION MAKING BODIES; **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; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 - PARKING**; CHAPTER A, PARKING; CHAPTER B, LOADING STANDARDS; **ARTICLE 7 - LANDSCAPING**; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 - SIGNAGE**; CHAPTER A, GENERAL; CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER H, OFF-SITE SIGNS; **ARTICLE 14 - ENVIRONMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; 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.

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 C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER C, FLU PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS, CHAPTER G, DECISION MAKING BODIES; **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; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER A, GENERAL; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 - PARKING**; CHAPTER A, PARKING; CHAPTER B, LOADING STANDARDS; **ARTICLE 7 - LANDSCAPING**; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 - SIGNAGE**; CHAPTER A, GENERAL; CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER H, OFF-SITE SIGNS; **ARTICLE 14 - ENVIRONMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; 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, as amended from time to time; 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

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

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

1 **Section 1. Adoption**

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

- 4 ☐ Ordinance Title
5 ☐ Exhibit A Art. 2.C, FLU Plan Amendments
6 ☐ Exhibit B Art. 5.G, Density Bonus Programs
7 ☐ Exhibit C Art. 6, Parking
8 ☐ Exhibit D Art. 8, Signage (Wall Signage)
9 ☐ Exhibit E Art. 14, Environmental Standards
10 ☐ Exhibit F Mobile Home Parks
11 ☐ Exhibit G Planned Industrial Park Development (PIPD)
12 ☐ Exhibit H Location Criteria - Convenience Store with Gas Sales and Retail Gas Fuel
13 ☐ Exhibit I Commercial Parking
14 ☐ Exhibit J Location Criteria - Type I Restaurants
15 ☐ Exhibit K Elementary or Secondary Schools
16 ☐ Exhibit L AGR Tier, Agriculture Marketplace
17 ☐ Exhibit M AGR Tier, Institutional Medical Office
18 ☐ Exhibit N AGR Tier, Packing Plant in AGR-PUD Preserve Area
19 ☐ Exhibit O AGR-PUD, 60/40 Frontage
20 ☐ Exhibit P TND Mixed Use
21 ☐ Exhibit Q Urban Redevelopment Area Overlay (URAO)
22 ☐ Exhibit R Palm Beach International Airport Overlay (PBIAO)
23 ☐ Exhibit S Waivers
24 ☐ Exhibit T Livestock Keeping
25

26 **Section 2. Interpretation of Captions**

27 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
28 Ordinance are intended for the convenience of usage only and have no effect on interpretation.
29

30 **Section 3. Repeal of Laws in Conflict**

31 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
32 repealed to the extent of such conflict.
33

34 **Section 4. Severability**

35 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
36 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
37 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
38 Ordinance.
39

40 **Section 5. Savings Clause**

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

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

7
8
9
0
1
2
3
4
5
6

Section 7. Providing for an Effective Date

The provisions of this Ordinance shall become effective as follows:

- The effective date for Exhibits M, AGR Tier, Institutional Medical Office and Exhibit N, AGR Tier, Packing Plant in AGR-PUD Preserve Area, shall become effective upon the effective date of text amendments to the Comprehensive Plan for the Agricultural Reserve Institutional Medical and Agricultural Reserve Packing Plants in Round 2012-01; and,
- The effective date for all other exhibits shall be upon filing with the Department of State.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

By: _____
County Attorney

EFFECTIVE DATE for Exhibits M and N: Effective Date of the Amendments to the Palm Beach County Comprehensive Plan Amendment Round 2012-01, as related to Agricultural Reserve Institutional Medical and Agricultural Reserve Packing Plants.

EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 2.C.1, General [Related to FLU Plan Amendments] (pages 33 - 36 of 85), is hereby amended as follows:

CHAPTER C FLU PLAN AMENDMENTS

Section 1 General

A. Purpose

The purpose of this section is to ~~provide a means for changing the boundaries or designations of the FLU by means of site specific amendments to~~ establish a review process for proposed site specific amendments to change Future Land Use (FLU) designations on the Future Land Use Atlas (FLUA) of the Palm Beach County Comprehensive Plan. [Ord. 2009-040]

B. Authority

Pursuant to F.S.§163.3184, the BCC may adopt site specific FLUA amendments to change the FLU subject to the provisions of this Section ~~The BCC may amend the boundaries or designations of the FLU of the Plan upon compliance with the provisions of this Section.~~

C. Initiation

An application for a site specific FLUA amendment shall be initiated only by the property owner of the parcel, the authorized agent of the property owner or the BCC. An application for a site specific FLUA amendment may also include a request for an associated text amendment to the Comprehensive Plan subject to an additional fee set by the BCC. In order for the requested text amendment to be processed, it must be initiated by the BCC and the associated FLUA amendment application must be submitted and found sufficient. ~~Site Specific amendments may be proposed by the BCC, the Local Planning Agency (LPA), or the owner of the land to be affected by a proposed amendment.~~ [Ord. 2009-040]

D. Procedure Established Dates and Fees

1. Timing

The County accepts applications for Large Scale Amendments up to two times per year and Small Scale Amendments up to four times per year as scheduled by the Planning Director. Scheduled intake dates shall be announced in advance by the Planning Director. Additional amendment intake dates outside the scheduled rounds require approval by a super majority vote of the BCC. ~~An application by a property owner for a site specific amendment shall be accepted for review and processing if determined sufficient, up to two times per year. That date shall be announced in advance by the Planning Director. Exceptions to this timing requirement are provided for in F.S.§163.3187. Small scale amendments may be processed up to four times per year as scheduled by the Planning Director.~~ [Ord. 2009-040]

2. Fees

The application for a FLUA amendment, and any associated text amendment, shall be accompanied by a fee established by the BCC. Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director.

E. Pre-Application Conference

The purpose of the pre-application conference is to identify issues relating to the proposed application prior to the intake date. A pre-application conference is optional with the exception of projects which consist of a FLUA amendment with concurrent application in the Zoning Division. Concurrent applications require a pre-application conference with both Planning and Zoning Division staff prior to the FLUA amendment intake date.

F2. Submission of Application Procedures

An application for a Site Specific amendment shall be submitted to the Planning Director along with a nonrefundable application fee that is established by the BCC.

1.a. Concurrent Small Scale Amendments

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), the two applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 90 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not submitted, the small scale land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040]

2.3. Contents of Application

a. General

The application shall be submitted in a form established by the Planning Director. The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing. [Ord. 2009-040]

b. Amendments to the Application

Any information provided by an applicant following the distribution of the staff report to the LPA shall serve as grounds for postponement, as appropriate, of the public hearings by the board holding the public hearing. [Ord. 2009-040]

3.4. Determination of Sufficiency Review

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.

EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS

The Planning Director shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application and any additional and includes data necessary to evaluate the application. The determination of sufficiency ~~shall apply to the submission and~~ shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions. [Ord. 2009-040]

a. **Sufficiency**

If the application is determined to be sufficient, it shall be reviewed pursuant to the procedures and standards of this Article.

b. **Insufficiency**

~~If it is determined that the application is not sufficient, If an application is determined to be insufficient, the Planning Director shall provide a~~ written notice ~~shall be delivered~~ to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be ~~considered~~ withdrawn.

~~b. If or when the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures of this Section. [Ord. 2009-040]~~

4.5. Review, Report and Recommendation by Planning Director

When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, or denial based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan, ~~F.S. Chapter 163, and Rules 9J-5 and 9J-11, F.A.C.~~ The Planning Director shall send a copy of the staff report to the applicant ~~on the day the staff report is completed which shall be~~ at least five working days prior to the LPA public hearing, ~~along with written notification of the time and place the application will be considered by the LPA.~~ [Ord. 2009-040]

5.6. Notice Notification

Notice of a proposed amendment for any public hearing shall be provided by publication of advertisement, mailed or electronically transmitted notice and posting as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Clearinghouse (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. [Ord. 2009-040]

a. **Advertisement Newspaper Publication**

The required advertisements shall meet the requirements of F.S. ~~§163.3184(15)(e)~~ 163.3184(11)(b) and F.S. §.125.66(4)(b)2, as amended from time to time.

b. **Courtesy Notice**

A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. [Partially Relocated from Art.2.C.1.D.6.b] Courtesy notices shall be mailed a minimum of 15 calendar days prior to the date of the first public hearing by depositing such notice in the mail by first class mail, properly addressed and postage.

1) Applicability and Mailing Boundary

a) Property Owners

A courtesy "notice" of a proposed plan amendment shall be sent to all owners of real property located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers ~~land to be affected by the requested change~~, whose names and addresses are known by reference to the latest published ad valorem tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or partner in interest, the 500 foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. Such property notice shall be given approximately 15 to 30 calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. ~~If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. All POA's and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. Such notice shall also be sent approximately 15 to 30 calendar days prior to the date set for the first public~~

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.

EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS

~~hearing. All notices shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. [Ord. 2009-040]~~

b) POA's and Cooperatives

~~All POA's and cooperatives located within 500 feet of the periphery of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall be notified.~~

c) Municipalities and Counties

~~All municipalities and counties within one mile of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality's Comprehensive Plan, the associated municipality shall be notified.~~

d) Interested Parties

~~A courtesy notice of all public hearings may be sent upon request to all organizations, associations, and other interested persons or groups known to the Planning Director. An annual fee may be assessed to defray the cost.~~

2) Notice Content

~~All notices shall include the following information:~~

- ~~a) a general summary of the application;~~
- ~~b) a date, time and place for the public hearings;~~
- ~~c) a general location map indicating the subject site including major streets; and~~
- ~~d) a statement that interested parties may appear at the public hearing and be heard regarding the amendment.~~

3) Failure to Receive Courtesy Notice

~~Failure to receive a courtesy notice shall not be deemed a failure to comply with this requirement.~~

c. Posting Signs

- 1)** ~~The land subject to the application shall be posted with a notice of the public hearing by the applicant on a sign provided by the meeting standards and specifications issued by the County at least 15 calendar days in advance of any public hearing. One sign shall be posted for each 400 500 feet of frontage along a street up to a maximum of ten signs. All signs shall be:~~

- ~~a) Evenly evenly spaced along the street or in a location acceptable to the Planning Director.~~
- ~~b) Setback All signs shall be setback no more than 25 feet from the street.~~
- ~~c) Erected All signs shall be erected in full view of the public.~~

~~Signs shall be posted in a location acceptable to the Planning Director, where the land does not have significant frontage on a street. The signs shall be removed by the applicant after the BCC transmittal hearing date (adoption hearing date for small scale development amendments). The failure of any such posted notice to remain in place after the notice 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 BCC. The applicant shall ensure the signs have been removed no later than five days after the final hearing.~~

d. Other Courtesy Notice

~~A courtesy notice of all public hearings may be sent upon request to all organizations, associations, and other interested persons or groups known to the Planning Director. An annual fee may be assessed to defray the cost. Prior to the initiation of a County site specific FLUA amendment, property owners shall receive a courtesy notice provided by the County of the proposed FLUA amendment for their property. This shall occur only for amendments presented to the BCC at time of formal round initiation. Those amendments not included during a formal round initiation shall be provided notice within 15 business days following BCC initiation. When the notice requirements would result in an extraordinary number of courtesy notices, staff will utilize an alternate means to provide notification to property owners. [Ord. 2009-040]~~

e. Exceptions to Mailing and Posting

~~The mailing and posting notice requirements shall not apply to actions by the BCC initiating any of the following: a site specific FLUA amendment for a land use change to a Conservation (CON) designation following acquisition by a public agency.~~

- ~~1) A land use change to a Conservation (CON) designation following acquisition by a public agency;~~
- ~~2) A site-specific land use change initiated by the BCC, to reflect existing conditions;~~
- ~~3) A site-specific land use change initiated by the BCC, to comply with previous approved projects; and~~
- ~~4) A site-specific land use change as deemed appropriate by the BCC.~~

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 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS**

~~At the time the land use change is initiated by the BCC, the Planning Director shall make a recommendation as to the level of notification for the specific change. The BCC shall direct the Planning Director to notice the land use change, as deemed appropriate, by advertisement, mail or posting in accordance with the terms herein.~~

6.7. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)

The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in ~~F.S. §163.3164(18)~~ 163.3164(39), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Article ~~2.C.1.D.9~~ 2.C.1.F.8, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions or denial). **[Ord. 2009-040]**

7.8. Action by BCC

Action by the BCC shall be governed by F.S. §163.3184, as amended from time to time.

a. Transmittal Public Hearing

Large scale amendments require a transmittal public hearing. The transmittal public hearing shall be held on a weekday at least seven calendar days after notice is published pursuant to F.S. §~~163.3184(15)(b)1~~ 163.3184(11)(b)1, as amended from time to time. ~~Prior to transmittal to DCA, the BCC shall conduct one transmittal public hearing on the application~~ pursuant to the procedures in Article ~~2.C.1.D.9~~ 2.C.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny the transmittal of the application. Failure of the BCC to approve the transmittal of an application for a site-specific amendment shall be deemed a denial of the proposed site-specific amendment. **[Ord. 2009-040]**

b. Adoption Public Hearing

The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §~~163.3184(15)(b)(2)~~ 163.3184(11)(b)(2), as amended. ~~Pursuant to the time frames in F.S. §163.3184(15)(b)(2) the BCC shall conduct at least one adoption public hearing on the application~~ pursuant to the procedures in Article ~~2.C.1.D.9~~ 2.C.1.F.8, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the DCA State Land Planning Agency comments, and the public testimony given at the public hearing, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site specific amendment. A decision to adopt an ordinance making a site specific amendment shall require a majority vote of the members of the BCC present at the hearing. *Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. § 163.3187(2), and content provisions of F.S. §125.66(4)(a) as amended from time to time. Actions approving Site Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. § 163.3187, as amended from time to time.* **[Ord. 2009-040] [Partially relocated from below Art. 2.C.1.F.8.c.]**

c. Small Scale Development Amendments

~~Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. §163.3187(1)(c)(3), and content provisions of F.S. §125.66(4)(a) as amended from time to time.~~

d. Actions by the BCC

~~Actions approving Site Specific Plan amendments shall be adopted by Ordinances pursuant to F.S. § 163.3187, as amended from time to time.~~

8.9. Conduct of Hearing

....

c. Continuation or Postponement of Public Hearing for Small Scale Amendments

1) Entitlement Continuances Administrative Postponements

a) An applicant shall have the right to request and be granted one administrative postponement entitlement continuance, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes.

b) An Additionally, an applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing and is submitted along with an additional set of the required five-hundred foot public notice envelopes. ~~The Planning Division will honor entitlement continuances administratively.~~ **[Ord. 2009-040]**

2) Non-Entitlement LPA or BCC Public Hearing Continuances

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 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS

The body conducting the public hearing may by its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. ~~All non-entitlement~~ Such continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant ~~may be required to provide an additional set of the required courtesy notice envelopes and may shall~~ be subject to a fee as established by the BCC ~~upon the second non-entitlement continuance.~~ [Ord. 2009-040]

3) Concurrent Rezoning Petitions

~~Delays in zoning applications being certified by the DRO shall result in an administrative postponement of the BCC public hearing until such time that the item is certified.~~

d. Continuation or Postponement of Large Scale Amendments

1) Entitlement Continuances Administrative Postponements

An applicant shall have the right to request and be granted one administrative postponement ~~entitlement continuance~~, to a subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall ~~be required to~~ submit the fee with an updated application including a new traffic analysis on the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn. [Ord. 2009-040]

2) Non-entitlement Continuances

~~Only one non-entitlement continuance into the next amendment round shall be permitted and will be subject to a fee as established by the BCC.~~ The body conducting the public hearing may, on its own motion, or at the request of any applicant or the Planning Director, postpone the amendment to the next round. All ~~non-entitlement continuances~~ postponements shall be granted at the discretion of the body conducting the hearing and shall be subject to a fee established by the BCC only upon good cause shown. In order to provide the most current data, the applicant of an amendment postponed to the next round shall be required to submit a revised application with new traffic ~~and market~~ analysis upon the intake date of the next round, along with a new set of courtesy notices. Failure to submit the fee and an updated application will result in the amendment being administratively withdrawn window closing date.

3) Administrative Withdrawal

~~Any application not heard by the BCC in the following amendment round will be administratively withdrawn by the Planning Director, unless otherwise determined by the BCC.~~

9.e. Withdrawal of Applications

An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. ~~Applicants shall not be entitled to the return of application fees.~~ Any request for a refund shall be in writing, based upon the current PZB refund policy, and approval by the Planning Director. Additionally, applicants shall not be entitled to the return of application materials. [Ord. 2009-040]

Part 2. ULDC Art. 2.G.3.K.2, Power and Duties [Related to Planning Commission] (page 78 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

K. Planning Commission

2. Powers and Duties

The PLC shall have the following powers and duties under the provisions of this Code: [Ord. 2008-003]

- a. to serve as the Local Planning Agency (LPA) per F.S.§ 163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
- b. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
- ~~c. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;~~

[Renumber accordingly]

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.

EXHIBIT B

ARTICLE 5.G, DENSITY BONUS PROGRAM
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 5.G.1.I.1, Sales and Rental Prices of WHP Units (page 69 of 91), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

I. Affordability Requirements

1. Sales and Rental Prices of WHP Units

All required WHP units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges. The sale and rent prices shall be updated annually by the Planning Director, or designee, with the sale prices based on the Area Median Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) for a family of four, which pricing shall not be adjusted based on the number of occupants, as published annually by HUD (sale price: household income figure multiplied by three and priced at the middle of each of the four WHP income categories), and rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially established at the time of approval for each for sale unit within each WHP category range will be the sales floor. This sales floor shall serve as the minimum sales price point required throughout the applicable deed restriction time frame. The minimum WHP price initially established at the time of approval for each rental unit within each WHP income category range will be the rental floor. This rental floor shall serve as the minimum rental price point required throughout the thirty (30) year term of this Covenant. Any utility allowances applied against gross maximum WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and updated annually by the County. [Ord. 2006-055] [Ord. 2010-005] [Ord. 2012-003]

Part 2. ULDC Art. 5.G.1.I.5, Release of Obligation to Construct WHP For Sale Units (page 70 of 91), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

I. Affordability Requirements

5. Release of Obligation to Construct WHP For-Sale Units

It is not the intent of the WHP provisions to require a developer to commence construction on any WHP for sale unit for which a valid and binding contract for purchase between developer and buyer has not been executed. It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract: (i) has been available for purchase for a period not less than 180 days and no contract to purchase that unit has been executed during the 180 day period; or and, (ii) is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations indicated in inclusive of release from the Covenant. [Ord. 2006-055] [Ord. 2010-005]

Part 3. ULDC Art. 5.G.1.I.5.a, For Sale Units [Related to Release of Obligation to Construct WHP For Sale Units] (page 70 of 91), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 1 Workforce Housing Program (WHP)

I. Affordability Requirements

5. Release of Obligation to Construct WHP For-Sale Units

a. For Sale Units

....

Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be released from any and all obligations of the WHP requirements of the ULDC and the County shall provide written confirmation that the unit/lot has been released, inclusive of release from the Covenant. ~~Units which are not required to be constructed pursuant to Art. 5.G.1.B.3, Income Ranges are not eligible for this reduced in-lieu payment. These units must provide in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 — In-Lieu Cash Payment.~~ The County

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.

EXHIBIT B

ARTICLE 5.G, DENSITY BONUS PROGRAM
SUMMARY OF AMENDMENTS

shall utilize cash payments for the express purpose of providing down payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated for the above referenced purpose. [Ord. 2010-005]

Part 4. ULDC Art. 5.G.3.G.4.b, The Application, Sale, and Value of Development Rights, (page 80 of 91), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 3 Transfer of Development of Rights (TDRs) – Special Density Program

G. Transfer of Development Rights (TDRs) Bank

4. The Application, Sale, and Value of Development Rights

- b. The value and price of a development right shall be set annually by the BCC. No TDR price or price reduction other than those included in this Section shall be permitted. The County shall utilize the median sales price data established by the ~~Florida Realtors Association (FRA) for Palm Beach County Realtors Association of the Palm Beaches,~~ using data for the month of March to set the price each year: [Ord. 2011-001]

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.

EXHIBIT C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.I.2, Definitions (page 74 of 115), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

49. Module – For the purposes of Article 6, Parking, a portion of a parking facility containing a central drive aisle with parking spaces on each side of the aisle.
[Renumber Accordingly]

Part 2. ULDC Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots (page 22 of 39), is hereby amended as follows:

Table 6.A.1.D - Minimum Parking Dimensions
For Nonresidential Uses and Residential Uses with Shared Parking Lots

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D (3) Aisle Width (feet)	E Curb Length (feet)	F Wall-to-Wall Module Width (feet)	G Interlock-to- Interlock Width (feet)	H Space-Depth-to Interlock (feet)
45	General	9.0	17.5	12.0	12.5	47.0	43.0	15.5
	Retail	9.5	17.5	12.0	13.5	47.0	43.0	15.5
	Handicapped	12.0	17.5	12.0	17.0	47.0	43.0	15.5
60	General	9.0	19.0	16.0	10.5	55.0-54.0	51.0	17.5
	Retail	9.5	19.0	15.0	11.0	54.0-53.0	50.0	17.5
	Handicapped	12.0	19.0	14.0	14.0	53.0-52.0	49.0	17.5
70	General	9.0	19.5	19.0	9.5	58.0	56.0	18.5
	Retail	9.5	19.5	18.0	10.0	57.0	55.0	18.5
	Handicapped	12.0	19.5	17.0	12.5	56.0	54.0	18.5
75	General	9.0	19.5	23.0	9.5	62.0	60.0	18.5
	Retail	9.5	19.5	22.0	10.0	61.0	59.0	18.5
	Handicapped	12.0	19.5	21.0	12.5	60.0	58.0	18.5
80	General	9.0	19.5	24.0	9.0	63.0	62.0	19.0
	Retail	9.5	19.5	23.0	9.5	62.0	61.0	19.0
	Handicapped	12.0	19.5	22.0	12.0	61.0	60.0	19.0
90	General	9.0	18.5	26.0	9.0	63.0	63.0	18.5
	Retail	9.5	18.5	25.0	9.5	62.0	62.0	18.5
	Handicapped	12.0	18.5	24.0	12.0	61.0	61.0	18.5
90	Low Speed Electric Vehicle (LSEV)	Min. 6.0 Max. 7.0	Min. 12.0 Max. 13.0	Min. 15.0 Max. 17.0 (2)	Min. 6.0 Max. 7.0	Min. 39.0 Max. 43.0 (2)	Min. 39.0 Max 43.0 (2)	Min. 12.0 Max. 13.0
[Ord. 2005-002]								
Notes:								
1. Use – See Art. 6.A.1.D.14, Design and Construction Standards								
2. Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.								
3. Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking stalls, or unless stated otherwise herein.								

(This space intentionally left blank)

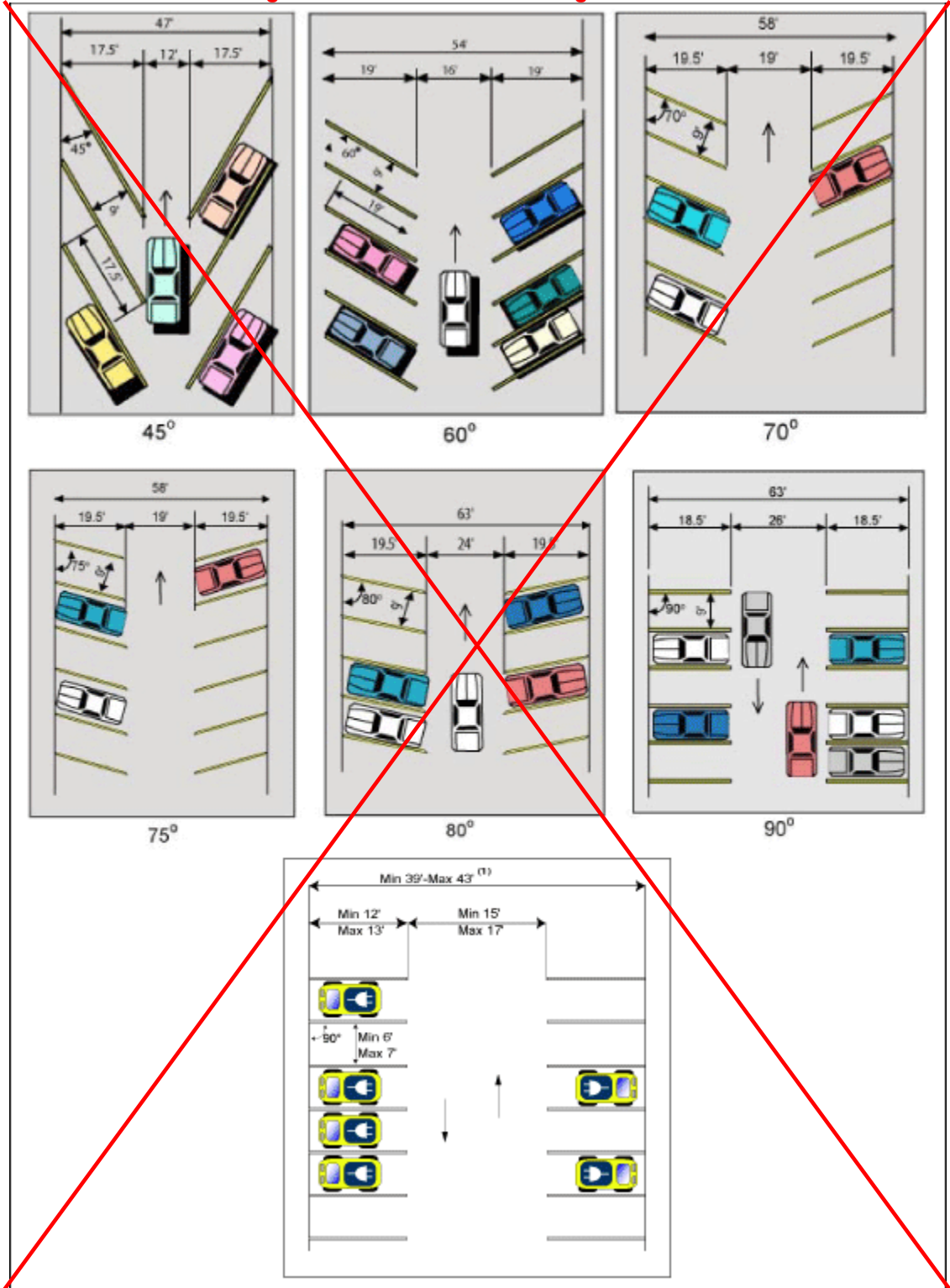
Notes:
Underlined indicates **new** text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
~~Stricken~~ indicates text to be **deleted**.
Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS

Part 3. ULDC Figure 6.A.1.D – General Parking Schematic (page 23 of 39), is hereby deleted in
entirely and replaced with new Figure 6.A.1.D – Typical Example of General Parking
Schematic, as follows:

Figure 6.A.1.D – General Parking Schematic



(1) Where drive aisles in LSEV parking areas are not intended solely for use by LSSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

(This space intentionally left blank)

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 6 – PARKING SUMMARY OF AMENDMENTS

Figure 6.A.1.D – Typical Example of General Parking Schematic ⁽¹⁾

2

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

EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS

Part 1. ULDC Table 8.A.1.C, Organization of Sign Regulations (page 7 of 39), is hereby amended as follows:

Table 8.A.1.C – Organization of Sign Regulations

CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES	Lists standards for computation of sign area; building frontage wall measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs, substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions.
.....	

Part 2. ULDC Art. 8.F.3, Building Frontage (page 21 of 39), is hereby amended as follows:

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 3 Building Frontage-Wall

For the purpose of this Section, a building's frontage wall is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction. For the purpose of Article 5.C.1.I, Large Scale Commercial Development, a building's frontage wall is considered continuous if projections or recesses in a building or wall are a minimum of ten feet in any direction but do does not exceed 25 feet. [Ord. 2009-040]

Figure 8.F.3 – Building Frontage

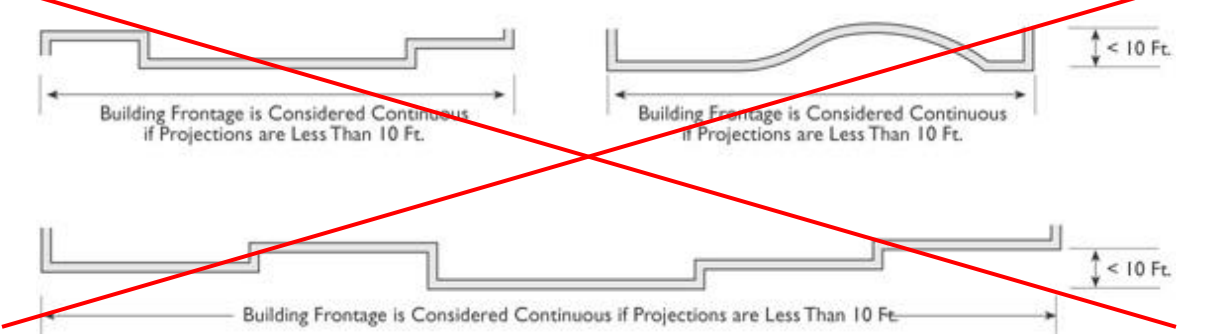
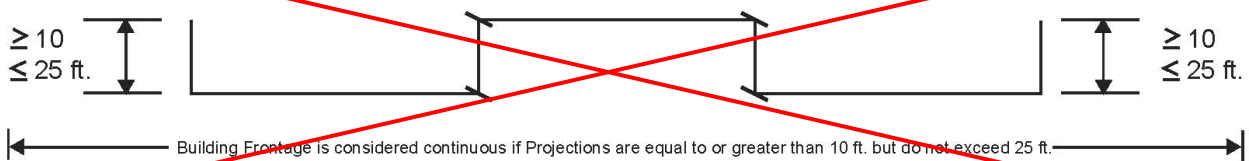
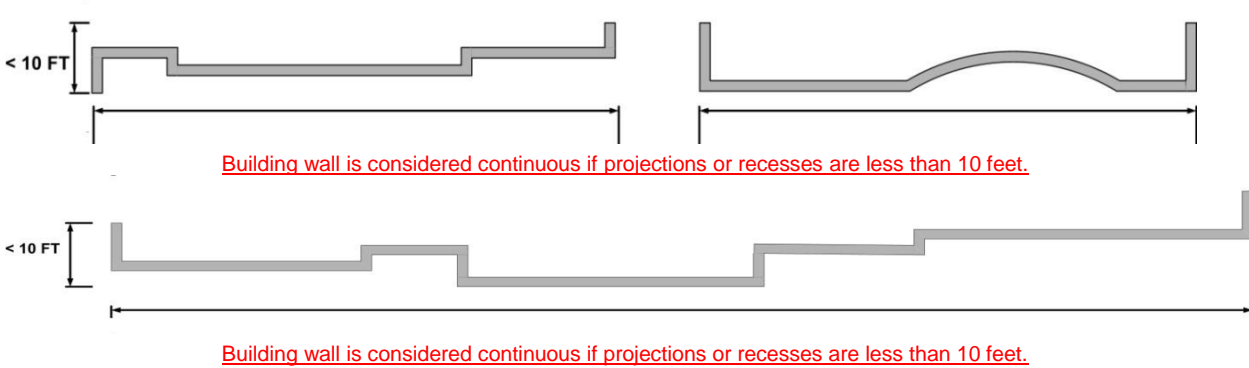


Figure 8.F.3.11.1 – Building Frontage for Large Scale Commercial Development



[Ord. 2009-040]

Figure 8.F.3 – Building Wall



(This space intentionally left blank)

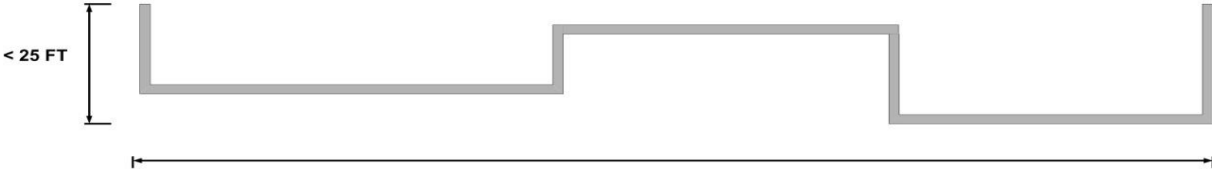
Notes:
Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to:].
Stricken indicates text to be deleted.
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLE 8 - SIGNAGE

SUMMARY OF AMENDMENTS

Figure 8.F.3.– Building Wall for Large Scale Commercial Development



Building wall is considered continuous if projections or recesses do not exceed 25 feet.

Part 3. ULDC Art. 8.G.1.A, Wall Signs (page 24 of 39), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

A. Wall Signs

Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall opening.

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AG-R AGR 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 <u>any one side of the building frontage</u> , a minimum of 24 square feet. (1)	0.75 sq. ft. along <u>any one side of the building frontage</u> , a minimum of 24 square feet. (1)	0.5 sq. ft. along <u>any one side of the building frontage</u> , a minimum of 24 square feet. (1)
	0.5 sq. ft. along <u>the side and rear walls any of the remaining sides of the building</u> ; or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (4)		
	<u>0.25 sq. ft. for walls facing a residential zoning district</u>		
<u>Minimum wall sign per side or tenant space</u>	<u>24 square feet</u>	<u>24 square feet</u>	<u>24 square feet</u>
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] [Ord. 2010-022]			
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. Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards. [Ord. 2010-022]			
4 <u>This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width.</u>			

Part 4. ULDC Art. 8.G.1.D, Marquee Signs (page 25 of 39), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

D. Marquee Signs

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to BCC approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building ~~frontage wall~~. Marquee signs may be electronic message center signs, subject to Article 8.G.3.B, Electronic Message Center Signs, and have changeable copy. A marquee sign may project a maximum of six feet above the cornice of a building provided that it is architecturally integrated with the building.

(This space intentionally left blank)

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:].

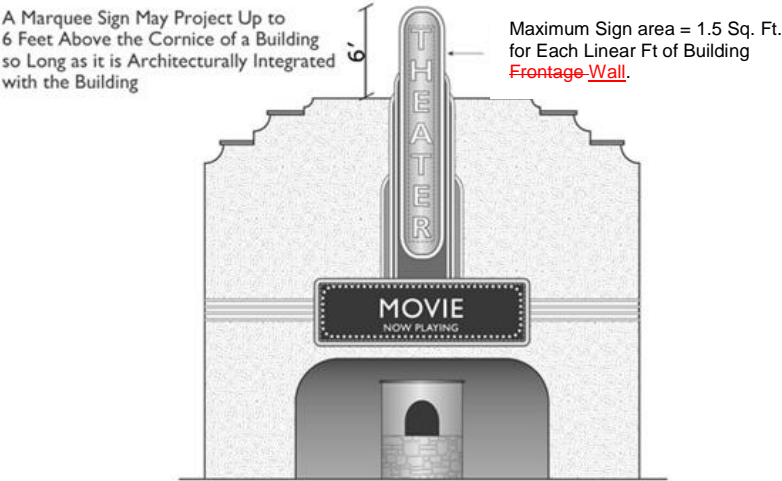
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS

1

Figure 8.G.1.D - Marquee Signs



2

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.

EXHIBIT E

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 14.C.7.A, Approval of Initial Construction of Single Family Residential Parcels (page 33 of 52), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

A. ~~Approval of Initial Construction of~~ Single Family ~~Dwellings Residential Parcels~~

All newly constructed single family ~~dwellings residential parcels in a residential subdivision which are less than two and one-half acres in gross size~~ will automatically receive a ~~VRN Building Division Residential 1 & 2 Family Checklist~~ with standard ~~vegetation removal~~ conditions ~~are~~ as part of the building permit process. For the purposes of this Chapter, a single family residential parcel also includes single two unit (duplex) residences and associated accessory structures, ~~and~~ shall comply with the following standards: [Ord. 2008-040]

Part 2. ULDC Art. 14.C.7.B.2.f, [Related to Standards for 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] (page 35 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

2. Standards of Approval

....

f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]

....

~~6) Off-site replacement shall be allowed only if on-site planting is not feasible due to unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park parcel or native upland area; [Ord. 2006-036] [Ord. 2008-040]~~

~~7) In lieu of replacement planting, when on-site and off-site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund, unless an alternative plan that meets the purpose and intent of this Chapter has been approved by the Director of ERM. The donation amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees; and, [Ord. 2006-036] [Ord. 2008-037]~~
[Renumber accordingly.]

Part 3. ULDC Art. 14.C.7.B.5, Mitigation or Restoration [Related to 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] (page 38 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

5. Mitigation or Restoration

a. When native trees are removed or damaged ~~without prior~~ contrary to written approval by ERM ~~approval~~ or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced at double the rate shown in the Table 7.D.2.D Tree Credit and Replacement. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.D.2.D, Tree Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.D.2.D, Tree Credit and Replacement. [Ord. 2008-040] [Ord. 2009-040]

....

g. Any clearing activity after 1986 which cannot provide evidence of approval will be required to restore nine trees per 1500 square feet of cleared ~~area~~ native vegetation.

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.

EXHIBIT E

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per 1500 square feet of removed native vegetation, or the dedication of equivalent upland quality land area. [Ord. 2008-040] [Ord. 2009-040]

Part 4. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection] (page 38 of 52), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bonafide Agricultural Operations

Vegetation alteration associated with subsequent harvesting activities, except within preserve areas or vegetated buffers, that are part of the on going activities of the existing operation, the harvesting or alteration of vegetation previously planted and cultivated for production as part of an ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is an exempt activity. Initial clearing of a parcel is ~~not~~ an exempt activity on parcels less than 10 acres, providing that the level of clearing does not exceed the area for crop production.

....

N. Minor Vegetation Removal

Removal of native vegetation with a replacement value of four trees or less, as defined in Table 7.D.2.D-4 Tree Credit and Replacement.

O. Minor Vegetation Relocation

Relocation of up to ten native palm trees, providing that the trees are relocated using best industry standards and provided with mulch, irrigation and required maintenance to ensure survival. The planting location must be depicted on a site plan, survey or other document format acceptable to ERM.

Part 5. ULDC Art. 14.C.12.D, Restorations [Related to Violations of Vegetation Preservation and Protection (page 41 of 52), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 12 Violations

D. Restoration

Properties cleared after 1986 without ~~evidence of or in contradiction to an~~ approval will be required to restore 9 trees per violation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per violation, or the dedication of equivalent upland quality land cleared. [Ord. 2008-040]

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.

EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.I.2.M, Definitions (pages 71, 73 and 74 of 115), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

11. **Manufactured Building –**

a. a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured with or without other specified components, as a finished building or as part of a finished building, which is used as a dwelling unit or residence or office. This definition does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any dwelling unit or residence of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.

b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular Home) may also be considered a Mobile Home, where required by F.S. 553.382, Placement of Certain Housing.

47. **Mobile Home Dwelling** - for the purposes of Art. 3 or Art. 4, the use of a lot or a unit for one mobile home or manufactured home.

Part 2. ULDC Art. 3.D.2, PDRs for Specific Housing Types (page 128 of 228), is hereby amended as follows:

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

A. Townhouse

B. Zero Lot Line (ZLL)

C. ZLL Design Standards

D. Mobile Home Parks

1. Purpose and Intent

To recognize Florida State laws pertaining to the placement of Residential Manufactured Buildings (aka Modular Homes) in mobile home park communities, to provide additional flexibility to allow for the redevelopment of fee simple Mobile Home Park lots with either modular homes or traditional Single-Family Dwelling Units.

2. Applicability

The provisions of this section shall only apply to:

a. Existing Mobile Home Parks identified in PZ&B PPM #MD-RI-003, Mobile Home Parks in Unincorporated Palm Beach County; and,

b. Provisions allowing for alternative PDRs and related requirements for Residential Manufactured Buildings or Single-family Dwellings shall only be permitted for existing fee simple Mobile Home Subdivisions.

3. Residential Manufactured Building (Modular Home)

An existing Mobile Home may be replaced with a Modular Home subject to the following:

a. Requirements of PZ&B PPM #MD-RI-003; and,

b. Where applicable, subject to prior written approval of the Mobile Home Park owner in accordance with F.S. 553.382, Placement of Certain Housing.

4. Alternative Provisions for Fee Simple Lots

A Modular Home or a Single-family Dwelling shall be permitted to be placed on a fee simple lot within an existing Mobile Home Subdivision, subject to the following:

a. PDRs

The following PDRs shall apply to Modular Homes or SFDs. Setbacks for accessory structures shall be in accordance with Art. 5.B.1.A, Accessory Uses and Structures.

1) Minimum lot width: 45 feet.

2) Maximum lot coverage: 50 percent.

3) Front and side street setback: 20 feet.

4) Side setback: seven and one-half (7.5) feet.

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.

EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS

- 1 5) Rear setback: 15 feet
- 2 **b. Garages**
- 3 Garages and carports may be permitted only on the rear portion of the lot. An attached
- 4 garage may be permitted to encroach the front half of the lot, if set back a minimum of 20
- 5 feet from the front façade. Attached carports shall not extend past the front façade.
- 6 **c. Main Entrances and Porches**
- 7 When located on lots less than 50 feet in width, main entrances shall be required to front
- 8 a street, and include a porch a minimum of six feet deep, 12 feet wide and 18 inches
- 9 above grade.
- 10 **d. Changes to Lot Finished Grade**
- 11 Any modifications to a lot that raises the grade for the proposed foundation shall not alter
- 12 the existing grade within the required side setbacks unless demonstrated that such will
- 13 not alter any historical drainage patterns for adjacent lots. Where foundation elevation is
- 14 required, this may require the use of a retaining wall to ensure that existing grade and
- 15 drainage patterns are not adversely impacted.

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.

EXHIBIT G
PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)
TO ALLOW: CATERING SERVICE, VOCATIONAL SCHOOL AND FITNESS CENTER
SUMMARY OF AMENDMENTS

Part 1. ULDC Table 3.E.1.B, PDD Use Matrix (page 140-142 of 228), is hereby amended as follows:

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

Use Type	PUD					MUPD							MXPD		PIPD			M	R	LCC		N O T E
	Pods					FLU							FLU		Use Zone					FLU		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L O	C H O	C R	I N D	I N S T	C H	C H O	I N D / L	C O M	I N D / G			C L	C H	
Commercial Uses																						
....																						
Catering Service															<u>D</u>						26	
....																						
Vocational School		R				R	P		P		P	D	R	R	<u>R</u>	P	<u>R</u>			R	P	137
....																						
Recreation Uses																						
....																						
Fitness Center		R	P	R		R	R		R	P			P	P	<u>R</u>	P				R	P	56
....																						
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003]																						
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.																						

Part 2. ULDC Art. 4.B.1.A.56, Fitness Center (page 53 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

56. Fitness Center

An enclosed building or structure containing multi-use facilities for conducting recreational activities such as aerobic exercises, weight lifting, running, swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.

d. PIPD Light Industrial Use Zone

A fitness center in a Light Industrial Use Zone of a PIPD shall primarily serve the workforce or residential population within the PIPD.

Part 3. ULDC Art. 4.B.1.A.137, Vocational School (page 106 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

137.Vocational School

An establishment offering regularly scheduled instruction in technical, commercial, or trade skills such as business, real estate, building and construction trades, electronics, computer

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.

EXHIBIT G
PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)
TO ALLOW: CATERING SERVICE, VOCATIONAL SCHOOL AND FITNESS CENTER
SUMMARY OF AMENDMENTS

programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.

□ □ □ □

c. PIPD Industrial Use Zones

A vocational school within a Light or General Industrial Use Zone shall be limited to educational instruction specifically related to manufacturing, trades that require the use of heavy machinery such as welding, mechanical or electrical repair, or other similar uses typically associated with industrial land use zones.

EXHIBIT H

LOCATION CRITERIA - CONVENIENCE STORE WITH GAS SALES AND RETAIL GAS AND FUEL
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.1.A.37.b, Location Criteria [Related to Convenience Store with Gas Sales] (page 45 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

37. Convenience Store with Gas Sales

A convenience store which includes accessory gasoline retail sales to the general public.

c. Location Criteria [Ord. 2006-004]

1) Intersection Criteria

A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Article 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

2) Separation Criteria

A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]

3) U/S Tier

A convenience store with gas sales with a CL FLU designation shall also comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2006-004]

4) Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)

A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]

5) I-95 Interchange Exemption

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, listed above.

Part 2. ULDC Art. 4.B.1.A.18.b, Location Criteria [Related to Retail Gas and Fuel] (page 35 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. Gas and Fuel, Retail

An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord. 2011-016]

b. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel, Convenience Store with Gas Sales, or any combination thereof, may be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

2) Separation Criteria

Retail Gas and Fuel shall be separated from any other Retail Gas and Fuel, or Convenience Store with Gas Sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004] [Ord. 2011-016]

3) CL FLU in U/S Tier

Where permitted in a Use Matrix, Retail Gas and Fuel with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers

Where permitted in a Use Matrix, Retail Gas and Fuel shall be located within 1,000 feet of the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table. [Ord. 2006-004] [Ord. 2011-016]

5) WCRA Overlay

Retail Gas and Fuel is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2011-016]

6) I-95 Interchange Exemption

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.

LOCATION CRITERIA - CONVENIENCE STORE WITH GAS SALES AND RETAIL GAS AND FUEL SUMMARY OF AMENDMENTS

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above.

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

EXHIBIT I
COMMERCIAL PARKING
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.1.A.96, Parking Lot Commercial (pages 72 - 73 of 170), are hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

96. Parking Lot, Commercial

A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

~~a. Parking~~

~~Design standards of Art. 6.A, PARKING; and~~

~~b. Landscaping~~

~~Article 7.G, Landscape — Off-Street Parking Requirements.~~

ae. Principal Use

Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.

bd. Proximity to Residential

A commercial parking lot shall not be located on a parcel adjacent to a residential district.

ce. Storage

Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.

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.

LOCATION CRITERIA - TYPE I RESTAURANT
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 2.D.7, Type I Waiver (pages 45 of 85), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 7 Type I Waiver

Table 2.D.7.B, Summary of Type I Waivers (1)

Type I Waiver Summary List
Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through
[Ord. 2012-]

Part 2. ULDC Art. 4.B.1.A.109, Restaurant, Type I (page 85 - 86 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

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. Type I restaurants with drive through lanes generate visual impacts on the surrounding area as well as additional traffic in comparison to a Type I restaurant without a drive through. However, if in compliance with the exception criteria listed below the impacts can be mitigated. **Ord. 2006-004]**

a. Location Criteria

A Type I restaurant with a drive through shall be subject to the following: **[Ord. 2006-004]**
[Ord. 2007-001]

1) Intersection Criteria

A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

2) Separation Criteria

A Type I restaurant shall be separated from any other Type I restaurant ~~subject to these standards,~~ in accordance with Art. 5.E.2.C.2. **[Ord. 2006-004]** **[Ord. 2009-040]**

3) Exception

A Type I restaurant may be exempt from the location criteria if the site that is designed to: address the additional trips associated with a drive through restaurant; as well as enhances pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following, ~~may be exempt from intersection and separation criteria:~~ **[Ord. 2006-004]**

~~a) Required sidewalks and related pedestrian connections fronting on the façade supporting the primary entrance shall be increased to eight feet in width; [Ord. 2006-004]~~

~~b) Dumpster enclosures shall be physically connected to and architecturally consistent with the building and shall not be freestanding; [Ord. 2006-004]~~

~~c) No reductions in the width of required foundation planting areas shall be permitted; [Ord. 2006-004]~~

~~d) Wall signage is limited to one façade of the restaurant; [Ord. 2006-004]~~

~~e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004] [Relocated to Art. 4.B.1.A.109.a.3).e). below]~~

af) Where applicable, a drive through Drive through facilities, including queuing and by-pass lanes that run parallel and are shall not visible from adjacent public streets, shall provide additional landscaping to mitigate views of the vehicular use areas. This may be accomplished by the use of a Type 3 Incompatibility Buffer,

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.

LOCATION CRITERIA - TYPE I RESTAURANT
SUMMARY OF AMENDMENTS

- ~~exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two; [Ord. 2006-004]~~
- bg) ~~If located in a non-residential Planned Development District or a commercial pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrances a distance of more than 150 feet. The applicant may request an increase to this distance by a maximum of ten percent of the dimensional requirement through a Type I Waiver by any means of vehicular circulation with exception of drive isles used to access those parking spaces; [Ord. 2006-004]~~
- c) ~~If located in standard Zoning Districts, cross-access shall be provided to the abutting parcel that has a Commercial FLU designation. If required, the cross-access easement shall be recorded prior to final approval of the Site Plan by the DRO. The Zoning Director may not require the cross-access easement based on review of the existing or approved use for the abutting property.~~
- h) ~~The restaurant shall not have continuous vehicular circulation on all four sides. For the purposes of this Section, vehicular circulation shall include drive ways, drive aisles, or other means of internal vehicular circulation located within 50 feet or less of the building. Vehicular circulation shall not include customer parking provided for the restaurant, one-way drive-through lanes and related by-pass lanes serving the restaurant. [Ord. 2006-004]~~
- d) ~~Consideration shall be given to site design that promotes a safe pedestrian environment and addresses vehicular circulation and maneuvering. A restaurant located on a single parcel with a standard Zoning District is allowed continuous vehicular circulation:~~
- 1) ~~on all four sides of the building if the site is limited to only one access point to the subject property; or,~~
- 2) ~~on all three sides of the building if site is limited to two access points to the subject property.~~
- e) ~~Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004] [Relocated from Art. 4.B.1.A.109.a.3).e). above]~~

....

Part 3. ULDC Art. 5.C.1.B 1, General [Related to Architectural Guidelines Thresholds] (page 33 of 91), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Thresholds

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

1. General

-
- e. The following uses, regardless of building size: [Ord. 2006-036]
- 1) Automotive paint or body shop; [Ord. 2006-036]
- 2) Repair and maintenance, general; ~~and~~ [Ord. 2006-036]
- 3) Retail sales, automotive parts and accessories; ~~and,~~
- 4) Type I restaurants with drive through requesting location criteria exception pursuant to Art.4.B.1.A.109, Restaurant, Type I. [Ord. 2006-036]
-

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.

EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.I.2, Definitions (pages 89 of 115) is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~14. School, Private~~ for the purposes of Art. 4.B.
....

Part 2. ULDC Art. 4.B.1.A.118, Elementary or Secondary Schools (pages 92 – 95 of 170) is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

118.School, Elementary or Secondary

An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

a. General

1) Setbacks

All schools shall comply with the Zoning District setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the Zoning District.

2) Agricultural Reserve Tier

A school shall not be located west of SR 7/US 441. [Relocated from Art. 4.B.1.A.118.a.11.]

3) South Florida Water Management District (SFWMD)

Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD. [Relocated from Art. 4.B.1.A.118.a.9.]

a) Preservation

Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION. [Relocated from Art. 4.B.1.A.118.a.9.a.]

b) Wetlands Permits

On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD. [Relocated from Art. 4.B.1.A.118.a.9.b.]

c) Construction Documents

Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM. [Relocated from Art. 4.B.1.A.118.a.9.c.]

4) Airport Zoning Overlay

New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, AIRPORT REGULATIONS, and F.S. [Relocated from Art. 4.B.1.A.118.a.10.]

b. Private School

The following standards shall apply to all private schools:

1) Pedestrian Access/Bike Path

Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.

2) Vehicular Circulation

Designated bus and parental drop off/pick up areas, shall be provided. Pathways, which cross-vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO.

3) Approval Process

This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4.

Dumpsters

~~*Dumpster and trash receptacles shall be located a minimum of 75 feet from residential property and screened in accordance with Article 5.B, ACCESSORY AND TEMPORARY USES.*~~

4) Signalization

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.

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS

Signalization, in the form of a mast arm, shall be installed at the primary entrance to the school site if warranted, as determined by the County Engineer. Should signalization not be warranted within 12 months of the final certificate of occupancy for private or charter schools, or school opening for public schools, the property owner/ School Board shall be relieved of this requirement.

~~5) Setbacks~~

~~a) Residential Districts~~

Setbacks for schools in all residential districts shall be consistent with Table 4.B.1.A, AR District in the RSA, or the following, whichever is more restrictive.

Table 4.B.1.A – Minimum Building Setbacks

Front	Side	Corner	Rear
25	25	25	25

~~b) Non-residential Districts~~

Setbacks for schools in all non-residential zoning districts shall be consistent with the district standards.

~~6) Maximum Building Height~~

Structures higher than 35 feet shall be subject to approval on a Class A conditional use, unless otherwise stated in this Section.

~~7) Outdoor Activity Areas~~

Outdoor activity areas shall comply with Article 5.B, ACCESSORY AND TEMPORARY USES.

~~8) Lighting~~

Security and recreation lighting (i.e. outdoor activity areas, ball fields, tennis courts, etc.) shall comply with Article 5.E, PERFORMANCE STANDARDS.

~~9) South Florida Water Management District (SFWMD)~~

~~Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~ **[Relocated under section 4.B.1.A.118.a.3]**

~~a) Preservation~~

~~Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION.~~ **[Relocated under section 4.B.1.A.118.a.3.a]**

~~b) Wetlands Permits~~

~~On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~ **[Relocated under section 4.B.1.A.118.a.3.b.]**

~~c) Construction Documents~~

~~Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.~~ **[Relocated under section 4.B.1.A.118.a.3.c.]**

~~10) Airport Zoning Overlay~~

~~New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, AIRPORT REGULATIONS, and F.S.~~ **[Relocated under section 4.B.1.A.118.a.4]**

~~11) Agricultural Reserve Tier~~

~~A school shall not be located west of SR 7/US 441.~~ **[Relocated under section 4.B.1.A.118.a.2]**

c b Charter Schools

Charter schools are subject to the same standards and approval processes applicable to private schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval ~~and the standards in Article 4.B.1.A.118.a, General, and Article 2.D, ADMINISTRATIVE PROCESS.~~

d e Public Schools

- ~~1) A use and attendant buildings operated by the PBC School District for educational or training purposes, as follows:~~
- ~~a) an elementary school;~~
 - ~~b) a middle school;~~
 - ~~c) a high school;~~
 - ~~d) a vocation or technical school.~~

12) Applicability

~~a) General~~

~~This Section shall apply only to public schools built and operated by the PBC School Board.~~ Public Schools are subject to site requirements contained in Section 423 of

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.

**ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS**

the Florida Building Code per F.S. 1013.37. Public schools are not subject to the approval process contained in the Use Matrices of this Code unless specified herein. Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district.

2b) Previous Approvals and Future Amendments

Public schools approved prior to June 16, 1992 shall be considered conforming uses. ~~Future amendments to these schools shall be subject to the requirements of this Section and Article 2, Development Review Process and Article 2.D.1, DRO. [Ord. 2005-002]~~

3) Approval Process Review by Zoning

a) Development Review Officer

Applications for site plan approval shall include the following: ~~[Ord. 2005-002]~~

(1) DRO Application

~~A completed application, which meets the standards of this Section and Art. 2.D.1, DRO.~~

a(2) School Site Acquisition

~~Comply with the Proof of compliance with the School Site Acquisition Review procedures required established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time.~~

b(3) DRO Development Review Officer (DRO) Administrative Review

~~Application shall comply with the DRO Administrative Review process as stated in Article 2.D, Administrative Process. All items shall be submitted in accordance with the Zoning Division calendar. Agency comment shall be provided to the School District at the next scheduled DRO meeting.~~

(4) Standards

~~Applications submitted pursuant to this Section shall be reviewed and approved by the DRO after a finding that the procedures and standards of this Section and Art. 2.D, Administrative Process - DRO, are satisfied.~~

....
5) Property Development Regulations (PDRs)

~~If a conflict exists between this Section and regulations found elsewhere in this Code, the regulations of this Section shall apply.~~

a) Maximum Building Height

~~Structures higher than 35 feet shall provide one additional foot setback for each one foot in height exceeding 35 feet.~~

b) Lot Size

~~The minimum lot size shall be governed by the most recent standards adopted by the School Board and only to new public schools.~~

c) Building Setbacks

~~Setbacks for public schools shall be a minimum of 25 feet, consistent with Florida Statutes as indicated in Table 4.B.1.A, Minimum Building Setbacks, above. [Ord. 2005-002]~~

6) Supplemental Design Standards

~~The following design standards shall apply to new school sites and any improvement to previously approved school sites.~~

a) Parking

~~The site plan shall indicate the student capacity, number of employees the amount of required and provided parking spaces, and comply with the minimum parking required by applicable State Statutes.~~

b) Landscape Buffer

~~The DRO shall require R-O-W buffers and interior parking area landscaping consistent with Art. 7, Landscaping. Adjacent properties with existing residential use or FLU designation shall be protected from the school's loading, utility, and outdoor active recreation areas by incompatibility buffers. Landscaping material shall comply with the applicable F.S. [Ord. 2005-002]~~

~~a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping.~~

~~b) Landscape shall comply with State Statutes 1013.64(5)(a).~~

c) Accessory Recreation

~~Accessory Outdoor recreation areas shall be subject to Art. 5.B, Accessory and Temporary Uses, recreation, or provide a Type 3 Incompatibility Buffer, as defined in Art. 7, Landscaping, with a minimum width of 25 feet.~~

ed) R-O-W Dedication

~~Within six months of a request by the County Engineer, site plan approval by the DRO, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting~~

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.

EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS

and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right of way for ~~plus~~ turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road ~~on the County Thoroughfare Map~~. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District.

~~de~~) Road Improvements

Prior to school occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study. [Ord. 2005 – 002]

Part 3. ULDC Art. 5.E.4.E.2.e, Deviations [Related to Outdoor Lighting Applicability] (pages 53 of 91) is hereby amended as follows:

CHAPTER E PERFORMANCE STANDARDS

Section 4 Nuisances

E. Outdoor Lighting

2. Applicability

e. Deviations

Lighting may vary from this Section to the extent necessary to comply with the following: [Ord. 2005-041]

- 1) F.S. 655.962, related to ATM lighting; [Ord. 2005-041]
- 2) F.S.812.173, related to Parking lots for Convenience Businesses; [Ord. 2005-041]
- 3) Lighting on ~~Public S~~chools required by FBC Chapter 423 ~~and 424~~, and the SDPBC Electrical Design Criteria; [Ord. 2005-041]

....

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.

EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.C.1.A.2, Interpretation and Application (pages 8 of 115), is hereby amended as follows:

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 1 Rules of Construction

- A. General
2. Interpretation and Application
- z. Weekend – Friday, Saturday and Sunday.
[Renumber Accordingly]

Part 2. ULDC Art. 1.I.2, Definitions (pages 34 of 115), 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:

....
[Renumber accordingly.]

48. Agriculture Marketplace – A use that is accessory, incidental and subordinate, to a bona-fide agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations.
[Renumber accordingly.]

Part 3. ULDC Table 4.A.3.A – Use Matrix Continued, Definitions (page 13 of 170), is hereby amended as follows:

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																	N O T E			
	Agriculture/ Conservation			Residential					Commercial						Industry/Public						
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G	C R E	I L	I G		P O	I P F	
				R S A	U S A																
Commercial Use																					
....																					
Green Market, <u>Temporary</u>			<u>P S</u>									S		S		S				64-1	
<u>Green Market, Permanent</u>												<u>B</u>		<u>B</u>		<u>D</u>				64-2	
....																					
Agricultural Uses																					
Agriculture, Bona Fide			P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	3
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016]																					
Key:																					
P Permitted by right																					
D Permitted subject to DRO approval																					
S Permitted subject to Special Permit approval																					
B Permitted subject to Zoning Commission approval																					
A Permitted subject to Board of County Commission approval																					

(This space intentionally left blank)

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If being relocated destination is noted in bolded brackets [Relocated to:].

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.

EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS

Part 4. ULDC Art. 4.B.1.A3, Bona Fide Agriculture, Supplemental Use Standards (page 29 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

3. Agriculture, Bona Fide

Any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. The determination as to whether or not the use of land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act. [Ord. 2009-040]

....

h. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 – 002]

i. Agriculture Marketplace

A use that is accessory, incidental and subordinate, to a Bona-fide Agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations.

1) Approval Process

Class A Conditional Use.

2) Location Criteria

a) Tier and District

AGR Tier and Zoning district only.

b) Location

The Agriculture Marketplace shall be located adjacent to an arterial road designated on the PBC Functional Classification of Roads Map.

c) Proximity to Residential Uses

The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD development areas with residential uses.

3) Minimum Acreage and Production

May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.

a) Agriculture Preserve Parcels

The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR PUD Preserve or AGR TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels.

b) Agriculture Production

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

4) Use Limitations and Sale of Products

The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona-fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

a) Floor Area

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If being relocated destination is noted in bolded brackets [Relocated to:].

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.

EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS

is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, preserve area or other similar protection.

b) Outdoor Open Space Area

Areas set aside as outdoor open space for colocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

c) Collocated Uses

Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:

(1) General Retail Sales

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

(2) Green Market, Permanent

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

(3) Retail Sales, Mobile or Temporary

Mobile sales shall be permitted subject to approval of a Special Permit.

(4) Special Event

Subject to approval of a Special Permit.

d) Outdoor Permanent Activities

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be permitted by right, subject to the following:

(1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;

(2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,

(3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.

e) Outdoor Display

Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.

f) Storage

Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

g) Parking

Off site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.

h) Hours of Operation

1) Eight a.m. to six p.m. Monday through Saturday; and,

2) Ten a.m. to six p.m. Sunday.

[Renumber Accordingly]

Part 5. ULDC Art. 4.B.1.A.64, Green Market (page 55 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

64-1. Green Market, Temporary

A temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food, on a retail basis.

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be deleted. If being relocated destination is noted in bolded brackets [Relocated to:].

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.

EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS

- 1 a. **Lot Size**
2 A minimum of one acre.
- 3 b. **Duration and Approval**
4 Weekends only, subject to approval of a Special Permit. *A Temporary Green Market that*
5 *is located within required parking spaces or access aisles for a temporary period of time,*
6 *which shall be defined by anything exceeding one hour or several days, shall comply with*
7 *the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022]*
8 **[Partially relocated from Art. 4.B.1.A.64-1.g]**
- 9 c. **Site Operation**
10 The market stall shall be located on the site as not to utilize required parking spaces or
11 obstruct any access or parking lot aisles. **[Ord. 2007-001]**
- 12 d. **Temporary Electric Service**
13 The applicant shall obtain an electrical permit for temporary power, if applicable. **[Ord.**
14 **2007-001]**
- 15 e. **Stands**
16 Each vendor stand shall not exceed 150 square feet. The stand shall remain
17 transportable. Motor vehicles such as vans or small trucks may be permitted provided
18 the vehicle is removed from the site at the close of the market each weekend.
- 19 f. **Signage**
20 A maximum of two signs with a maximum sign face area of 32 square feet per side.
21 Signs shall be setback a minimum of five feet from the base building line and have a
22 minimum separation of 100 feet. Banners, pennants, balloons and flags shall be
23 prohibited.
- 24 g. **Permanent Green Market**
25 ~~A permanent Green Market shall be allowed to operate each weekend provided the area~~
26 ~~designated for the Green Market is not located in required parking and indicated on the~~
27 ~~final DRO site plan. A Green Market that is located within required parking spaces or~~
28 ~~access aisles for a temporary period of time, which shall be defined by anything~~
29 ~~exceeding one hour or several days, shall comply with the Special Permit requirements in~~
30 ~~Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Partially relocated to Art. 4.B.1.A.64-~~
31 ~~1.b, Duration and Approval]~~
- 32 **64-2. Permanent Green Market**
33 An area permanently designated on a Preliminary or Final Site Plan providing for the
34 gathering of vendors on weekends and holidays, for the purpose of selling fresh unprocessed
35 fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on
36 a retail basis.
- 37 a. **Lot Size**
38 A minimum of one acre.
- 39 b. **Duration**
40 Weekends and recognized federal holidays only.
- 41 c. **Stands**
42 Each vendor stand shall not exceed 150 square feet. The stand shall remain
43 transportable and shall be removed from the site at the close of the market each
44 weekend, or holiday where applicable. Motor vehicles such as vans or small trucks may
45 be permitted subject to the preceding removal requirements.

(This space intentionally left blank)

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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.

EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS

Part 6. ULDC Art. 6, Parking (page 5 of 39), is hereby amended as follows:

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Type: Commercial	Parking (1)	Loading (2)
....		
Green market		
<u>Temporary</u>	N/A	N/A
<u>Permanent</u>	<u>1 space per 250 sq. ft.</u>	<u>A</u>
....		
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2011-016]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Agriculture	Parking (1)	Loading (2)
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
<u>Accessory Agricultural</u>		
<u>Uses (U-Pick Em</u>		
<u>Operations)</u>		
<u>Agriculture Marketplace</u>	<u>1 space per 200 sq. ft.</u>	<u>A</u>
	<u>including outdoor sales display area</u>	
....		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If being relocated destination is noted in bolded brackets [Relocated to:].

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.

EXHIBIT M

AGR TIER – INSTITUTIONAL MEDICAL OFFICE
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 4.B.1.A.83, Medical or Dental Office (pages 66 and 67 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]

....

c. ~~Limited Use in~~ INST FLU Designation

A medical or dental office may ~~May~~ be permitted subject to DRO approval, within the boundaries of the following five ~~four~~ site specific FLUA amendments: ~~adopted under Ordinances 2006-005, 2008-005, 2009-008 and 2010-023.~~ [Ord. 2011-001]

1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005;

2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005;

3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008;

4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and,

5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-...

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.

EXHIBIT N

AGR TIER – PACKING PLANT IN AGR-PUD PRESERVE AREA
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.I.2.A.44, Agriculture Packing Plant [Related to Definitions] (page 34 of 115), 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:

44. **Agriculture, Packing Plant** – A facility ~~accessory to bona fide agriculture~~, used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005 – 002]

Part 2. ULDC Table 3.E.1.B, PDD Use Matrix (page 143 of 228), is hereby amended as follows:

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

Use Type	PUD					MUPD							MXPD		PIPD			M	R	LCC		N O T E
	Pods					FLU							FLU		Use Zone					FLU		
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C R	I N	I N	C H	C H	I N	C O	I N			C H P D	C L	
Agricultural Uses																						
....																						
Agriculture, Packing Plant					R																	5
....																						
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005]																						
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.																					

Part 3. ULDC Art. 3.E.2.F.3.c, Uses [Related to Preservation Areas] (page 162 of 228), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

3. Preservation Area

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

c. Uses

Uses allowed in a Preservation Area are indicated in Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated within Art. 4, Use Regulations, and specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004]

Part 4. ULDC Art. 4.B.1.A.5, Agriculture Packing Plant, (pages 29 and 30 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

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.
BCC Adoption Hearing August 23, 2012

EXHIBIT N

AGR TIER – PACKING PLANT IN AGR-PUD PRESERVE AREA
SUMMARY OF AMENDMENTS

A. Definitions and Supplementary Standards for Specific Uses

5. Agriculture, Packing Plant

A facility ~~accessory to bona fide agriculture~~, used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005-002]

a. Accessory Use

A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, may be allowed as an accessory use to a related bona fide agriculture use on the same property, provided it does not exceed 25,000 square feet.

....
f. **AGR-PUD Preserve Area**

An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following:

- 1) Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and,
- 2) Located on or adjacent to active agricultural crop production.

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.

EXHIBIT O

AGR PUD – 60/40 FRONTAGE
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.E.2.F.4.a.1), Frontage, [Related to AGR-PUD] (page 163 of 228), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

4. Development Area

a. Location

1) Frontage

All Development Areas shall have frontage on either SR-7, SR-806 (Atlantic Ave.), SR-804 (Boynton Beach Boulevard), Clint Moore Road, ~~or~~ Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 Canal.

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.

EXHIBIT P
TND MIXED USE

SUMMARY OF AMENDMENTS

Part 1. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of 228), is hereby amended as follows:

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

District Tier Pods	TND						TMD				N O T E S
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve	
Residential Uses											
....											
Multi-family	P	<u>P</u>		P	<u>P</u>		P	P	P		87
....											
Home occupation	P	<u>P</u>		P	<u>P</u>		P	P	P		70
....											
Commercial Uses											
....											
Work/Live <u>Live/Work</u>		<u>P</u> <u>D</u>			<u>R</u> <u>D</u>		<u>P</u> <u>D</u>	<u>R</u> <u>D</u>	<u>P</u> <u>D</u>		141-1 <u>141-2</u>
.... [Ord. 2012-]											
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.										

Part 2. ULDC Art. 3.F.3.E.1, Neighborhood Center (pages 208 - 209 of 228), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

E. Land Use Zones

1. Neighborhood Center

A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential uses retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods. Multi-family or live/work residential uses are encouraged when located above non-residential uses.

a. General Standards

....

4) Maximum Floor Area Ratio (FAR)

1.0, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR.

....

6) Maximum Total Floor Area

40,000 square feet of GFA, excluding multi-family units or the residential portion of a live/work unit counted as density.

b. Building Standards

....

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to the following:

- a) Permitted residential uses are located above non-residential uses; and,
- b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC.

Part 3. ULDC Art. 3.F.3.E.5, Residential Uses (pages 212 - 214 of 228), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

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.

SUMMARY OF AMENDMENTS

a. Lot Size and Setbacks

□ □ □ □

Regulation	Single family	ZLL	Townhouse	Multi-Family (1)
Minimum Lot Size	5,000 sq. ft.	3,000 sq. ft.	1,000 sq. ft.	5,000 sq. ft.
Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	50,000 sq. ft.
Minimum Lot Width	50 ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75 ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum 15 ft. separation	5 ft. min. 15 ft. separation
			10 ft. adjacent to Single family or ZLL Houses	20 ft. adjacent to Single family or ZLL Houses
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	
		5 ft. min. on alleys		
Notes:				
1. Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.				

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

EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.A.1.B.2, Standard Districts (pages 15 and 16 of 228), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 DistrictsSo-

B. Overlays and Zoning Districts
2. Standard Districts

~~SD, Specialized Development District [Ord. 2011-016]~~

Part 2. ULDC Table 3.B.16.F, PRA Block Building PDRs (page 97 of 228), is hereby amended as follows:

Table 3.B.16.F. - PRA Block Building PDRs

Building Placement		Min.	Max. (1)
A.	Slip Street Frontage	45 ft.	50 ft.
	Primary Frontage	20 ft.	25 ft.
	Secondary Frontage (8)	10 ft.	20 ft.
B.	Non-Residential (9)	6 ft. (2)	N/A
C.	Residential (PRA) (4)	6 ft. (2)	N/A
	Residential (non PRA) (5) (9)	30 ft.	N/A
D.	Between parking and alley	5 ft. (3)	N/A
Building Frontage % (6)		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 (6)(7)		Min.	Max.
I.	Separation	100 ft.	300 ft.
	Width	10 ft.	N/A

[Ord. 2010-022] [Ord. 2011-016]

Notes:

~~4. Shall apply for any PRA single-family or multi-family building 35 feet in height or less within 30 feet of property line. [Ord. 2010-022] [Ord. 2011-016]~~

~~5. Means adjacent residential parcels that are not located within a development using PRA regulations. Setbacks for Single-family Residential units shall be 7.5 feet for side setbacks and 25 feet for rear setbacks. [Ord. 2010-022] [Ord. 2011-016]~~

~~8. An existing SFD that has a greater setback than the maximum permitted shall not be considered a non-conforming structure.~~

~~9. Setbacks for Single-family Residential units shall be 7.5 feet for side setbacks and 15 feet for rear setbacks.~~

Part 3. ULDC Art. 3.C.1.E.3, SD, Specialized Development District, Standard Districts (page 122 of 228), is hereby deleted as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 General

E. PRA, Priority Redevelopment Area Districts

~~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.16, URAO, unless permitted otherwise herein. [Ord. 2010-022]~~

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.

EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS

Part 4. ULDC Table 3.D.1.A., Property Development Regulations (page 122 of 228), is hereby amended as follows:

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

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (12)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear

Commercial											

SD	0.5 ac.	100	100	-	-	-	N/A	(10)	(10)	(10)	(10)

[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022]											
Notes:											

Part 5. ULDC Art. 4.B.1.A.18.g, Priority Redevelopment Areas (PRAs) [Related to Retail Gas and Fuel] (pages 35-36 of 170), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. Gas and Fuel, Retail

~~g. Priority Redevelopment Areas (PRAs)~~
~~Shall only be permitted in the SD district. [Ord. 2010-022]~~
~~[Renumber accordingly.]~~

Part 6. ULDC Art. 4.B.1.A.25.f, Priority Redevelopment Area (PRAs) [Related to Car Wash] (pages 38-39 of 170), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

25. Car Wash

~~f. Priority Redevelopment Areas (PRAs)~~
~~Shall only be permitted in the SD district. [Ord. 2010-022]~~
~~[Renumber accordingly.]~~

Part 7. ULDC Art. 4.B.1.A.37.j, Priority Redevelopment Area (PRAs) [Related to Convenience Store with Gas Sales] (page 45 of 170), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

37. Convenience Store with Gas Sales

~~j. Priority Redevelopment Area (PRAs)~~
~~Shall only be permitted in the SD district. [Ord. 2010-022]~~
~~[Renumber accordingly.]~~

Part 8. ULDC Art. 4.B.1.A.109.g, Priority Redevelopment Area (PRAs) [Related to Type I Restaurant (pages 86-87 of 170), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

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.

EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS

A. Definitions and Supplementary Standards for Specific Uses

109.Restaurant, Type I

~~g. Priority Redevelopment Area (PRAs)~~

~~Drive through shall only be permitted in the SD district. [Ord. 2010-022]~~

[ReNUMBER accordingly.]

Part 9. ULDC Art. 4.B.1.A.135.f, Priority Redevelopment Area (PRAs) [Related to Vehicle Sales and Rental] (pages 103-104 of 170), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

135.Vehicle Sales and Rental

~~f. Priority Redevelopment Area (PRAs)~~

~~Outdoor sales or rental display or storage areas shall only be permitted in the SD district.~~

~~[Ord. 2010-022]~~

[ReNUMBER accordingly.]

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.

EXHIBIT R

PALM BEACH INTERNATIONAL AIRPORT OVERLAY (PBAIO)
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.B.9.E, Review Procedures [Related to Palm Beach International Airport Overlay] (page 29 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 9 PBAIO, Palm Beach International Airport Overlay

E. Review Procedures

All development requests within the PBAIO shall comply with the following: [Ord. 2004-051]

~~1. Site Specific~~

~~All Site Specific FLUA amendments shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Local Planning Agency (LPA). [Ord. 2004-051]~~

~~2. Conditional Uses~~

~~All conditional use applications for development permits shall be reviewed by the PBAIO Committee. The PBAIO Committee's recommendations shall be presented to the Zoning Commission (ZC). [Ord. 2004-051]~~

[Renumber Accordingly]

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

Part 1. ULDC Art. 1.I.2, Definitions (page 108 of 115), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

1. Waiver – A request to alter a specific ULDC provisions where alternative solutions to Code requirements are provided, subject to standards, performance criteria or limitations. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code.

[Renumber Accordingly]

Part 2. ULDC Art. 2.A.1.D.1, Processes [Related to Authority] (pages 11 - 12 of 85), 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]

a. Board of County Commissioners (BCC)

The BCC, in accordance with the procedures, standards and limitations of this Article shall consider the following types of development order applications:

....
8) Type II Waivers, or other waivers as may be expressly stated; [Ord. 2008-003] [Ord. 2009-040]

c. Development Review Officer (DRO)

The DRO, in accordance with the procedures, standards and limitations of this Article and Art. 2.D, Administrative Process, shall consider the following types of development order applications: [Ord. 2006-036]

....
3) Subdivision Plan; ~~and~~ [Ord. 2006-036]

4) Uses indicated as "D" in Table 4.A.3.A, Use Matrix; and [Ord. 2006-036]

5) Type I Waivers.

....

Part 3. ULDC Art. 2.A.1.E.3.a, Preliminary Application [Related to Pre-Application Conference for LCC, IRO and PRA] (page 12 of 85), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

E. Pre-Application Conference (PAC)

3. Additional LCC, IRO and PRA Requirements

a. Preliminary Application

The preliminary application shall identify and document any proposed Type I or Type II Waivers ~~waivers~~; and include any previous BCC conditions of approval, if applicable. [Ord. 2010-005]

Part 4. ULDC Art. 2.A.1.K.3, Board Action (page 19 - 20 of 85), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

K. Public Hearing Procedures

3. Board Action

a. Action by ZC

2) Rezoning, Class A Conditional Use, Requested Use, DOA, Type II Waivers

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Requested Uses; Rezoning, and DOA's ~~and~~ ; or, the standards in Article 2.B.2.G.3, Standards, applicable to all Type II Waivers. [Ord. 2008-003] [Ord. 2011-016]

b. Action by BCC

3) Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based ~~on~~ upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Requested Uses, Rezoning and DOA's; or, the standards in Article 2.B.2.G.3, Standards, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2008-003]

Part 5. ULDC Art. 2.A.1.L.2.a, Action by DRO (page 21 of 85), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

L. Actions by Decision Making Bodies or Persons

2. Administrative Processes

a. Action by DRO

The DRO ~~shall approve, approve with conditions, revoke, deny or administratively withdraw an application based upon the recommendation of the reviewing agencies,~~ in accordance with the procedures, standards and limitations of this Code and Article 2.D, ADMINISTRATIVE PROCESS, including where applicable: the standards of Art. 2.D.1.E, Standards for Administrative Approval, and the standards of Art. 2.D.4.d, Standards, applicable to Administrative Amendments; or, the standards of Art. 2.D.7.C, Standards, applicable to Type I Waivers ~~shall approve, approve with conditions, revoke, deny or administratively withdraw an application based upon the recommendation of the reviewing agencies.~~

Part 6. ULDC Art. 2.A.1.S.2.b., Processes [Related to Non-Judicial Relief Appeals] (pages 23 - 25 of 85), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

S. Appeal

2. Non-Judicial Relief

b. Processes

2) DRO Review

Any Person seeking Development Order approval from the DRO, except for Type I Waivers, may appeal that decision to the DRAB according to the following: [Ord. 2005-002] [Ord. 2011-016]

6) ~~URAO, IRO, and LCC~~ Type I Waiver ~~and Green Architecture Waiver~~

a) URAO

Any Person seeking a URAO Type I Waiver from the DRO may appeal that decision to the BCC pursuant to the procedures in Art. 2.A.1.S.2.b.1, Class B Conditional Use. [Ord. 2011-016]

b) Other Type I Waivers

Any Person seeking ~~an IRO a~~ Type I Waiver, except for URAO, or LCC Type I Waiver from the DRO and a Green Architecture Waiver may appeal that decision to the Zoning Commission subject to the following: [Ord. 2011-016]

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.

EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS

- (1) The ZC shall consider the appeal petition within 60 days of its filing. [Ord. 2011-016]
- (2) At the hearing, the ZC shall provide the petitioner, the applicant, and PBC staff an opportunity to present arguments and testimony. [Ord. 2011-016]
- (3) The ZC shall consider only the evidence presented to county staff at time of the decision and the correctness of findings of fact or any condition imposed by the DRO. [Ord. 2011-016]
- (4) The ZC shall modify or reject only if substantial evidence is contrary to the Plan, ULDC, or Official Zoning Map. [Ord. 2011-016]

~~7) Zoning Director Waiver~~

~~Any Person seeking a Waiver from the Zoning Director may appeal that decision to the Hearing Officer subject to the same procedures stated in Art. 2.A.1.S.2.b.4, Interpretations. [Ord. 2011-016]~~

....

Part 7. ULDC Art. 2.B.2.G, Type II URAO Waivers (page 28 of 85), is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESS

Section 2 Conditional Uses, Requested Uses Development Order Amendments, Unique Structures and Type II Waivers

G. Type II URAO Waivers

1. Purpose

The purpose of Type II Waivers is to allow flexibility for mixed use or infill redevelopment projects, or site design or layout, where alternative solutions can be permitted, subject to performance criteria or limitations. Type II Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Type II Waiver may not be granted if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016]

2. Applicability

Requests for Type II Waivers shall only be permitted where expressly stated within the ULDC limited to the Urban Redevelopment Area Overlay (URAO) in accordance with Art. 3.B.16.G, Type I and II URAO Waivers. [Ord. 2011-016]

Table 2.B.2.G, Summary of Type II Waivers (1)

<u>Type II Waiver Summary List</u>
<u>GAO Minimum Density Requirements</u>
<u>Urban Redevelopment Area</u>
<u>PDD Frontage</u>
<u>PDD Cul-de-sacs</u>
<u>AGR TMD Parking Structure</u>
<u>AGR TMD Block Structure</u>
<u>Communication Towers</u>
<u>Large Scale Commercial Development Location of Front Side and Rear Parking</u>
<u>[Ord. 2012-]</u>

3. Standards

When considering a Development Order application for a Type II Waiver, the BCC shall consider the standards indicated below and any other standards applicable to the specific Type II Waiver as contained in this Code. A Type II Waiver, which fails to meet any of these the standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016]

- a. The ~~waiver~~ Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016]
- b. The ~~waiver~~ Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022]
- c. The alternative design option recommended as part of the ~~waiver~~ Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022]

Part 8. ULDC Art. 2.B.3, Type II Variance (page 32 of 85), is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESS

Section 3 Type II Variance

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

....
F. Conditions

The Zoning Director, or County Engineer, or Airport Director, whichever is appropriate, may recommend, and the ZC may impose, such conditions in a Development Order ~~development order~~ for a Type II Variance ~~variance~~ as are necessary to accomplish the goals, objectives and policies of the Plan and this Code, including limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress, or exemptions for applications not subject to building permits. Any violation of the Type II Variance ~~variance~~ or a condition shall be a violation of this Code. [Ord. 2006-036]

1. Request for Time Limitation Waiver

~~If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from Article 2.B.3.F.1, Request for Time Limitation Waiver, of this Chapter. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The justification shall be reviewed by the appropriate variance review body, and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this Section or may require compliance with the variance approval by a specified time, as deemed appropriate.~~

G. Effect of Development Order

....
2. Time Limitation

Unless otherwise specified in the Development Order ~~development order~~ or a condition of approval, construction shall be commenced pursuant to Table 2.E.3.B, Time Limitation of Development Order for Each Phase, within 12 months of the variance approval date, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. Permitted time frames do not change with successive owners.

a. Request for Time Extension

Upon written request, an extension of time for the variance or any condition thereof may be granted for a maximum of 24 months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department prior to the date the development order or condition is to expire. Failure to submit an application for an extension within the time limits established by this Section shall render the development order for the variance null and void.

b. Exemption for Applications Not Subject to Building Permit

If a Type II Variance is requested that does not require a building permit to implement, then the applicant shall include a written statement with the application requesting a condition of approval to grant an exemption from time limitation requirements. Granting of the exemption from time limitations shall be subject to ZC approval of a condition of approval specifying that no building permit is necessary to vest the Type II Variance.

....
Part 9. ULDC Art. 2.D.1.F.1.f, DRO Authority (page 38 of 85), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

F. Conditions

1. DRO Authority

The DRO shall have the authority to recommend conditions of approval for Public Hearing development orders requiring BCC or ZC approval and impose conditions of approval for administrative development orders. Conditions of approval may be recommended or imposed to: [Ord. 2009-040]

....
f. Allows specific requirements of the Code to be waived, provided the proposed development meets the specific requirements for ~~the waiver.~~ a Type I Waiver. [Ord. 2009-040]
....

Part 10. ULDC Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals [Related to DRO Authority] (pages 38 - 39 of 85), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

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.

EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS

G. Administrative Review

The DRO may approve amendments to Preliminary Plans approved by the BCC, and approve Final Plans, in accordance with the following procedures. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

1. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve modifications to a 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 the 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] [Ord. 2010-022] [Ord. 2011-001]

j. Requested or Class A or B Conditional Uses ~~uses~~ shall remain in the location approved by the BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord. 2010-005] [Ord. 2011-001]

k. Modification to IRO or URAO 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); or, and, [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]

l. Requests for Type I Waivers; or,-- [Ord. 2011-016]

m. Requests to modify a Type II Waiver or a Type II Variance when the amendment request is more conforming to Code requirements.

....

Part 11. ULDC Art. 2.D.7, Type I Waiver (pages 44 - 45 of 85), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 7 Type I Waiver

A. Purpose

The purpose of Type I Waivers is to allow flexibility for mixed use or infill redevelopment projects, or site design or layout, where alternative solutions can be permitted, subject to performance criteria or limitations. Waivers are not intended to relieve specific financial hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016]

B. Applicability

Requests for Type I Waivers shall only be permitted where expressly stated within the ULDC. apply to the following [Ord. 2011-016]

~~1. Infill Redevelopment Overlay (IRO), in accordance with Art. 3.B.15.G, IRO Waivers; [Ord. 2011-016]~~

~~2. Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.G, Type I and II URAO Waivers; and, [Ord. 2011-016]~~

~~3. Lifestyle Commercial Center (LCC), in accordance with Art. 3.E.8.D, LCC Waivers. [Ord. 2011-016]~~

Table 2.D.7.B, Summary of Type I Waivers (1)

Type I Waiver Summary List
Infill Redevelopment Overlay (IRO)
Urban Redevelopment Overlay (URAO)
Lifestyle Commercial Center (LCC)
Commercial Greenhouse Loading Zones
Solid Waste Transfer Station Landscape Buffer Planting
Screening for Room Mounted Mechanical Equipment
Green Architecture
Loading Space Reduction
Requirements for Walls or Fences Where Adjacent to Existing Walls
Billboard Replacement – Billboard Location Criteria
[Ord. 2012-]

C. Standards

When considering whether to approve, approve with conditions, or deny a Type I Waiver request, the DRO shall consider the following standards in addition to any other standards applicable to the specific Waiver as contained in this Code: [Ord. 2010-022] [Ord. 2011-016]

1. The Waiver ~~waiver~~ does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-022] [Ord. 2011-016]

2. The Waiver ~~waiver~~ will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022]

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

3. The alternative design option recommended as part of the Waiver waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022]

Part 12. ULDC Art. 2.G.1.A.17 [Related to Powers and Duties] (page 68 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

17. to hear, consider and approve, approve with conditions or deny applications for Urban Redevelopment Area Overlay (URAO) Type II Waivers and Waiver of Code Provisions for Historic Resources; and, [Ord. 2011-016]

Part 13. ULDC Art. 2.G.3.H.2.g [Related to Historic Resources Review Board Powers and Duties] (page 75 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

H. Historic Resources Review Board

2. Powers and Duties

- g. pursuant to Article 9.B.4.B, Waiver of the Code Provisions, review and comment to the BCC concerning waiver of Code provisions of the Code for properties within historic districts and for properties designated as historic or archaeological sites or listed on the PBC Register of Historic Places;

Part 14. ULDC Art. 2.G.3.M.2, Powers and Duties [Related to Zoning Commission] (page 80 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

M. Zoning Commission

2. Powers and Duties

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

....
and,

h. to consider and render a final decision on appeals of denials for Zoning Waivers; and,
[Ord. 2010-022] [Ord. 2011-016]

hi to hear, consider and decide appeals from decisions of the DRO on applications for Infill Redevelopment Overlay (IRO) or Lifestyle Commercial Centers (LCC) Type I Waivers, except URAO. [Ord. 2011-016]

Part 15. ULDC Art. 2.G.4.G.2.h [Related to Powers and Duties and Development Review Officer] (page 82 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

G. Development Review Officer (DRO)

2. Powers and Duties

- h. to hear, consider and approve, approve with conditions or deny applications for Infill Redevelopment Overlay (IRO), Urban Redevelopment Area Overlay (URAO), and Lifestyle Commercial Center (LCC) Type I Waivers. [Ord. 2011-016]

....

Part 16. ULDC Art. 2.G.4.K.2, Jurisdiction, Authority and Duties [Related to the Executive Director of Planning, Zoning and Building] (page 84 of 85), is hereby amended as follows:

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

**K. Executive Director of Planning, Zoning and Building
2. Jurisdiction, Authority and Duties**

....

- c. to administer the PZB Department, including the Planning Division, the Zoning Division, the Building Division, and the Code Enforcement Division; ~~and~~
- d. to waive or modify development review fees upon demonstration that the applicant is indigent pursuant to PBCHD standards, or the applicant can demonstrate review fees are in excess of actual staff costs; ~~and,~~
- e. to waive certain requirements as may be stated within this Code when a state of emergency is declared.

Part 17. ULDC Art. 2.G.4.N.2.k, [Related to Jurisdiction, Authority and Duties and Zoning Director] (page 85 of 85), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

**N. Zoning Director
2. Jurisdiction, Authority and Duties**

- ~~k. to review and approve or deny requests for administrative waivers pursuant to the applicable section(s) of the ULDC. [Ord. 2009-040]~~

Part 18. ULDC Art. 3.B.4.D.4.b, Minimum Density (page 25 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 4 GAO, Glades Area Overlay

**D. Use Regulations
4. Property Development Regulations (PDRs)
b. Type II Waiver - Minimum Density**

The BCC may consider the waiver of the minimum density requirement as a Type II Waiver for proposed development in the Glades area when:

- 1) The proposed development is consistent with the provisions of any applicable Joint Planning Area Agreement, and;
- 2) An analysis is completed that addresses:
 - a) the impact of a reduced density development on the overall infrastructure system;
 - b) the compatibility of the proposed development with adjacent land uses; and
 - c) the effect of the reduced density development on the ability of PBC to meet its goals, objectives and policies related to affordable housing. If the development is located in a municipal annexation area, the analysis must be performed by the annexing municipality.

....

Part 19. ULDC Art. 3.B.15.B, Infill Redevelopment Overlay (page 54 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

B. Applicability

The provisions of the IRO are optional, with the stipulation that when selected all new development will be in compliance with this Section, excepting any permitted Type I Waivers ~~waivers~~. An applicant may elect to use the IRO regulations for parcels that meet the following criteria: **[Ord. 2010-005]**

....

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.

EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS

Part 20. ULDC Art. 3.B.15.F.6.d.2, Civic Building [Related to Infill Redevelopment Area Overlay (page 70 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

6. Building Standards

d. Special Building Standards

2) Civic Building

An applicant for a civic building may apply any one or combination of block, liner or courtyard building type, or apply for a ~~waivers~~ Type I Waiver in accordance with Table 3.B.15.G, Type I IRO ~~Waivers~~. [Ord. 2010-005]

....

Part 21. ULDC Art. 3.B.15.G, IRO Waivers (pages 82 - 83 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

G. ~~Type I IRO~~ Waivers

The applicant may apply for ~~waivers~~ Type I Waivers for development standards in accordance with Art. 2.D.7, Type I Waiver and Table 3.B.15.G, Type I ~~IRO~~ Waivers. The following table summarizes the IRO development ~~requirements standards that eligible for could be requested through a waiver the Type I Waiver~~ process: [Ord. 2010-005] [Ord. 2011-016]

Table 3.B.15.G – ~~Type I IRO~~ Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
....		

Part 22. ULDC Art. 3.B.16.F.9.a.5), Service and Loading Areas [Related to Urban Redevelopment Area Overlay (URAO)] (page 105 of 228), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

F. PRA Design and Development Standards

9. Parking and Loading Standards

a. Location and Access

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~~ Art. 3.B.16.G, Type I and II URAO Waivers. [Ord. 2010-022]

....

Part 23. ULDC Art. 3.E.1.C.2, Performance Standards [Related to PDDs] (pages 146 - 147 of 228), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

C. Objectives and Standards

2. Performance Standards

....

a. Access and Circulation

1) Minimum Frontage

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.

EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS

Part 24. ULDC Art. 3.E.8.D, LCC Waivers (page 188 - 189 of 228), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 8 Lifestyle Commercial Center Development (LCC)

D. **Type I LCC** Waivers

An applicant may seek **Type I Waivers** ~~waivers~~ from specific code requirements listed in accordance with Art. 2.D.7, Type I Waiver, and Table 3.E.8.D, LCC Waivers. **Type I** Waiver approval shall be granted prior to DRO certification. The following table summarizes the development standards that could be requested through a **Type I Waiver** ~~waiver~~ process. [Ord. 2011-016]

Table 3.E.8.D – **Type I LCC** Waivers

Requirements	Waiver	Criteria of Review (1)
Main Street		
....		

Part 25. ULDC Art. 3.F.2.A.2.d.1)a), AGR Exception [Related to AGR TMD Parking Structures (page 204 of 228), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 2 General Standards

A. Applicability

2) Connectivity

d. Parking Structures

1) U/S and AGR Tiers

a) **Type II Waiver AGR Exception**

The requirement for structured parking in the AGR Tier may be waived by the BCC upon approval of a Type II Waiver. [Ord. 2005 – 002]

....

Part 26. ULDC Art. 3.F.4.E.9.a, BCC Waiver [Related to TMD Structures] (page 225 of 228), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

E. Standards Applicable to AGR Tier

9. Block Structure

a. **Type II BCC** Waiver

An AGR TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision below, unless waived through a Type II Waiver by the BCC upon the BCC determining that the block structure proposed is functionally equivalent for the purpose of Art. 3.F.1.A.4, and Art. 3.F.4.A Purpose. The **Type II Waiver** ~~waiver~~ may be granted only upon the applicant's agreement to be bound by the block configuration of the site plan approved by the BCC. [Ord. 2005-002] [Ord. 2005 – 041]

....

Part 27. ULDC Art. 4.B.1.A.121.b.4), Parking and Loading [Related to Commercial Greenhouses] (page 98 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

121.Shade House

b. Commercial Greenhouse

4) Parking and Loading

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

a) Parking

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless ~~waived by the DRO~~ approved as a Type I Waiver. [Ord. 2006-004]

....

Part 28. ULDC Art. 4.B.1.A.123.d, Buffer [Related to Solid Waste Transfer Station] (page 99 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

123.Solid Waste Transfer Station

d. Buffer

A minimum width of 50 feet ~~municipality incompatibility~~ buffer shall be provided adjacent to an existing residential use, district or FLU designation: ~~The DRO may waive required~~ Required landscaping not visible from adjacent lots or streets may be waived through a Type I Waiver.

....

Part 29. ULDC Art. 4.B.1.A.134.e, States of Emergency (page 103 of 170), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

134.Utility, Minor

e. States of Emergency

The PZ&B Executive Director may ~~waive request a waiver from~~ the review timeframes ~~for each case in the event~~ of a declared state of emergency ~~that directly affects the permitting activities of the local Government~~. [Ord. 2007-013]

....

Part 30. ULDC Art. 4.C.1, States of Emergency [Related to Stealth Towers] (page 112 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 1 States of Emergency

The PZ&B Executive Director may ~~waive request a waiver to~~ the review timeframes ~~for each case in the event~~ of a declared state of emergency ~~that directly affects the permitting activities of the local Government~~. [Ord. 2006-004]

Part 31. ULDC Art. 4.C.3.A.5., Waivers from Required Dimensional Criteria [Related to Stealth Towers] (page 113 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

A. Stealth Towers

5. Type II Waivers from Required Dimensional Criteria

A ~~Type II Waiver-waiver~~ from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria.

....

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

Part 32. ULDC Art. 4.C.3.B.5, Waivers (page 114 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

B. Camouflage Towers

5. Type II Waivers

A ~~Type II Waiver-waiver~~ from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria.

....

Part 33. ULDC Art. 4.C.3.K, Waiver from Required Dimensional Criteria (pages 128 - 130 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Siting Requirements

K. Type II Waiver from Required Dimensional Criteria

A ~~Type II Waiver-waiver~~ from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed as provided in this Section.

1. Towers approved as a Class A or Class B Conditional Use

The dimensional criteria required by this Section may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

2. Towers Approved on an Administrative Basis

The dimensional criteria required by this Section may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

3. Requests for a Type II Waiver

When considering a request to allow a ~~Type II Waiver-waiver~~ from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below.

4. Criteria for Granting a Type II Waiver

The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. 4.C.3.K.4.a - 4.C.3.K.4.h. In addition, each request for a ~~Type II Waiver-waiver~~ must be consistent with one or more of the following criteria: ~~Art. 4.C.2.K.4.h~~ Art. 4.C.3.K.4.i - Art. 4.C.3.K.4.r.

a. Protection of Public Welfare

The ~~Waiver-waiver~~, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

b. Economics

The ~~Waiver-waiver~~ is not granted based solely upon or in large measure due to costs associated with complying with all requirements of this Section.

c. Incompatibility Not Created

The ~~Waiver-waiver~~, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

d. Exhaustion of Other Remedies

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a ~~Waiver-waiver~~ shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.

e. Minimum Waiver

Grant of the ~~Waiver-waiver~~ is the minimum ~~Waiver-waiver~~ that will make possible the reasonable use of the parcel of land, building, or structure.

f. Consistent with the Plan

Grant of the ~~Waiver-waiver~~ will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

g. Not Detrimental

The grant of the ~~Waiver-waiver~~ will not be injurious to the area involved or otherwise detrimental to the public welfare.

h. Prohibition of Service

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

i. FAA Limitations

The ~~Waiver-waiver~~ is required to comply with locational standards established by the FAA.

j. Lack of Technical Capacity

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

k. Height of Existing Structures

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.

l. Lack of Structural Capacity

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

m. Interference

The, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.

n. Unreasonable Costs

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.

o. More Appropriate Site

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.

p. Avoid Certain Locations

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:

- 1) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- 2) officially designated vegetation and wildlife preserves;
- 3) habitats of threatened/endangered species, historical sites;
- 4) Indian religious sites;
- 5) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- 6) night use of high intensity lights in residential areas;
- 7) environmentally sensitive lands acquired or leased by PBC; or
- 8) linked open space corridors as set forth in the Plan.

q. Reduce Residential Impact

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.

r. Effect of Governmental Regulation or Restrictive Covenant

The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower.

5. Simultaneous Consideration

A request for a ~~Type II Waiver-waiver~~ from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC.

(This space intentionally left blank)

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

Part 34. ULDC Art. 4.C.4.D.1, Waiver of Distance Between Towers (page 132 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 4 Standards

D. Distances/Separation Between Towers

1. Type II Waiver of Distance Between Towers

A Type II Waiver waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. ~~A waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Waiver from Required Dimensional Criteria.~~

....

Part 35. ULDC Art. 4.C.4.S, Nonconforming Lots of Record (page 137 of 170), is hereby amended as follows:

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 4 Standards

S. Nonconforming Lots of Record

Towers may be located on nonconforming lots of record provided the structure will comply with all sitting requirements of this Section without a Type II Waiver-waiver from any dimensional criteria as provided herein.

Part 36. ULDC Art. 5.B.1.A.19.a.2)b)(2) [Related to Zoning Director discretion to exempt Mechanical Equipment Screening] (page 27 of 91), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

19. Mechanical Equipment

a. Applicability

2) Screening Requirements

b) Type I Waiver - Exemption for Roof Mounted Mechanical Equipment

(2) Subject to approval of a Type I Waiver ~~Zoning Director discretion~~, the screening may not be required for any industrial use with industrial FLU designation if the equipment cannot be viewed from adjacent R.O.W. In addition to the standards applicable to Type I Waiver, a line of sight drawing may be required by the DRO to ensure compliance with screening of equipment. [Ord. 2011-016]

Part 37. ULDC Art. 5.C.1.E.3.a, Green Architecture (page 35 - 38 of 91), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

E. Review Process

3. Type I Waiver - Green Architecture

a. Purpose and Intent

To encourage and promote the design and construction of green architecture. This Section provides for Type I Waivers ~~waivers~~ from the architecture design guidelines, provided the applicant can achieve the minimum points necessary to be classified as Green Architecture. In order to design sustainable architecture, certain allowances for Type I Waivers ~~waivers~~ in Section 5.C.1.H, Guidelines, need to be recognized and allowed if minimum standards are met. The provisions in Table 5.C.1.E, Green Architecture Designation Rating Program, provide alternative design solutions to achieve green architecture while still complying with the general intent of the architecture guidelines. [Ord. 2009-040]

....

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

d. Appeals

If the application is denied, the applicant may appeal the decision to the Zoning Commission in compliance with the standards of Art. 2.A.1.S.2.b.6, ~~URAO, IRO, and LCC~~ Type I Waiver ~~and Green Architecture Waiver~~. [Ord. 2011-016]

....

Part 38. ULDC Art. 5.C.1.J.1, Non Judicial Remedies (page 44 of 91), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

J. Appeal

1. Non-Judicial Remedies

Any applicant aggrieved by an administrative interpretation or decision regarding this Chapter who wishes to appeal the interpretation or decision shall file an appeal to the ZC and follow the appeal procedures established in Art.2.A.1.S.2.b.6, ~~URAO, IRO, and LCC~~ Type I Waiver ~~and Green Architecture Waiver~~. [Ord. 2005 – 002] [Ord. 2011-016]

....

Part 39. ULDC Art. 6.A.1.D.2.c.1), Large Scale Commercial Development [Related to Location of Required Parking] (page 13 of 39), is hereby amended as follows:

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

2. Location of Required Parking

c. Location of Front, Side, and Rear Parking

1) Large Scale Commercial Development

Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with Figure 6.A.1.D-3, Location of Front, Side, and Rear Parking, as follows:

- a) A maximum of 75 percent of required parking shall be located at the front.
- b) A minimum of 15 percent of required parking shall be located immediately fronting a side A entrance.
- c) A minimum of 25 percent of the required parking spaces at the side or rear, as indicated in Figure 6.A.1.D, Location of Front, Side and Rear Parking.

d) Type II Waiver

The BCC may waive these requirements as a Type II Waiver ~~this requirement~~ if the applicant demonstrates there is an unusual site configuration ~~and/or~~ unique circumstances, and the alternative site design clearly meets the intent of this provision, by increasing the proximity of parking spaces to public entrances, reducing the visual blight of large expanses of surface parking areas, and improving pedestrian connectivity. [Ord. 2005- 002]

....

Part 40. ULDC Art. 6.B.1.H.7.a.2) Administrative Reduction [Related to Loading Space Reduction] (page 37 of 39), is hereby amended as follows:

CHAPTER B LOADING STANDARDS

Section 1 Loading

H. Dimensional Standards and Design Requirements

7. Loading Space Reduction

a. Reduction in Number of Spaces

2) Type I Waiver-Administrative Reduction

For uses that contain less than 10,000 square feet of total GFA, the applicant Zoning Director may apply for a Type I Waiver to eliminate the loading space required ~~waive or reduce the loading standards~~. [Ord. 2007-001]

....

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.

**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS**

Part 41. ULDC Art. 7.F.9.C.1, Walls and Fences (page 40 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 9 Incompatibility Buffer

C. Walls and Fences

Walls used in Type 1 incompatibility buffers shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.

1. Existing Walls or Fences

Where there is an existing wall or fence, ~~the Zoning Division~~ the applicant may apply for a Type I Waiver to waive the wall or fence requirement. The following conditions shall be considered when determining if the wall requirements may be waived:

- Condition of existing wall;
- Effectiveness of visual screen; and
- Type of construction.

Part 42. ULDC Art. 7.F.9.E, Special Standards (page 41 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 9 Incompatibility Buffer

E. Special Standards

The DRO may require incompatibility buffers for uses such as recreation and civic areas within a residential subdivision or pod. The ~~DRO may~~ applicant may apply for a Type I Waiver to waive the incompatibility buffer for pods adjacent to open space that is 100 feet or greater in width.

[Ord. 2005 – 002]

Part 43. ULDC Art. 8.H.2, Billboards (page 38 of 39), is hereby amended as follows:

CHAPTER H OFF-SITE SIGNS

Section 2 Billboards

F. Relocation of Billboards

Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below:

1. A billboard company shall notify the Zoning Division in writing of its intent to relocate a billboard. The written notification shall be provided at least 30 days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.

G. Billboard Replacement

8. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived subject to approval of a Type I Waiver by the Zoning Director. The DRO may approve the Type I Waiver for Zoning Director may waive the billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section.

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.

EXHIBIT T

LIVESTOCK KEEPING
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 1.I.2. Definitions (page 50 and 53 of 115), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

118. Cross Fencing – for the purposes of Article 5, shall mean fencing installed inside of a perimeter fence to divide the property into two or more areas for the purposes of separating or containing livestock.
[Renumber accordingly.]

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

52. Domesticated Livestock – for the purposes of Article 5, shall include, but not be limited to, all animals of the equine (excluding horses), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep), and camelid (llamas, alpacas) families as well as poultry (chickens and ducks).
[Renumber accordingly.]

Part 2. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 27 of 91), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

20. Livestock

a. Standards of Approval

Domesticated livestock shall be permitted accessory to a single family residential use subject to the following standards:

1) Tier

Shall only be located in the Rural and Exurban Tiers and when not within a PUD.

2) Accessory Structures

a) Permanent accessory structures shall comply with the setback standards indicated in Article 5.B.1.A.1.d.2) – AR District and AGE Rural Transect.

b) Temporary/Portable structures that do not require building permits, may be located in the front or side street yards.

c) Existing permanent structures that were properly permitted prior to being constructed or installed, that do not comply with the setback requirements in this section shall not have to be relocated.

3) Cross Fencing

Cross fencing may be permitted for the purpose of separating livestock. It shall not be utilized in a manner that creates a nuisance for adjacent property owners such as containing animals in a limited area next to the property line.

4) Animal Care

Animals shall be maintained and cared for pursuant to the requirements of PBCACC.

5) Limitations of Use

A maximum of six separate on site sales of livestock shall be permitted during a 12 month period.

6) Existing Uses

Property owners that currently keep livestock as an accessory use shall be required to comply with the standards above within six (6) months of the effective date of this ordinance. Those found in non-compliance by Code Enforcement shall be given sixty (60) days to comply with the provisions of this section of the ULDC.

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.

This page left blank intentionally