

Board of County Commissioners

Shelley Vana, Chair
Steven L. Abrams, Vice Chair
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Burt Aaronson
Jess Santamaria
Priscilla A. Taylor



County Administrator
Robert Weisman

Department of Planning, Zoning & Building
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Phone: 561-233-5200
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**TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR 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.

STAFF RECOMMENDATION: Staff recommends a motion to approve on First Reading and advertise for an Adoption Hearing on August 23, 2012.

MOTION: To approve on First Reading and advertise for an Adoption Hearing on August 23, 2012: 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.

ORDINANCE 2012 _____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER 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.

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.

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.

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.

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Section 6. Inclusion in the Unified Land Development Code

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

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.

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

SHARON R. BOCK, CLERK & COMPROLLER

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

By: _____
Deputy Clerk

By: _____
Shelley Vana, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE for Exhibits A through L and Exhibits O through T: Filed with the Department of State on the _____ day of _____, 20_____.

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
(Updated 05/03/12)

1
2 Part 1. ULDC Art. 2.C.1, General [Related to FLU Plan Amendments] (pages 33 - 36 of 85), is
3 hereby amended as follows:
4

Reason for amendments: [Planning] The purpose of these amendments is primarily housekeeping in nature. Specifically, the changes are proposed to eliminate references to Florida Administrative Code Chapter 9J-5; to update and modify statutory reference citations; to add language regarding the ability for FLUA amendment applicants to request text amendments to the Comprehensive Plan; to revise wording of processes and sufficiency for consistency with wording with related language for Zoning processes; to revise notification standards for consistency with BCC direction and related changes to Zoning processes; to revise language regarding continuances and postponements to accurately reflect current practices; to eliminate references to the VDB program.

5 CHAPTER C FLU PLAN AMENDMENTS

6 Section 1 General

7 A. Purpose

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

12 B. Authority

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

16 C. Initiation

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

25 D. **Procedure Established Dates and Fees**

26 1. Timing

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

36 2. Fees

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

40 E. **Pre-Application Conference**

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

46 **F2. Submission of Application Procedures**

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

49 **1.a. Concurrent Small Scale Amendments**

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

Notes:

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EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS
(Updated 05/03/12)

1 **2.3. Contents of Application**

2 **a. General**

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

7 **b. Amendments to the Application**

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

11 **3.4. Determination of Sufficiency Review**

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

18 **a. Sufficiency**

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

21 **b. Insufficiency**

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

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

30 **4.5. Review, Report and Recommendation by Planning Director**

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

40 **5.6. Notice Notification**

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

46 **a. Advertisement Newspaper Publication**

47 The required advertisements shall meet the requirements of F.S. §~~163.3184(15)(e)~~
48 ~~163.3184(11)(b)~~ and F.S. §.125.66(4)(b)2, as amended from time to time.

49 **b. Courtesy Notice**

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

56 **1) Applicability and Mailing Boundary**

57 **a) Property Owners**

58 A courtesy "notice" of a proposed plan amendment shall be sent to all owners of real
59 property located within 500 feet of the periphery of the subject site in the
60 Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1000 feet of the
61 periphery of the subject site in the Exurban and Rural Tiers ~~land to be affected by the~~
62 ~~requested change~~, whose names and addresses are known by reference to the latest
63 published ad valorem tax records of PBC Property Appraiser, except that when real
64 property consists of a condominium, the courtesy notice shall be given to the
65 condominium association and all real property owners living within 500 feet. If the
66 area within 500 feet is owned by the applicant or partner in interest, the 500 foot
67 notification boundary shall be extended from these parcels. Notification shall be sent

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EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS
(Updated 05/03/12)

1 ~~to each owner as the ownership appears on the last approved tax roll. Such property~~
2 ~~notice shall be given approximately 15 to 30 calendar days prior to the date set for~~
3 ~~the first public hearing by depositing such notice in the mail by certified or first class~~
4 ~~mail, properly addressed and postage prepaid, to each owner as the ownership~~
5 ~~appears on the last approved tax roll. A copy of such notice shall be kept available~~
6 ~~for public inspection during regular business hours at the office of PZB. If the property~~
7 ~~is undergoing a simultaneous land use change and rezoning, the notice for the~~
8 ~~rezoning may be included in the notice required for the land use change. All POA's~~
9 ~~and cooperatives within the area as well as all counties and municipalities within one~~
10 ~~mile of the area shall be notified. Areas that a municipality has identified as a future~~
11 ~~annexation area shall also give notice to the municipality. Such notice shall also be~~
12 ~~sent approximately 15 to 30 calendar days prior to the date set for the first public~~
13 ~~hearing. All notices shall state the substance of the proposal and shall set a date,~~
14 ~~time and place for the public hearing. The notice shall contain a location map clearly~~
15 ~~indicating the area covered by the proposal including major streets, and a statement~~
16 ~~that interested parties may appear at the public hearing and be heard regarding~~
17 ~~transmittal or adoption of the amendment. [Ord. 2009-040]~~

18 **b) POA's and Cooperatives**

19 All POA's and cooperatives located within 500 feet of the periphery of the subject
20 site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within
21 1000 feet of the periphery of the subject site in the Exurban and Rural Tiers, shall
22 be notified.

23 **c) Municipalities and Counties**

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

27 **d) Interested Parties**

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

31 **2) Notice Content**

32 All notices shall include the following information:

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

38 **3) Failure to Receive Courtesy Notice**

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

41 **c. Posting Signs**

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

47 a) ~~Evenly~~ evenly spaced along the street or in a location acceptable to the Planning
48 Director.

49 b) ~~Setback~~ All signs shall be setback no more than 25 feet from the street.

50 c) ~~Erected~~ All signs shall be erected in full view of the public.

51 Signs shall be posted in a location acceptable to the Planning Director, where the
52 land does not have significant frontage on a street. ~~The signs shall be removed by~~
53 the applicant after the BCC transmittal hearing date (adoption hearing date for small
54 scale development amendments). The failure of any such posted notice to remain in
55 place after the notice has been posted shall not be deemed a failure to comply with
56 this requirement, or be grounds to challenge the validity of any decision made by the
57 BCC. ~~The applicant shall ensure the signs have been removed no later than five days~~
58 after the final hearing.

59 **d. Other Courtesy Notice**

60 A courtesy notice of all public hearings may be sent upon request to all organizations,
61 associations, and other interested persons or groups known to the Planning Director. An
62 annual fee may be assessed to defray the cost. [Ord. 2009-040]

63 **d.e. Exceptions to Mailing and Posting**

64 The mailing and posting notice requirements shall not apply to actions by the BCC
65 initiating a site specific FLUA amendment. any of the following:

- 66 1) ~~A land use change to a Conservation (CON) designation following acquisition by a~~
67 public agency;

Notes:

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EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS
(Updated 05/03/12)

- ~~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.~~
- ~~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)+~~ 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.~~

Reason for amendments: These changes are proposed to revise language regarding continuances and postponements to accurately reflect current practices.

89. 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

Notes:

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EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS
(Updated 05/03/12)

1 writing at least 20 working days prior to the hearing and is submitted along with
2 an additional set of the required five-hundred foot public notice envelopes.

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

9 **2) Non-Entitlement LPA or BCC Public Hearing Continuances**

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

17 **3) Concurrent Rezoning Petitions**

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

21 **d. Continuation or Postponement of Large Scale Amendments**

22 **1) Entitlement Continuances Administrative Postponements**

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

32 **2) Non-entitlement Continuances**

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

45 **3) Administrative Withdrawal**

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

49 **9.e. Withdrawal of Applications**

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

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EXHIBIT A

ARTICLE 2.C, FUTURE LAND USE (FLU) PLAN AMENDMENTS
SUMMARY OF AMENDMENTS
(Updated 05/03/12)

1
2 Part 2. ULDC Art. 2.G.3.K.2, Power and Duties [Related to Planning Commission] (page 78 of
3 85), is hereby amended as follows:
4

Reason for amendments: These changes are proposed to eliminate references to the Voluntary Density Bonus (VDB) program which no longer exists.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 K. Planning Commission
8 2. Powers and Duties

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

10 a. to serve as the Local Planning Agency (LPA) per F.S.§ 163.3174, and to provide
11 recommendations on the preparation of the Plan, or any element or portion thereof, and
12 any text amendments thereto to the BCC;

13 b. to initiate, review, hear, consider and make recommendations to the BCC to approve,
14 approve with conditions, or deny applications to amend the Plan, including Site Specific
15 (Future Land Use Map) amendments to the Plan;

16 ~~c. to initiate, review, hear, consider and make recommendations to the BCC to approve,
17 approve with conditions, or deny applications for the VDB Program;~~

18 **[Renumber accordingly]**
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EXHIBIT B

ARTICLE 5.G, DENSITY BONUS PROGRAM
SUMMARY OF AMENDMENTS
(Updated 04-25-12)

1
2 Part 1. ULDC Art. 5.G.1.I.1, Sales and Rental Prices of WHP Units (page 69 of 91), is hereby
3 amended as follows:
4

Reason for amendments: [Planning] Revision proposed to establish a WHP for-sale price floor for each WHP price range at the time of development approval in order to provide consistency in unit pricing to ease the concerns of the developer's lenders.

5 CHAPTER G DENSITY BONUS PROGRAMS

6 Section 1 Workforce Housing Program (WHP)

7 I. Affordability Requirements

8 1. Sales and Rental Prices of WHP Units

9 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
10 of the targeted income ranges. The sale and rent prices shall be updated annually by the
11 Planning Director, or designee, with the sale prices based on the Area Median Income (AMI),
12 and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan
13 statistical area) for a family of four, which pricing shall not be adjusted based on the number
14 of occupants, as published annually by HUD (sale price: household income figure multiplied
15 by three and priced at the middle of each of the four WHP income categories), and rental
16 prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures
17 as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially
18 established at the time of approval for each for sale unit within each WHP category range will
19 be the sales floor. This sales floor shall serve as the minimum sales price point required
20 throughout the applicable deed restriction time frame. The minimum WHP price initially
21 established at the time of approval for each rental unit within each WHP income category
22 range will be the rental floor. This rental floor shall serve as the minimum rental price point
23 required throughout the thirty (30) year term of this Covenant. Any utility allowances applied
24 against gross maximum WHP unit rents shall also be adjusted based on a number of
25 bedrooms in WHP rental units. A chart with the sales and rent prices will be maintained and
26 updated annually by the County. [Ord. 2006-055] [Ord. 2010-005] [Ord. 2012-003]
27
28

29 Part 2. ULDC Art. 5.G.1.I.5, Release of Obligation to Construct WHP For Sale Units (page 70 of
30 91), is hereby amended as follows:
31

Reason for amendments: [Planning] Revision is proposed to clarify the timing requirements of the 2-step process for a WHP for-sale unit to be eligible for release of WHP obligation.

32 CHAPTER G DENSITY BONUS PROGRAMS

33 Section 1 Workforce Housing Program (WHP)

34 I. Affordability Requirements

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

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

ARTICLE 5.G, DENSITY BONUS PROGRAM
SUMMARY OF AMENDMENTS
(Updated 04-25-12)

1
2 Part 3. ULDC Art. 5.G.1.I.5.a, For Sale Units [Related to Release of Obligation to Construct
3 WHP For Sale Units] (page 70 of 91), is hereby amended as follows:
4

Reason for amendments: [Planning] Revision is proposed to assure that all WHP units that meet the 180 days/80% requirements are eligible for the release of WHP obligation.

5 CHAPTER G DENSITY BONUS PROGRAMS

6 Section 1 Workforce Housing Program (WHP)

7 I. Affordability Requirements

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

9 a. For Sale Units

10

11 Upon payment of the required In-Lieu cash payment, the WHP unit/lot shall thereafter be
12 released from any and all obligations of the WHP requirements of the ULDC and the County
13 shall provide written confirmation that the unit/lot has been released, inclusive of release from
14 the Covenant. ~~Units which are not required to be constructed pursuant to Art. 5.G.1.B.3,
15 Income Ranges are not eligible for this reduced in-lieu payment. These units must provide
16 in-lieu payment consistent with Art. 5.G.1.G.4, Option 4 — In-Lieu Cash Payment.~~ The County
17 shall utilize cash payments for the express purpose of providing down payment assistance to
18 eligible households seeking to purchase WHP units. To the greatest extent possible, the
19 down payment assistance provided by the County shall be utilized for the purchase of WHP
20 units from the project from which the cash payment was provided. The payment shall be
21 deposited in a WHP Trust Fund maintained by the PBC Department of HCD, and designated
22 for the above referenced purpose. [Ord. 2010-005]

23
24
25 Part 4. ULDC Art. 5.G.3.G.4.b, The Application, Sale, and Value of Development Rights, (page
26 80 of 91), is hereby amended as follows:
27

Reason for amendments: [Planning] Revision is proposed to identify the Realtors Association of the Palm Beaches as the new source for the median sales price data.

28 CHAPTER G DENSITY BONUS PROGRAMS

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

30 G. Transfer of Development Rights (TDRs) Bank

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

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

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EXHIBIT C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 2/15/12)

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

Reason for amendments: [Zoning] Introduce definition for the distance (width) that includes two rows of parking space and aisle width.

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:

Reason for amendments: [Zoning] 1) Simplify angled parking dimension requirements by deleting interlock measurements columns “G and “H” that are redundant to the minimum dimensions necessary to measure angled parking. The amendment reduces confusion in the application of Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots and Figure 6.A.1.D - General Parking Schematic; and 2) correct scrivener’s errors for 60 degree angle parking wall to wall width.

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:

- Use – See Art. 6.A.1.D.14, Design and Construction Standards
- 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.
- 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.

Notes:

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EXHIBIT C

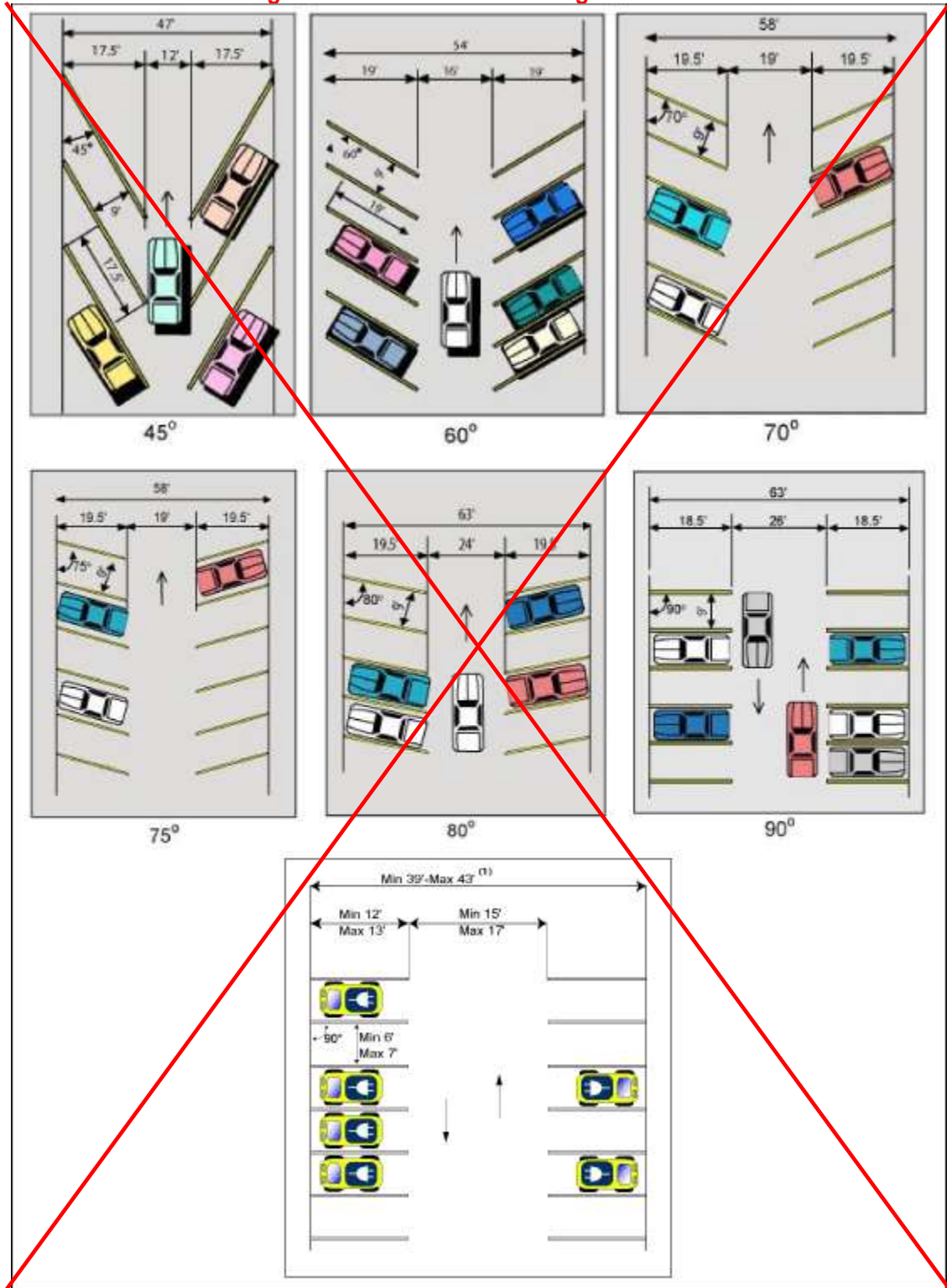
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 2/15/12)

1 Part 3. ULDC Figure 6.A.1.D – General Parking Schematic (page 23 of 39), is hereby deleted in
2 entirely and replaced with new Figure 6.A.1.D – Typical Example of General Parking
3 Schematic, as follows:
4

Reason for amendments: [Zoning] 1) Eliminate image with new image to match dimensions shown in Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential uses and Residential uses with Shared Parking Lots; and, 2) The typical general parking schematic figures do not make clear what two-way traffic minimum aisle dimension should be. The amendment clarifies that any two-way direction aisle width is 24 feet for all angled parking except in some cases when 90 degree parking is used.

5

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.

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

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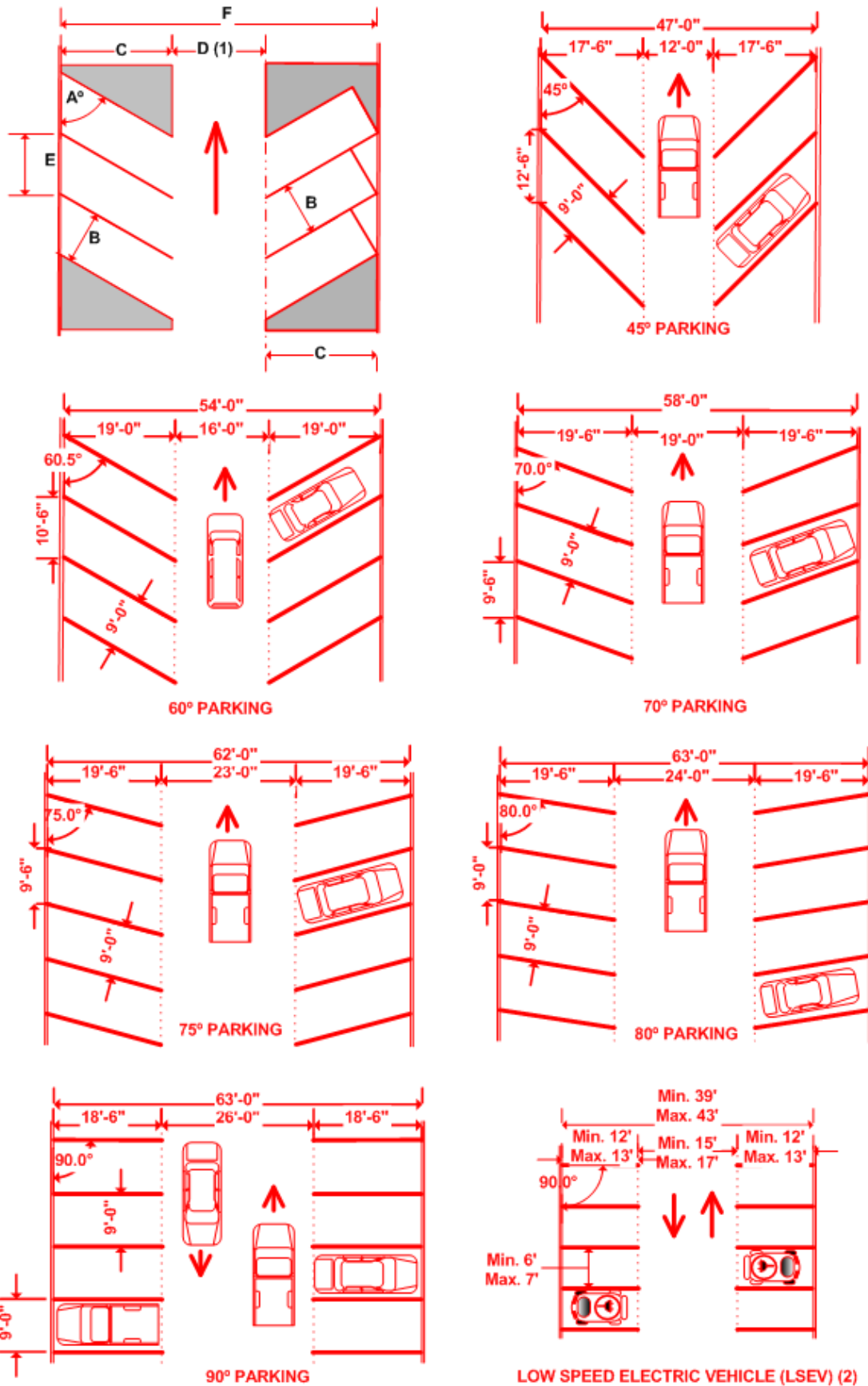
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EXHIBIT C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 2/15/12)



[Ord. 2012 -]		
Key:		
A	<u>Parking Angle</u>	C <u>Space Depth</u>
B	<u>Space Width</u>	D <u>Aisle Width (1)</u>
		E <u>Curb Length</u>
		F <u>Wall to Wall Width</u>
Notes:		
1.	All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking spaces, or unless stated otherwise herein.	
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.	

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EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 5/04/12)

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

Reason for amendments: [Zoning] Change terminology used in the standards for sign area. The change refers to building wall measurement instead of building frontage measurement to avoid conflict between "Building Frontage" definition contained in Article 1 and the intent of the General Provisions for All Sign Types in Table 8.A.1.C, Organization of Sign Regulations, to have computation of building wall signs, not just the Building Frontage.

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 <u>frontage wall</u> 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:

Reason for amendments: [Zoning] 1) Correct to have a simplified term for the determination of continuous walls and for consistency with the deletion of the term "building frontage" shown in Part 3 of this exhibit. The term "building frontage" may not be applicable to signage as defined in Art. 1, or may be understood that continuous wall criteria is only applicable to the front of the building, therefore the term is changed to "building wall"; 2) Correct to indicate that a wall in large scale commercial developments is considered continuous when does not exceed 25 feet in recesses or projections; and, 3) Related building wall figures are changed to reflect corrections in the text.

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 Wall

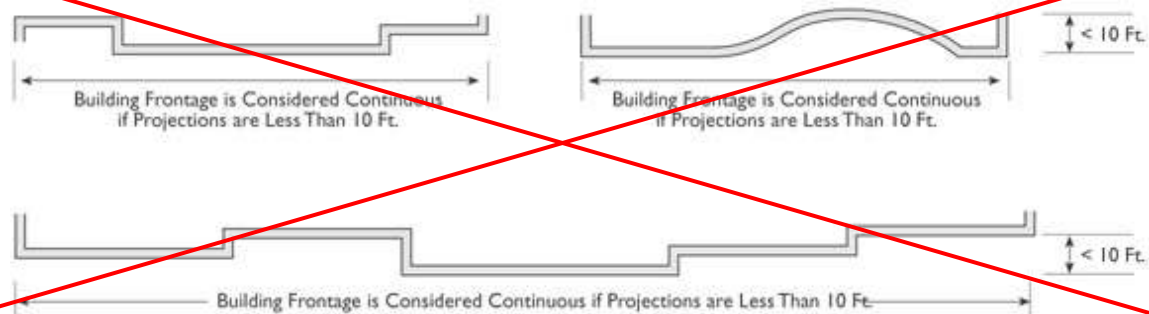
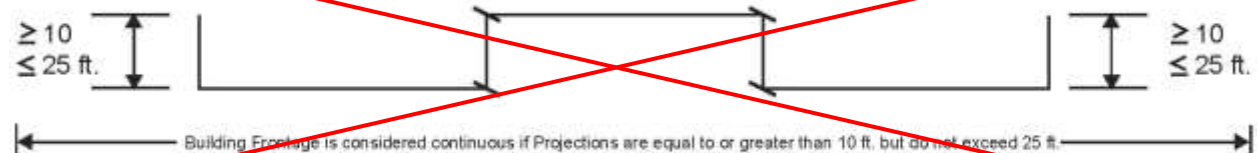


Figure 8.F.3.11.1 – Building Frontage Wall for Large Scale Commercial Development



[Ord. 2009-040]

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EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 5/04/12)

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Figure 8.F.3 – Building Wall

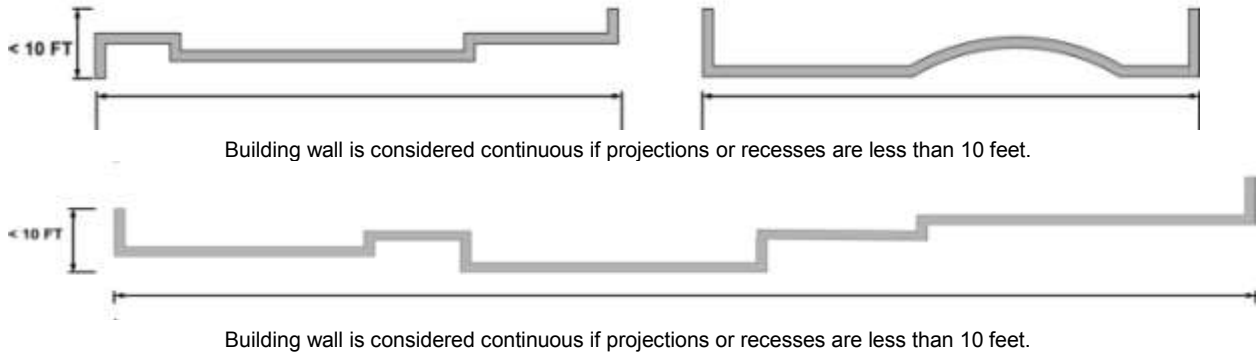
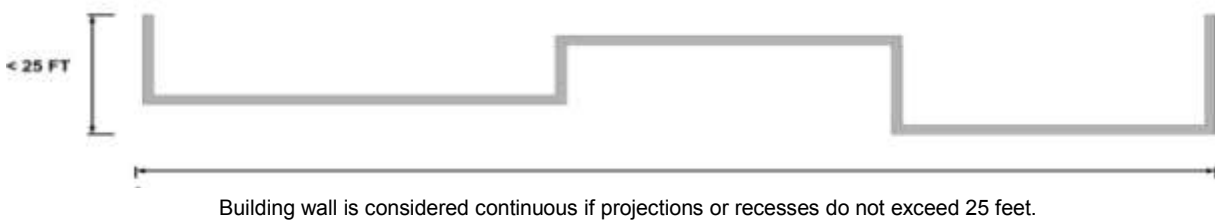


Figure 8.F.3.– Building Wall for Large Scale Commercial Development



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EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 5/04/12)

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

Reason for amendments: [Zoning] 1) Delete wall signage minimum square footage for consistency with the resulting maximum sign area that is obtained from the total length of a wall; 2) provide flexibility by allowing development to designate one side of the building sides to contain the largest wall sign; 3) clarify that 0.50 square foot of wall shall be applicable to all other sides of the building not designated to have the largest sing; and, 4) amend current limitations on wall signage size oriented towards residential district or use to allow exemptions where separated by a R-O-W greater than 110 feet (Collector Streets), where the signage is hidden by other buildings with similar height on the subject site, or where the building is separated from residential district by recreation or civic pod, or open space greater than 110 feet.

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, a minimum of 24 square feet.</u> (1)	0.75 sq. ft. along <u>any one side of the building frontage, a minimum of 24 square feet.</u> (1)	0.5 sq. ft. along <u>any one side of the building frontage, a minimum of 24 square feet.</u> (1)
	0.5 sq. ft. along <u>the side and rear walls any of the remaining sides of the building; or 0.25 sq. ft. for walls adjacent to a residential zoning district or use.</u> (4)		
	<i>0.25 sq. ft. for walls facing a residential zoning district</i>		
<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.A, Wall Signs (page 25 of 39), is hereby amended as follows:

Reason for amendments: [Zoning] Correct to use simplified term used to determine marquee signs area. The use of the term "frontage" may be confused with "Building Frontage" as defined in Article 1 of this code or may be understood that the maximum marquee sign area is only applicable to the front of the building, therefore the term is changed to building "wall".

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

Notes:

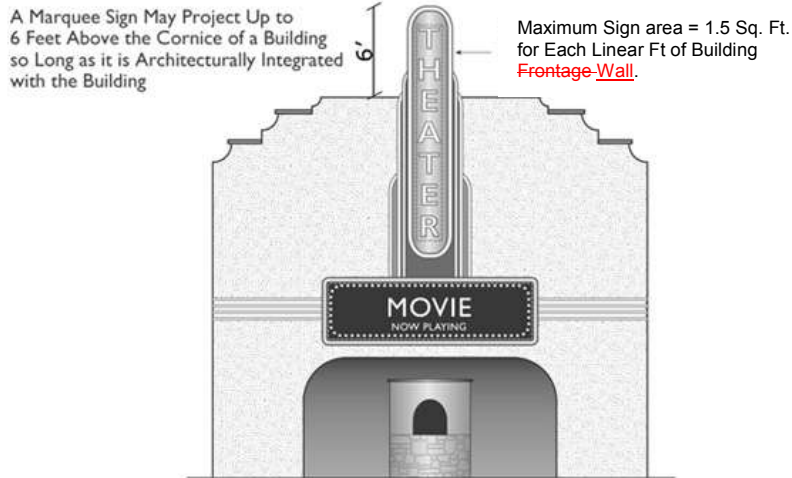
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EXHIBIT D

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 5/04/12)

1 electronic message center signs, subject to Article 8.G.3.B, Electronic Message Center Signs,
2 and have changeable copy. A marquee sign may project a maximum of six feet above the cornice
3 of a building provided that it is architecturally integrated with the building.
4

Figure 8.G.1.D - Marquee Signs



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EXHIBIT E

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 04/15/12)

1 Part 1. ULDC Art. 14.C.7.A, Approval of Initial Construction of Single Family Residential
2 Parcels (page 33 of 52), is hereby amended as follows:
3

Reason for amendments: [ERM] This amendment is intended to simplify the native vegetation removal process for single family dwellings to be indicated on the Residential 1 & 2 Family Checklist of the Building Division at time of building permit.

4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5 Section 7 Application, Process, and General Standards

- 6 A. ~~Approval of Initial Construction of Single Family Dwellings Residential Parcels~~
7 All newly constructed single family ~~dwellings residential parcels in a residential subdivision which~~
8 ~~are less than two and one-half acres in gross size~~ will automatically receive a ~~VRN Building~~
9 ~~Division Residential 1 & 2 Family Checklist~~ with standard ~~vegetation removal~~ conditions ~~are~~ as
10 part of the building permit process. For the purposes of this Chapter, a single family residential
11 parcel also includes single two unit (duplex) residences and associated accessory structures, ~~and~~
12 shall comply with the following standards: [Ord. 2008-040]
13

14
15 Part 2. ULDC Art. 14.C.7.B.2.f, [Related to Standards for Approval of Development for
16 Commercial Projects, Government Projects, Schools, New Construction of Utilities,
17 Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10
18 Acres in Size or Greater] (page 35 of 52), is hereby amended as follows:
19

Reason for amendments: [ERM] This amendment is intended to reduce the scope of offsite planting options and the amount of staff time required to monitor them.

20 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

21 Section 7 Application, Process, and General Standards

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

26
27 f. ERM shall also consider: [Ord. 2005-002] [Ord. 2008-003]

28
29 ~~6) Off-site replacement shall be allowed only if on-site planting is not feasible due to~~
30 ~~unsuitable parcel conditions. Off-site planting shall be in or adjacent to a public park~~
31 ~~parcel or native upland area; [Ord. 2006-036] [Ord. 2008-040]~~

32 ~~7) In lieu of replacement planting, when on-site and off-site mitigation has been~~
33 ~~exhausted or is unavailable, a donation may be made to PBC for the Natural Areas~~
34 ~~Fund, unless an alternative plan that meets the purpose and intent of this Chapter~~
35 ~~has been approved by the Director of ERM. The donation amount shall be based on~~
36 ~~the average cost of the purchase, installation and maintenance for one year of an~~
37 ~~equivalent number of replacement trees; and, [Ord. 2006-036] [Ord. 2008-037]~~
38 ~~[ReNUMBER accordingly.]~~
39

40
41 Part 3. ULDC Art. 14.C.7.B.5, Mitigation or Restoration [Related to Approval of Development
42 for Commercial Projects, Government Projects, Schools, New Construction of Utilities,
43 Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10
44 Acres in Size or Greater] (page 38 of 52), is hereby amended as follows:
45

Reason for amendments: [ERM] This amendment is intended to add clarification to the types of conditions and methods under which mitigation or restoration of removed native vegetation is required and can be accomplished.

46 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

47 Section 7 Application, Process, and General Standards

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

51 5. Mitigation or Restoration

- 52 a. When native trees are removed or damaged ~~without prior contrary to written approval by~~
53 ERM ~~approval~~ or when trees that were to be preserved in place or relocated are

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EXHIBIT E

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 04/15/12)

1 damaged or destroyed during activities conducted with ERM approval, they shall be
2 replaced at double the rate shown in the Table 7.D.2.D Tree Credit and Replacement.
3 For replacement vegetation which dies other than by damage or destruction, the
4 replacement value shall be that in Table 7.D.2.D, Tree Credit and Replacement. Should
5 replacement values not be found in the Table, the vegetation shall be replaced like size
6 for like size. ERM may approve the planting of native vegetation equivalents other than
7 the replacement values specified in Table 7.D.2.D, Tree Credit and Replacement. [Ord.
8 2008-040] [Ord. 2009-040]

9
10 g. Any clearing activity after 1986 which cannot provide evidence of approval will be
11 required to restore nine trees per 1500 square feet of cleared ~~area~~ native vegetation.
12 The restoration may be accomplished through on-site planting of native trees or
13 equivalent native vegetation approved by ERM, a contribution to the Palm Beach County
14 Natural Areas Fund that is equivalent to nine trees per 1500 square feet of removed
15 native vegetation, or the dedication of equivalent upland quality land area. [Ord. 2008-
16 040] [Ord. 2009-040]

17
18
19 **Part 4. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection]**
20 **(page 38 of 52), is hereby amended as follows:**
21

Reason for amendments: [ERM] This amendment is intended to provide exemptions for agricultural parcels less than 10 acres in size as previously provided by Ord. 2008-040, but not expressly stated. In addition, the amendment will provide exemptions for minor vegetation removal and relocation of up to ten native trees in order to offset application fee requirements that may be more costly than the value of the native vegetation to be impacted on the proposed project area.

22 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

23 **Section 8 Exemptions**

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

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

32
33 **N. Minor Vegetation Removal**

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

36 **O. Minor Vegetation Relocation**

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

41
42
43 **Part 5. ULDC Art. 14.C.12.D, Restorations [Related to Violations of Vegetation Preservation**
44 **and Protection (page 41 of 52), is hereby amended as follows:**
45

Reason for amendments: [ERM] This amendment is intended to add clarification of the type of native restoration required in order to satisfy a violation of removed native vegetation without an approval.

46 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

47 **Section 12 Violations**

48 **D. Restoration**

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

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EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS
(Updated 5-11-12)

PURPOSE AND INTENT:

The proposed amendments serve to recognize certain Florida State laws pertaining to the placement of Modular Homes in Mobile Home Park communities, while also providing for some additional flexibility in response to requests from Habitat for Humanity, which is proposing to redevelop fee simple mobile home park lots with either Modular Homes or traditional Single-family Dwelling units. These changes are consistent with prior County staff discussions on the topic, which sought solutions to aide in the preservation of affordable housing units, while allowing for replacement or improvements to older Mobile Homes to address concerns with damages caused during hurricanes or other wind storm events.

BACKGROUND:

There are several Mobile Home Parks located within unincorporated PBC that have been identified as vested for the existing number of units and development layout in accordance with various types of Development Order approvals, including but not limited to site plans and building permit records. In 2005, PZ&B established Policy and Procedures Manual (PPM) MD-RI-003 for Departmental review, permitting, inspection and enforcement procedures for these mobile home parks. The PPM also allows for the replacement of mobile home units subject to original setbacks established for the park. While most mobile home parks are typically owned by one entity and spaces (sometimes even the mobile home units) are leased to tenants, there are other parks which have been developed as co-op or condominium (i.e. Town of Briny Breezes), or even subdivided into individual lots with private or public streets, drainage, water and sewer, such as Watergate Mobile Home Park, in Southern PBC.

For the purposes of these amendments, it is important to note the different terminology applicable to housing types that are oftentimes generalized under the simple term – Mobile Home:

- › **Mobile Homes;**
- › **Manufactured Homes; and,**
- › **Residential Manufactured Structure (aka Modular Home).**

What is a **Mobile Home**? This is a somewhat outdated term that applied to the mobile home trailers that gained popularity in the 1940's and continued to be refined in the following years. Mobile homes built prior to the early 80's were subject to few if any minimum standards for construction or dimensional guidelines. While many mobile homes manufactured by different builders appeared to be very similar, the overall build quality between manufacturers varied greatly – and it was difficult for some consumers to ascertain the quality and value of the product they were investing in.

Manufactured Home: Although still commonly referred to as mobile homes, newer units are technically called manufactured homes. In the late 70's and early 80's the terminology for mobile homes changed to "manufactured homes" in accordance with U.S. Department of Housing and Urban Development (HUD) guidelines establishing stricter construction standards for these types of housing units, among other improvements. The establishment of these standards addressed basic life safety issues, furthered efforts to improve build quality to both address impacts from natural disasters while providing some minimum standards for consumers in the marketplace.

Modular Home (aka Residential Manufactured Structure): While oftentimes built in the same factories as Manufactured Homes, modular homes represent the culmination of decades of industry innovation and efforts to apply mass manufacturing principals to the housing industry. The clear intent is to centralize and improve efficiency in the development of a product – thus reducing costs to consumers while providing a superior product. Modular homes are required to meet the same Florida Building Code (FBC) requirements as any site built home (for example - a concrete block single-family dwelling unit), and oftentimes exceed these standards while providing options to upgrade to many of the amenities available in a custom built home. While some modular homes look very similar to a manufactured home – others are far more complex, having multiple stories, detached garages and other innovative architectural elements. Modular homes are permitted in all residential districts subject to compliance with the same regulations as a site built home. Note that the State of Florida refers to modular housing as "residential manufactured buildings."

Florida Laws Protecting Mobile Home Owners/Tenants: F.S. Chapter 723, Mobile Home Park Lot Tenancies, provides extensive guidelines for the registration, taxation, and safeguards for mobile home park tenants, including provisions applicable to local government actions rezoning a mobile home park and establishing a relocation fund for when mobile home parks are redeveloped into other uses.

Florida Laws Pre-Empting Local Prohibition of Modular Homes in Mobile Home Parks: F.S. 553.382, Placement of Certain Housing, expressly states that "Residential Manufactured Buildings" (aka Modular

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EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS
(Updated 5-11-12)

1 homes) certified by the Florida Building Commission "...may be placed on a mobile home lot in a mobile
2 home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision." This
3 law states that such units shall be treated as mobile homes, and subject to all requirements and
4 protections granted under F.S. Chapter 723. While the law requires that local jurisdictions allow for the
5 placement of modular units within mobile home parks, it does not preclude the application or enforcement
6 of "...local and use and Zoning requirements..." However, a modular home protected by these laws
7 "...may not be placed on a mobile home lot without prior written approval of the park owner." Note that
8 this would not likely apply in the event of a mobile home lot that is a legal lot of record (subdivision)
9 owned by an individual.

10
11 **STAFF RECOMMENDATION:**

12
13 Staff recommends adoption of the proposed amendments to acknowledge existing Florida laws while
14 providing additional incentives to redevelopment or improvements within certain fee simple mobile home
15 parks.
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EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS
(Updated 5-11-12)

1
2 Part 1. ULDC Art. 1.1.2.M, Definitions (pages 71, 73 and 74 of 115), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning per Request from Industry, including Manufactured Home Retailers and Habitat for Humanity] See White Paper Summary. Clarifies that definition for mobile home dwelling includes “manufactured home” as defined by the ULDC and in acknowledgement of HUD terminology and requirements; and, F.S. allowing for residential manufactured structures (modular homes) to be considered mobile homes in certain instances.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

- 8
- 9 11. **Manufactured Building –**
- 10 a. a closed structure, building assembly, or system of subassemblies, which may include
- 11 structural, electrical, plumbing, heating, ventilating, or other service systems
- 12 manufactured with or without other specified components, as a finished building or as
- 13 part of a finished building, which is used as a dwelling unit or residence or office. This
- 14 definition does not apply to mobile homes. Manufactured building may also mean, at the
- 15 option of the manufacturer, any dwelling unit or residence of open construction made or
- 16 assembled in manufacturing facilities away from the building site for installation, or
- 17 assembly and installation, on the building site.
- 18 b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular
- 19 Home) may also be considered a Mobile Home, where required by F.S. 553.382,
- 20 Placement of Certain Housing.
- 21
- 22 47. **Mobile Home Dwelling -** for the purposes of Art. 3 or Art. 4, the use of a lot or a unit for one
- 23 mobile home or manufactured home.

26 Part 2. ULDC Art. 3.D.2, PDRs for Specific Housing Types (page 128 of 228), is hereby
27 amended as follows:
28

Reason for amendments: [Zoning] See White Paper Summary. Establish alternative PDRs and site development standards for fee simple (subdivided lots) mobile home lots to allow for improved modular or site built homes in certain existing mobile home park subdivisions.

29 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

30 Section 2 PDRs for Specific Housing Types

- 31 A. Townhouse
- 32
- 33 B. Zero Lot Line (ZLL)
- 34
- 35 C. ZLL Design Standards
- 36
- 37 D. **Mobile Home Parks**
- 38 1. **Purpose and Intent**
- 39 To recognize Florida State laws pertaining to the placement of Residential Manufactured
- 40 Buildings (aka Modular Homes) in mobile home park communities, to provide additional
- 41 flexibility to allow for the redevelopment of fee simple Mobile Home Park lots with either
- 42 modular homes or traditional Single-Family Dwelling Units.
- 43 2. **Applicability**
- 44 The provisions of this section shall only apply to:
- 45 a. Existing Mobile Home Parks identified in PZ&B PPM #MD-RI-003, Mobile Home Parks in
- 46 Unincorporated Palm Beach County; and,
- 47 b. Provisions allowing for alternative PDRs and related requirements for Residential
- 48 Manufactured Buildings or Single-family Dwellings shall only be permitted for existing fee
- 49 simple Mobile Home Subdivisions.
- 50 3. **Residential Manufactured Building (Modular Home)**
- 51 An existing Mobile Home may be replaced with a Modular Home subject to the following:
- 52 a. Requirements of PZ&B PPM #MD-RI-003; and,

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EXHIBIT F

MOBILE HOME PARKS
(RESIDENTIAL MANUFACTURED BUILDING OR SINGLE FAMILY DWELLING UNIT)
SUMMARY OF AMENDMENTS
(Updated 5-11-12)

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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.
- 5) Rear setback: 15 feet

b. Garages

Garages and carports may be permitted only on the rear portion of the lot. An attached garage may be permitted to encroach the front half of the lot, if set back a minimum of 20 feet from the front façade. Attached carports shall not extend past the front façade.

c. Main Entrances and Porches

When located on lots less than 50 feet in width, main entrances shall be required to front a street, and include a porch a minimum of six feet deep, 12 feet wide and 18 inches above grade.

d. Changes to Lot Finished Grade

Any modifications to a lot that raises the grade for the proposed foundation shall not alter the existing grade within the required side setbacks unless demonstrated that such will not alter any historical drainage patterns for adjacent lots. Where foundation elevation is required, this may require the use of a retaining wall to ensure that existing grade and drainage patterns are not adversely impacted.

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EXHIBIT G
PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)
TO ALLOW: CATERING SERVICE, VOCATIONAL SCHOOL AND FITNESS CENTER
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

1
2 **Part 1. ULDC Table 3.E.1.B, PDD Use Matrix (page 140-142 of 228), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning per BCC direction and Industry Request] Amend the ULDC in accordance with BCC direction from the March 22, 2012 BCC Zoning Hearing to allow certain uses within the Industrial Use Zones of a Planned Industrial Park as outlined in the ULDC Amendment request submitted by the McCraney Property Corporation. Staff had indicated that the amendments could be processed in Round 2012-02, subject to the following limitations:

- Internet Sales: No amendments required, permitted under data information processing or warehousing provided there were no direct retail sales on the premises;
- Catering Service: Ok if no direct retail sales on premises;
- Vocational School: Ok if limited to instruction in uses associated with manufacturing or research and development activities; and,
- Fitness Center: Staff did not recommend allowing these uses within Industrial Use Zones.

The BCC instructed staff to process the requested amendments in the 2012-01 Round; however, the vocational school and fitness center uses would require Conditional Use approval.

5
Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD			LCC		NOTE			
	Pods				FLU						FLU		Use Zone			FLU					
	R	C	R	C	A	C	C	C	C	I	I	C	C	I	C	I	M		R	C	C
E	O	E	I	G	L	H	L	H	R	N	H	H	N	O	N	H	V	L	H		
S	M	C	V	R			O	O		D	S	O	D	M	D	P	P				
				/						T			/	/		D	D				
				P									L	G							
Commercial Uses																					
....																					
Catering Service													D							26	
....																					
Vocational School		R			R	P		P		P	D	R	R	R	P	R			R	P	137
....																					
Recreation Uses																					
....																					
Fitness Center		R	P	R	R	R		R	P			P	P	R	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.																					

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EXHIBIT G
PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD)
TO ALLOW: CATERING SERVICE, VOCATIONAL SCHOOL AND FITNESS CENTER
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

1
2 **Part 2. ULDC Art. 4.B.1.A.56, Fitness Center (page 53 of 170), is hereby amended as follows:**
3

Reason for amendments: [Zoning] Limit fitness center uses within the Light Industrial Use Zone of a PIPD in accordance with Future Land Use Regulations Section III.C.4, Industrial (see FLUE Page 114 of the Plan), which limits certain uses to those “...that serve the projected workforce and residential population and/or encourage internal automobile trip capture...” so as to minimize any commercial uses that might reduce the availability of industrial space within PBC.

4 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

5 **Section 1 Uses**

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

7 **56. Fitness Center**

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

14

15 **d. PIPD Light Industrial Use Zone**

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

18
19
20 **Part 3. ULDC Art. 4.B.1.A.137, Vocational School (page 106 of 170), is hereby amended as**
21 **follows:**
22

Reason for amendments: [Zoning] Limit vocational school uses within either Industrial Use Zones to instruction related to the principal intent of those zones within a PIPD, so as to minimize any commercial vocational school uses that might reduce the availability of industrial space within PBC.

23 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

24 **Section 1 Uses**

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

26 **137.Vocational School**

27 An establishment offering regularly scheduled instruction in technical, commercial, or trade
28 skills such as business, real estate, building and construction trades, electronics, computer
29 programming and technology, automotive or aircraft mechanics and technology, or other type
30 of vocational instruction.

31

32 **c. PIPD Industrial Use Zones**

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

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EXHIBIT H

LOCATION CRITERIA - CONVENIENCE STORE WITH GAS SALES AND RETAIL GAS AND FUEL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

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

Reason for amendments: [Industry Request] Amend the ULDC in accordance with BCC direction from the March 22, 2012 BCC Zoning Hearing to review the request of Robert Bentz, Land Design South, to allow additional Convenience Store with Gas Sales Uses to be exempt from location criteria if located within ½ mile of an I-95 interchange.

The BCC instructed staff to process the requested amendment in the 2012-01 Round.

Background: Art. 4.B.1.A.37.c, Location Criteria limits the clustering of Convenience Stores with Gas Sales or similar Retail Gas and Fuel Facilities (FKA: Auto Service Stations) to no more than two at any intersection, or otherwise requires a separation of 1,000 feet. An application that does not meet these requirements cannot be accepted nor submitted to the BCC for consideration – nor can the applicant apply for Variance relief.

Our research indicates that these requirements were established in the early 1990’s in response to BCC direction, among other PZ&B or Engineering site design considerations. Similar requirements are applicable to Type I Restaurants with a drive through lane, and Car Wash facilities.

Staff has noted that where located within the specified distances of I-95 aesthetics or traffic considerations may not be as adverse due to the nature of expressway interchanges, and consideration should be made for previously cited references to Florida laws requiring emergency back up generators for gasoline service stations, and the general need for motor fuels for highway travelers. As the use requires BCC approval, the opportunity to “Condition” any requests to address potential adverse impacts can be addressed by staff during site plan or public hearing review. Note also that additional location standards for properties with a Commercial Low (CL) future land use designation will be retained.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 37. Convenience Store with Gas Sales

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

10 c. Location Criteria [Ord. 2006-004]

11 1) Intersection Criteria

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

15 2) Separation Criteria

16 A convenience store with gas sales shall be separated from any other auto service
17 station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-
18 004]

19 3) U/S Tier

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

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

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

26 5) I-95 Interchange Exemption

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

LOCATION CRITERIA - CONVENIENCE STORE WITH GAS SALES AND RETAIL GAS AND FUEL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

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

Reason for amendments: [Industry Request] In addition to the requested I-95 exemption outlined in Part 1 above, staff recommends that the same exemption be extended to Retail Gas and Fuel uses, as both uses are considered the same for purposes of applying location criteria to motor fuel sales facilities.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8
9 18. Gas and Fuel, Retail

10 An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord.
11 2011-016]

12 b. Location Criteria

13 1) Intersection Criteria

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

17 2) Separation Criteria

18 Retail Gas and Fuel shall be separated from any other Retail Gas and Fuel, or
19 Convenience Store with Gas Sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004] [Ord.
20 2011-016]

21 3) CL FLU in U/S Tier

22 Where permitted in a Use Matrix, Retail Gas and Fuel with a CL FLU designation
23 shall comply with Article 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord.
24 2011-016]

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

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

30 5) WCRA Overlay

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

33 **6) I-95 Interchange Exemption**

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

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EXHIBIT I
COMMERCIAL PARKING
SUMMARY OF AMENDMENTS
(Updated 4-15-12)

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

Reason for amendments: [Zoning] Delete redundant references to 1) Art. 6, Parking, as there are specific provisions outlined under Art. 6.A.1.D.17, Commercial Parking Lot; and, Art. 7, Landscape, as there are specific provisions outlined under Art. 6.G, Off-Street Parking Requirements.
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6 CHAPTER B SUPPLEMENTARY USE STANDARDS

7 Section 1 Uses

8 A. Definitions and Supplementary Standards for Specific Uses

9 96. Parking Lot, Commercial

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

12 ~~a. Parking~~

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

14 ~~b. Landscaping~~

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

16 ae. Principal Use

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

20 bd. Proximity to Residential

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

22 ce. Storage

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

LOCATION CRITERIA - TYPE I RESTAURANT
SUMMARY OF AMENDMENTS
(Updated 05/14/2012)

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

Reason for amendments: [Zoning] Amend to include in the Summary List of Type I Waivers, Article 2, a Type I Waiver for required parking contained in the location criteria exception of Type I Restaurant with drive through. It allows ten percent increase of the 150 feet minimum distance between the required parking and the restaurant main entrance which is further explained in Part 2 of this exhibit.

3 CHAPTER D ADMINISTRATIVE PROCESS

4 Section 7 Type I Waiver
5

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-]

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7
8 Part 2. ULDC Art. 4.B.1.A.109, Restaurant, Type I (page 85 - 86 of 170), is hereby amended as
9 follows:

Reason for amendments: [Zoning/Industry] 1) Clarify Type I Restaurants with drive through generate additional traffic when compared with restaurants with no drive through and provide some exemptions for location criteria when impacts can be mitigated in the development; 2) Delete some of the location criteria exemptions for Type I Restaurants as it was determined that additional standards did not mitigate any potential adverse impact caused by the drive through. In addition, some of the standards are already required by other parts of the Code such as Art. 5.B.1.A.8, Dumpster, Article 6, Parking, Article 7, Landscaping, and Art. 8, Signage; 3) Amend to simplify and request landscape screening along drive through visible from street and running parallel to a street to mitigate aesthetic impacts; 4) Incorporate pedestrian safety for uses located in commercial pods or non-residential Planned Development Districts (PDDs) by requesting that all required parking be located within 150 feet from the building main entrance. It also includes an option to apply for a Type I Waiver that allows 10 percent addition of the 150 feet to locate required parking from main entrance; 5) Mitigate traffic impact on public streets from Type I Restaurants with drive through when located in standard districts by providing cross-access to adjacent parcels with Commercial Future Land Use designation. It also allows the Zoning Director to deviate the cross-access easement when it is not feasible; and, 6) Consider site limitations by addressing continuous vehicular circulation to be based on the number of vehicular access points that can be accommodated on the site.

10 CHAPTER B SUPPLEMENTARY USE STANDARDS

11 Section 1 Uses

12 A. Definitions and Supplementary Standards for Specific Uses

13 109. Restaurant, Type I

14 An establishment equipped to sell food and beverages in one of the following methods:
15 drive-through sales to patrons in automobiles for take out who place orders through a window
16 or remote transmission device; or sales to patrons for take out or dining in, that includes three
17 or more of the following: food or beverage choices are advertised on a menu board;
18 countertop sales where payment is made prior to consumption; disposable containers and
19 utensils; limited service dining facilities with no hostess or waiters; and self service or
20 prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500
21 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of
22 Traffic and Engineering. Type I restaurants with drive through lanes generate visual impacts
23 on the surrounding area as well as additional traffic in comparison to a Type I restaurant
24 without a drive through. However, if in compliance with the exception criteria listed below the
25 impacts can be mitigated. Ord. 2006-004]

26 a. Location Criteria

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

29 1) Intersection Criteria

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

32 2) Separation Criteria

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

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EXHIBIT J

LOCATION CRITERIA - TYPE I RESTAURANT
SUMMARY OF AMENDMENTS
(Updated 05/14/2012)

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, 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]~~

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EXHIBIT J

LOCATION CRITERIA - TYPE I RESTAURANT
SUMMARY OF AMENDMENTS
(Updated 05/14/2012)

1
2 Part 3. ULDC Art. 5.C.1.B 1, General [Related to Architectural Guidelines Thresholds] (page 33
3 of 91), is hereby amended as follows:
4

Reason for amendments: [Zoning/Industry] Amend to clarify that Type I Restaurants with drive through requesting location criteria exception contained in Art. 4.B.1.A.109.a are subject to the architectural guidelines design standards included in Article 5.C.
--

5 CHAPTER C DESIGN STANDARDS

6 Section 1 Architectural Guidelines

7 B. Thresholds

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

9 1. General

10

11 e. The following uses, regardless of building size: [Ord. 2006-036]

12 1) Automotive paint or body shop; [Ord. 2006-036]

13 2) Repair and maintenance, general; ~~and~~ [Ord. 2006-036]

14 3) Retail sales, automotive parts and accessories; and,

15 4) Type I restaurants with drive through requesting location criteria exception pursuant
16 to Art.4.B.1.A.109, Restaurants, Type I. [Ord. 2006-036]

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EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

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

Reason for amendments: [PBC School District/Zoning]: Delete scrivener's error in Private School definition. Existing definition for Elementary or Secondary School already covers Private School.

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:

Reason for amendments: [PBC School District/Zoning]: 1) Reorganize Elementary or Secondary School to clarify use standards applicability to private, public, and charter schools; 2) Clarify that all schools are subject to the Zoning District setbacks to be not less than 25 feet; 3) Relocate language applicable to all schools; 4) Clarify approval process applicable to private schools and charter shall be consistent with the Code Use Matrices; 5) Delete 75 feet dumpster setback to allow setbacks set in Art. 5.B.1.A.8 to be 25 feet as it has been used consistently through the Code; 6) Delete additional restrictive provisions applicable to outdoor activity areas and lighting as the regulations for these standards are already addressed by other portions of the Code. By keeping the standards in Article 4, prevents developments to be subject to variances; 7) Clarify that charter schools are also subject to the private schools regulations when other laws or States Statutes such as 1013 F.S. do not exempt them to comply with this Code; 8) Amend regulations for public schools to be consistent with Florida Statutes 1013.37 that creates a Unified Building Code for the planning and construction of public educational facilities. Site requirements are incorporated in the Florida Building Code (FBC), Section 423 that supersede local regulations. Few property development regulations are subject to local approval which include setbacks, fences height, R-O-W dedication, road improvements, and landscape when determined that the cost of County requirements in Art. 7 are less costly than those requirements stated in the Building Code as stated in the State Statutes 1013.64(5)(a); 9) Include reference to Interlocal Agreement R 93-1600D to follow applicable procedures to public school site acquisition; and, 10) Use the Administrative Review Process of the Development Review Officer (DRO) to check setbacks and fences height as well as re-direct amendments to public school site plan to other county agencies such as Land Development or Engineering for compliance with applicable regulations.

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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.]

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EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

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.~~

Reason for amendments: [PBC School District/Zoning/Engineering]: 1) Remove signalization requirements as it is part of routinely review by the County Engineering; and 2) Relocate setbacks under General provisions.

4) **Signalization**

~~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.~~

Reason for amendments: [PBC School District/Zoning]: Delete requirements for school buildings that are 35 feet or more in height must be approved by the Board of County Commissioners (BCC). Building height regulations already contained in Art. 3.D.1.E, Building Height, allows buildings in certain zoning districts to increase the building height as long as one additional foot of setback is increased per every foot of building above 35 feet.

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**

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EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

~~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]~~

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.~~

c. 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 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.~~

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EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

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-
- ~~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.

Reason for amendments: [Engineering]: Amend for consistency with current Engineering process applicable to schools.

- ~~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 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]

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EXHIBIT K

ELEMENTARY OR SECONDARY SCHOOL
SUMMARY OF AMENDMENTS
(Updated 5/11/12)

1
2 Part 3. ULDC Art. 5.E.4.E.2.e, Deviations [Related to Outdoor Lighting Applicability] (pages 53
3 of 91) is hereby amended as follows:
4

Reason for amendments: [Zoning]: Amend to correct State Statute reference that relates to public school lighting regulations.

5

6 CHAPTER E PERFORMANCE STANDARDS

7 Section 4 Nuisances

8 E. Outdoor Lighting

9 2. Applicability

10 e. Deviations

11 Lighting may vary from this Section to the extent necessary to comply with the following:

12 [Ord. 2005-041]

13 1) F.S. 655.962, related to ATM lighting; [Ord. 2005-041]

14 2) F.S.812.173, related to Parking lots for Convenience Businesses; [Ord. 2005-041]

15 3) Lighting on Public Schools required by FBC Chapter 423 ~~and 424~~, and the SDPBC
16 Electrical Design Criteria; [Ord. 2005-041]

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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS
(Updated 06/13/12)

1
2 Part 1. ULDC Art. 1.C.1.A.2, Interpretation and Application (pages 8 of 115), is hereby
3 amended as follows:
4

Reason for amendments: [BCC] To establish a definition for weekend since this term applies to Special Events and their time limit.

5 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

6 Section 1 Rules of Construction

7 A. General

8 2. Interpretation and Application

9 z. Weekend – Friday, Saturday and Sunday.
10 [Renumber Accordingly]
11
12

13 Part 2. ULDC Art. 1.I.2, Definitions (pages 34 of 115), is hereby amended as follows:
14

Reason for amendments: [BCC] Per discussion at the January 17, 2012 BCC Workshop to discuss the AGR Tier, the BCC directed PZ&B to reconvene the Produce Stand Subcommittee for the purposes of coordinating with Agricultural industry in the AGR Tier to explore issues to support agriculture in PBC. The following definition for an Agriculture Marketplace would accommodate a comprehensive approach to managing multiple agricultural related uses that provides for additional economic viability for farming operations while ensuring that such uses do not result in the establishment of commercial operations or otherwise infringe upon the viability of bona-fide agricultural operations.

15 CHAPTER I DEFINITIONS & ACRONYMS

16 Section 2 Definitions

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

18

19 [Renumber accordingly.]

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

24 [Renumber accordingly.]
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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS
(Updated 06/13/12)

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

Reason for amendments: [Zoning] 1) Correct scrivener's error for Green Market in AGR Zoning district as current Art. 4.B.1.A.64.b, Duration and Approval, requires that a Green Market be subject to Special Permit approval; 2) Establish Conditional Use approval process to ensure that site development on AGR parcels allows for public input; 3) See Agriculture Marketplace amendments under Bona-fide Agriculture for proposed administrative approval of Green Markets collocated with an Agriculture Marketplace; and, 4) Revisions for PDD's and TDD's will be provided as a separate Exhibit.

4

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 U S A	R E T S M	R	R	R	C N	C L O	C C O	C H O	C G R E	I L	I G	P O		I P F	
Commercial Use																			
....																			
Temporary Green Market		<u>P</u>	<u>S</u>							<u>S</u>		<u>S</u>		<u>S</u>					
Permanent Green Market										<u>B</u>		<u>B</u>		<u>D</u>					
....																			
Agricultural Uses																			
Agriculture, Bona Fide			P	P	P	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																			

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

Reason for amendments: [BCC] Per discussion at the January 17, 2012 BCC Workshop to discuss the AGR Tier, the BCC directed PZ&B to reconvene the Produce Stand Subcommittee for the purposes of coordinating with Agricultural industry in the AGR Tier to explore issues to support agriculture in PBC. The following supplemental standards for an Agriculture Marketplace would accommodate a comprehensive approach to managing multiple agricultural related uses that provides for additional economic viability for farming operations while ensuring that such uses do not result in the establishment of commercial operations or otherwise infringe upon the viability of bona-fide agricultural operations.

10 CHAPTER B SUPPLEMENTARY USE STANDARDS

11 Section 1 Uses

12 A. Definitions and Supplementary Standards for Specific Uses

13 3. Agriculture, Bona Fide

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

19
20 h. Accessory Agricultural Uses

21 These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals;
22 pens; training facilities; dipping vats; processing of raw material; storage sheds; repair,
23 fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk

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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS
(Updated 06/13/12)

1 storage of petroleum products; shipping containers used for temporary storage; washing,
2 cutting, and packing of farm products, and canning, dehydration, and basic preparation of
3 raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 –
4 002]

5 **i. Agriculture Marketplace**

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

10 **1) Approval Process**

11 Class A Conditional Use.

12 **2) Location Criteria**

13 **a) Tier and District**

14 AGR Tier and Zoning district only.

15 **b) Location**

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

18 **c) Proximity to Residential Uses**

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

23 **3) Minimum Acreage and Production**

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

26 **a) Agriculture Preserve Parcels**

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

31 **b) Agriculture Production**

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

34 **4) Use Limitations and Sale of Products**

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

43 **a) Floor Area**

44 A maximum of 24,000 square feet of GFA, including outdoor display areas. The
45 floor area shall not include any FAR transferred from the portions of the site that
46 is dedicated to Bona Fide Agriculture production or otherwise encumbered with a
47 conservation easement, preserve area or other similar protection.

48 **b) Outdoor Open Space Area**

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

53 **c) Collocated Uses**

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

56 **(1) General Retail Sales**

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

61 **(2) Permanent Green Market**

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

65 **(3) Retail Sales, Mobile or Temporary**

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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS
(Updated 06/13/12)

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:

Reason for amendments: [Zoning] 1) Correct scrivener's error for redundant reference to Special Permit requirements, as corrected in Table 4.B.1.A, Use Matrix; and, 2) to Clarify that a permanent Green Market is subject to DRO or other approval, parking standards, among other typical site design requirements.

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.

a. Lot Size

A minimum of one acre.

b. Duration and Approval

Weekends only, subject to approval of a Special Permit. *A Temporary Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022]* [Partially relocated from Art. 4.B.1.A.64-1.g]

c. Site Operation

The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001]

d. Temporary Electric Service

The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001]

e. Stands

Notes:

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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
SUMMARY OF AMENDMENTS
(Updated 06/13/12)

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.

f. **Signage**

A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons and flags shall be prohibited.

g. **Permanent Green Market**

~~A permanent Green Market shall be allowed to operate each weekend provided the area designated for the Green Market is not located in required parking and indicated on the final DRO site plan. A Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Partially relocated to Art. 4.B.1.A.64-1.b, Duration and Approval]~~

64-2. Permanent Green Market

An area permanently designated on a Preliminary or Final Site Plan providing for the gathering of vendors on weekends and holidays, for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis.

a. **Lot Size**

A minimum of one acre.

b. **Duration**

Weekends and recognized federal holidays only.

c. **Stands**

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable and shall be removed from the site at the close of the market each weekend, or holiday where applicable. Motor vehicles such as vans or small trucks may be permitted subject to the preceding removal requirements.

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

Reason for amendments: [Zoning] 1) Establish minimum parking and loading standards for permanent Green Market, currently permitted in the LCC, IRO and URAO districts, and proposed to be accommodated in the AGR district when co-located with an Agriculture Marketplace. Parking ratio's are similar to but slightly less than that required for General Retail Sales, as the use is not permanent, thus not allowing for the same volume of inventory (less shelving or other display area) and does not include square footage of walkways or other similar; and, 2) Establish minimum parking and loading standards for proposed Agriculture Marketplace use. Parking ratio is the same as similar uses such as General Retail Sales and Permanent Produce Stand; and, 3) Clarify parking requirements for some uses that are accessory to Bona-fide Agriculture in accordance with Art. 4.B.1.A.h, Accessory Agricultural Uses.

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>	1 space per 250 sq. ft.	A
....		
[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.		

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Notes:

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EXHIBIT L

AGR TIER - AGRICULTURE MARKETPLACE
 (AGRICULTURAL RESERVE [AGR] TIER)
 SUMMARY OF AMENDMENTS
 (Updated 06/13/12)

1

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 Uses (U-Pick Em Operations)</u>		
<u>Agriculture Marketplace</u>	<u>1 space per 200 sq. ft. including outdoor sales display area</u>	<u>A</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.	

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EXHIBIT M

AGR TIER – INSTITUTIONAL MEDICAL OFFICE
SUMMARY OF AMENDMENTS
(Updated 5/9/12)

1 Part 1. ULDC Art. 4.B.1.A.83, Medical or Dental Office (pages 66 and 67 of 170), is hereby
2 amended as follows:
3

Reason for amendments: [Zoning/Planning] The Future Land Use Element (FLUE) of the Plan (as amended in Planning Text Amendment Round 2010-02) limits medical office uses on parcels with an Institutional (INST) future land use designation, with limited exceptions, as provided for under FLUE III.C.7, Institutional and Public Facilities, as follows:

- “... Medical office is a permitted use on parcels with INST FLU only within the following locations:
- a. *FLUE III.7.C.a, Within the site plans of project with approval for a “Hospital or Medical Center” use (as defined by the ULDC) ; and,*
 - b. *FLUE III.7.C.b, The following site specific FLUA amendments:*
 - *SCA 2005-027 in Ordinance 2006-005 (4.45 acres);*
 - *SCA 2008-015 in Ordinance 2008-005 (1.64 acres);*
 - *SCA 2009-002 in Ordinance 2009-008 (1.70 acres); and,*
 - *LGA 2010-014 in Ordinance 2012-031 (4.96 acres).”*

The proposed amendment is being processed concurrently with amendments to FLUE III.7.C.b, to add LGA 2012-002, which includes two parcels totaling 4.88 acres to the INST FLU designation (with alternative designations of Special Agriculture [SA] and Agricultural Reserve [AGR]). The parcels currently support agriculture related uses and are bordered on the north, east and west by the Bethesda West Hospital. This change will allow for the future development of medical offices that would compliment Bethesda West, while removing agricultural uses that may not be compatible with hospital operations.

[Note: See ULDC Art. 4.B.1.A.71.f, Collocated Medical or Dental Offices for implementation of FLUE III.7.C.a.]

4 CHAPTER B SUPPLEMENTARY USE STANDARDS

5 Section 1 Uses

6 A. Definitions and Supplementary Standards for Specific Uses

7 83. Medical or Dental Office

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

13
14 c. **Limited Use in INST FLU Designation**

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

- 18 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005;
- 19 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005;
- 20 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008;
- 21 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord.
- 22 2010-031; and,
- 23 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-...

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EXHIBIT N

AGR TIER – PACKING PLANT IN AGR-PUD PRESERVE AREA
SUMMARY OF AMENDMENTS
(Updated 5/9/12)

1 Part 1. ULDC Art. 1.1.2.A.44, Agriculture Packing Plant [Related to Definitions] (page 34 of
2 115), is hereby amended as follows:
3

Reason for amendments: [Zoning/Planning per BCC Direction] This amendment was directed by the Board of County Commissioners (BCC) under discussion at the May 26, 2011 Zoning Public Hearing, at which time the BCC initiated a Comprehensive Plan text amendment to allow packing plants within the preserve areas of Agricultural Reserve Planned Development Districts (AGR-PUDs). The proposed amendment corresponds to amendments to Future Land Use Element (FLUE) Policy 1.5-h, as transmitted by the BCC March 28, 2012.

Minor amendment to definition to correct glitch which implies that all agriculture packing plants are accessory to bona-fide agriculture.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7
8 44. **Agriculture, Packing Plant** – A facility ~~accessory to bona-fide agriculture~~, used for the
9 packing of produce not necessarily grown on site. Activities may also include canning,
10 dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord.
11 2005 – 002]
12
13

14 Part 2. ULDC Table 3.E.1.B, PDD Use Matrix (page 143 of 228), is hereby amended as follows:
15

Reason for amendments: [Zoning/Planning per BCC Direction] This amendment was directed by the Board of County Commissioners (BCC) under discussion at the May 26, 2011 Zoning Public Hearing, at which time the BCC initiated a Comprehensive Plan text amendment to allow packing plants within the preserve areas of Agricultural Reserve Planned Development Districts (AGR-PUDs). The proposed amendment corresponds to amendments to Future Land Use Element (FLUE) Policy 1.5-h, as transmitted by the BCC March 28, 2012.

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

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE					
	Pods					FLU					FLU		Use Zone			FLU							
	R E S	C O M	R E C	C I V	A G P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	I N D	C O M	I N D		I N D	M H P D	R V P D	C L	C H
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.																							

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EXHIBIT N

AGR TIER – PACKING PLANT IN AGR-PUD PRESERVE AREA
SUMMARY OF AMENDMENTS
(Updated 5/9/12)

1
2 Part 3. ULDC Art. 3.E.2.F.3.c, Uses [Related to Preservation Areas] (page 162 of 228), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning/Planning per BCC direction] This amendment was directed by the Board of County Commissioners (BCC) under discussion at the May 26, 2011 Zoning Public Hearing, at which time the BCC initiated a Comprehensive Plan text amendment to allow packing plants within the preserve areas of Agricultural Reserve Planned Development Districts (AGR-PUDs).

- 1) As the standards for an AGR-TMD Preserve Area defer to the similar AGR-PUD Preserve Area regulations, clarify that there are additional uses permitted within an AGR-TMD Preserve Area in Table 3.F.1.F, Traditional Development Districts; and,
- 2) Also recognizes that additional uses may be permitted within an AGR Preserve Area under Art. 4, Use Regulations. See Part 4 for example.

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 2 Planned Unit Development (PUD)

7 F. AGR PUD

8 3. Preservation Area

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

13 c. Uses

14 Uses allowed in a Preservation Area are indicated in Table 3.E.1.B, PDD Use Matrix,
15 Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated
16 within Art. 4, Use Regulations, and specified by the Preserve Management Plan as
17 approved by ERM. [Ord. 2006-004]
18

19
20 Part 4. ULDC Art. 4.B.1.A.5, Agriculture Packing Plant, (pages 29 and 30 of 170), is hereby
21 amended as follows:
22

Reason for amendments: [Zoning/Planning per BCC direction] This amendment was directed by the Board of County Commissioners (BCC) under discussion at the May 26, 2011 Zoning Public Hearing, at which time the BCC initiated a Comprehensive Plan text amendment to allow packing plants within the preserve areas of Agricultural Reserve Planned Development Districts (AGR-PUDs).

23 CHAPTER B SUPPLEMENTARY USE STANDARDS

24 Section 1 Uses

25 A. Definitions and Supplementary Standards for Specific Uses

26 5. Agriculture, Packing Plant

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

30 a. Accessory Use

31 A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, may
32 be allowed as an accessory use to a related bona fide agriculture use on the same
33 property, provided it does not exceed 25,000 square feet.
34

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

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

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

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EXHIBIT O

AGR PUD – 60/40 FRONTAGE
SUMMARY OF AMENDMENTS
(Updated 02/15/12)

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

Reason for amendments: [ZONING] Correct 60/40 AGR-PUD development area frontage requirements for consistency with existing Future Land Use Element (FLUE) Policy 1.5.1-i.4 (FLUE pages 29-30, see below, dated 7/26/11), to include additional provisions for Acme Dairy Road

60/40 Planned Development Option

Policy 1.5.1-i: A 60/40 AGR-PDD shall require the following:

- 4. that the development area shall be situated east of State Road 7 with frontage on either State Road 7, State Road 806 (Atlantic Avenue), State Road 804 (Boynton Beach Boulevard), Clint Moore Road, 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. Other roadways may be added to this list, by Plan amendment, consistent with the goal of preservation and perpetuation of agriculture in the Agricultural Reserve Tier;

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 2 Planned Unit Development (PUD)

7 F. AGR PUD

8 4. Development Area

9 a. Location

10 1) Frontage

11 All Development Areas shall have frontage on either SR-7, SR-806 (Atlantic Ave.),
12 SR-804 (Boynton Beach Boulevard), Clint Moore Road, ~~or~~ Lyons Road extending
13 north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic
14 Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the
15 L-28 Canal.
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**EXHIBIT P
TND MIXED USE
SUMMARY OF AMENDMENTS
(Updated 02/15/12)**

1
2 **Part 1. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of**
3 **228), is hereby amended as follows:**
4

Reason for amendments: [Zoning]										
1) The proposed changes serve to implement the mixed use policies of the Traditional Neighborhood Development (TND) Neighborhood Center (N/C), as highlighted in the Comprehensive Plan Policies shown below.										
2) While work/live is already permitted within a Neighborhood Center, the addition of multi-family necessitates allowing home occupational uses.										
3) While work/live is already permitted within a TND Neighborhood Center, the addition of multi-family necessitates allowing home occupational uses.										
Cited Future Land Use Element (FLUE) Policies for TND Neighborhood Center Mixed Use										
Policy 4.4.1-i: Traditional Town Characteristics.										
.....										
8. <i>be predominantly residential, requiring a minimum of 60% of the development area be devoted to residential uses primarily as TNDs (Up to 10% of the area of a TTD may be PUDs.). In addition, each TND shall contain mixed-use development allowing for the horizontal and vertical integration of, as well as the clustering of, living, working, recreational, open space, shopping, and civic uses;</i>										
Policy 4.4.5-b:										
.....										
4. <i>A neighborhood center shall be provided at an identifiable central location and shall:</i>										
.....										
b) <i>Be encouraged to have residential units above the commercial or civic uses;</i>										

5
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>P</u>			<u>R</u>		P	R	P		141-1
Live/Work		<u>D</u>			<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>		<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.											

6
7
8 **Part 2. ULDC Art. 3.F.3.E.1, Neighborhood Center (pages 208 - 209 of 228), is hereby amended**
9 **as follows:**
10

Reason for amendments: [Zoning] See policies cited in Part 1.										
1) Clarify that a TND Neighborhood Center is intended to provide neighborhood serving non-residential uses not limited to commercial;										
2) Clarify that certain residential uses are encouraged within a TND Neighborhood Center;										
3) Clarify that for purposes of determining maximum non-residential square footage permitted within a TND Neighborhood Center, that such residential square footage is not included due to being calculated separately as density; and,										
4) Establish limitations on the integration of residential uses within a TND Neighborhood Center so as to encourage the development of non-residential neighborhood serving uses.										

11 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**
12 **Section 3 Traditional Neighborhood Development (TND)**
13 **E. Land Use Zones**
14 **1. Neighborhood Center**

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**EXHIBIT P
TND MIXED USE
SUMMARY OF AMENDMENTS
(Updated 02/15/12)**

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:

Reason for amendments: [Zoning] Identify that multi-family units co-located with non-residential uses in a Neighborhood Center would be subject to the PDRs of the Neighborhood Center.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

E. Land Use Zones

5. Residential Uses

a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.E, TND Residential Lot Size and Setback Regulations, with exception to multi-family units located in a Neighborhood Center.

....

Table 3.F.3.E - TND Residential Lot Size and Setback Regulations

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	5 ft. min.
			15 ft. separation	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:				
<u>1. Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.</u>				

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Notes:

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EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

1
2 Part 1. ULDC Art. 3.A.1.B.2, Standard Districts (pages 15 and 16 of 228), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] Scrivener's error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

5 CHAPTER A GENERAL

6 Section 1 DistrictsSo-

7 B. Overlays and Zoning Districts
8 2. Standard Districts

9
10 ~~SD, Specialized Development District [Ord. 2011-016]~~

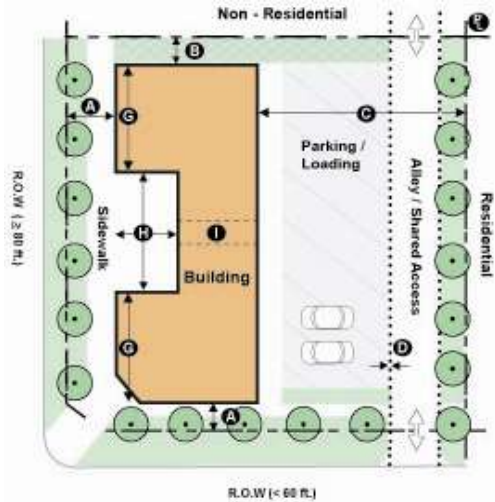
13 Part 2. ULDC Table 3.B.16.F, PRA Block Building PDRs (page 97 of 228), is hereby amended
14 as follows:
15

Reason for amendments: [Zoning] Provide additional clarity in prior efforts to exclude permitted single-family dwelling units from certain setbacks where existing, or when newly developed, to allow for SFD development and also to preclude any hardship for existing units where owners desire to remodel or expand. These amendments will clarify that an existing SFD will not be considered a non-conforming structure solely due to lack of compliance with required PRA Build to Lines (placement of home in relation to the front property line of the lot) – thus allowing for continued renovations and maintenance.

16

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.

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Notes:

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EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

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

Reason for amendments: [Zoning] Scrivener's error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

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]~~

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

Reason for amendments: [Zoning] Scrivener's error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

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:

Reason for amendments: [Zoning] Scrivener's error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

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.]

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EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

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

Reason for amendments: [Zoning] Scrivener’s error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8
9 25. Car Wash

10 ~~f. Priority Redevelopment Areas (PRAs)~~
11 ~~Shall only be permitted in the SD district. [Ord. 2010-022]~~
12 [ReNUMBER accordingly.]
13

14
15 Part 7. ULDC Art. 4.B.1.A.37.j, Priority Redevelopment Area (PRAs) [Related to Convenience
16 Store with Gas Sales] (page 45 of 170), is hereby deleted as follows:
17

Reason for amendments: [Zoning] Scrivener’s error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

18 CHAPTER B SUPPLEMENTARY USE STANDARDS

19 Section 1 Uses

20 A. Definitions and Supplementary Standards for Specific Uses

21
22 37. Convenience Store with Gas Sales

23 ~~j. Priority Redevelopment Area (PRAs)~~
24 ~~Shall only be permitted in the SD district. [Ord. 2010-022]~~
25 [ReNUMBER accordingly.]
26

27
28 Part 8. ULDC Art. 4.B.1.A.109.g, Priority Redevelopment Area (PRAs) [Related to Type I
29 Restaurant (pages 86-87 of 170), is hereby deleted as follows:
30

Reason for amendments: [Zoning] Scrivener’s error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

31 CHAPTER B SUPPLEMENTARY USE STANDARDS

32 Section 1 Uses

33 A. Definitions and Supplementary Standards for Specific Uses

34
35 109. Restaurant, Type I

36 ~~g. Priority Redevelopment Area (PRAs)~~
37 ~~Drive through shall only be permitted in the SD district. [Ord. 2010-022]~~
38 [ReNUMBER accordingly.]
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EXHIBIT Q

URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5-9-12)

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

Reason for amendments: [Zoning] Scrivener's error. The Specialized Development District (SD) was deleted in ULDC Amendment Round 2011-01 (Ord. 2011-016) in accordance with efforts to simplify the URAO.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8
9 135.Vehicle Sales and Rental

10 f. ~~Priority Redevelopment Area (PRAs)~~
11 ~~Outdoor sales or rental display or storage areas shall only be permitted in the SD district.~~
12 ~~[Ord. 2010-022]~~
13 [Renumber accordingly.]
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EXHIBIT R

PALM BEACH INTERNATIONAL AIRPORT OVERLAY (PBAIO)
SUMMARY OF AMENDMENTS
(Updated 02/16/12)

1
2 Part 1. ULDC Art. 3.B.9.E, Review Procedures [Related to Palm Beach International Airport
3 Overlay] (page 29 of 228), is hereby amended as follows:
4

Reason for amendments: [Zoning] Delete language related to the PBAIO Committee in accordance with the sunset of the Committee by adoption of Ord. 2008-033, as clarified in the Planning staff report, as follows: *“The PBIA Overlay language has been in the Future Land Use Element for many years and is being revised for clarity and to eliminate references to the PBIA Overlay Committee. The existing language does not adequately describe that the intent of the ability to convert land to industrial without a Future Land Use Atlas (FLUA) amendment was not intended to hinder the conversion of residential parcels to non-residential with a FLUA amendment. Further, the PBIA Overlay Committee has recently been sunset; hence the removal of such references.”*

5 CHAPTER B OVERLAYS

6 Section 9 PBAIO, Palm Beach International Airport Overlay

7 E. Review Procedures

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

9 ~~1. Site Specific~~

10 ~~All Site Specific FLUA amendments shall be reviewed by the PBAIO Committee. The PBAIO~~
11 ~~Committee’s recommendations shall be presented to the Local Planning Agency (LPA). [Ord.~~
12 ~~2004-051]~~

13 ~~2. Conditional Uses~~

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

17 [Renumber Accordingly]
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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

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

2

Reason for amendments: [Zoning] Establish definition of Waiver to distinguish from any other type of Development Order for modifications such as Variances.
--

3 **CHAPTER I DEFINITIONS & ACRONYMS**

4 **Section 2 Definitions**

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

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

9 **[Renumber Accordingly]**

10
11
12 **Part 2. ULDC Art. 2.A.1.D.1, Processes [Related to Authority] (pages 11 - 12 of 85), is hereby**
13 **amended as follows:**

14

Reason for amendments: [Zoning] Clarify BCC, DRO and Zoning Director authority for the Waiver approval process.
--

15 **CHAPTER A GENERAL**

16 **Section 1 Applicability**

17 **D. Authority**

18 **1. Processes**

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

21 **a. Board of County Commissioners (BCC)**

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

24
25 8) Type II Waivers, or other waivers as may be expressly stated; **[Ord. 2008-003] [Ord.**
26 **2009-040]**

27
28 **c. Development Review Officer (DRO)**

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

32
33 3) Subdivision Plan; ~~and~~ **[Ord. 2006-036]**
34 4) Uses indicated as "D" in Table 4.A.3.A, Use Matrix; ~~and~~ **[Ord. 2006-036]**
35 5) Type I Waivers.

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38

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

41

Reason for amendments: [Zoning] Clarify requirements for Preliminary Application Conference for LCC, IRO or PRA applications.
--

42 **CHAPTER A GENERAL**

43 **Section 1 Applicability**

44 **E. Pre-Application Conference (PAC)**

45 **3. Additional LCC, IRO and PRA Requirements**

46 **a. Preliminary Application**

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

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

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

Reason for amendments: [Zoning] Clarify reference for Type II Waiver Standards to differentiate from other Development Order standards and to facilitate location of text to the reader.

4 **CHAPTER A GENERAL**

5 **Section 1 Applicability**

6 **K. Public Hearing Procedures**

7 **3. Board Action**

8 **a. Action by ZC**

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

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

18
19 **b. Action by BCC**

20
21 **3) Decision**

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

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32

33 **Part 5. ULDC Art. 2.A.1.L.2.a, Action by DRO (page 21 of 85), is hereby amended as follows:**
34

Reason for amendments: [Zoning] 1) Reorganize for consistency with similar sections applicable to ZC and BCC; and, 2) Clarify Code references to standards for Administrative Amendments and Type I Waiver, to facilitate location of text to the reader.
--

35 **CHAPTER A GENERAL**

36 **Section 1 Applicability**

37 **L. Actions by Decision Making Bodies or Persons**

38 **2. Administrative Processes**

39 **a. Action by DRO**

40 The DRO *shall approve, approve with conditions, revoke, deny or administratively*
41 *withdraw an application based upon the recommendation of the reviewing agencies,* in
42 accordance with the procedures, standards and limitations of this Code and Article 2.D,
43 ADMINISTRATIVE PROCESS, including where applicable: the standards of Art. 2.D.1.E,
44 Standards for Administrative Approval, and the standards of Art. 2.D.4.d, Standards,
45 applicable to Administrative Amendments; or, the standards of Art. 2.D.7.C, Standards,
46 applicable to Type I Waivers ~~shall approve, approve with conditions, revoke, deny or~~
47 ~~administratively withdraw an application based upon the recommendation of the~~
48 ~~reviewing agencies.~~
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EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)

1 **Part 6. ULDC Art. 2.A.1.S.2.b., Processes [Related to Non-Judicial Relief Appeals] (pages 23 -**
2 **25 of 85), is hereby amended as follows:**
3

Reason for amendments: [Zoning] 1) Clarify that the Development Review Appeal Board (DRAB) does not hear appeals for decisions on Type I Waivers made by the Development Review Officer (DRO); 2) Clarify that a Hearing Officer will hear appeals for DRO decisions on Type I Waivers other than URA, IRO, LCC or Green Architecture; and, 3) Delete reference to Zoning Director Waiver as all have been relocated under the Type I Waiver classification (i.e. subject to DRO approval).
--

4 **CHAPTER A GENERAL**

5 **Section 1 Applicability**

6 **S. Appeal**

7 **2. Non-Judicial Relief**

8 **b. Processes**

9 **....**

10 **2) DRO Review**

11 Any Person seeking Development Order approval from the DRO, except for Type I
12 Waivers, may appeal that decision to the DRAB according to the following: **[Ord.**
13 **2005-002] [Ord. 2011-016]**

14 **....**

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

16 **a) URAO**

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

20 **b) Other Type I Waivers**

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

24 (1) The ZC shall consider the appeal petition within 60 days of its filing. **[Ord.**
25 **2011-016]**

26 (2) At the hearing, the ZC shall provide the petitioner, the applicant, and PBC
27 staff an opportunity to present arguments and testimony. **[Ord. 2011-016]**

28 (3) The ZC shall consider only the evidence presented to county staff at time of
29 the decision and the correctness of findings of fact or any condition imposed
30 by the DRO. **[Ord. 2011-016]**

31 (4) The ZC shall modify or reject only if substantial evidence is contrary to the
32 Plan, ULDC, or Official Zoning Map. **[Ord. 2011-016]**

33 **7) ~~Zoning Director Waiver~~**

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

37 **....**

38
39
40 **Part 7. ULDC Art. 2.B.2.G, Type II URAO Waivers (page 28 of 85), is hereby amended as**
41 **follows:**
42

Reason for amendments: [Zoning] To identify all the requests that would fall under the Type II Waiver classification.
--

43 **CHAPTER B PUBLIC HEARING PROCESS**

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

46 **G. Type II URAO Waivers**

47 **1. Purpose**

48 The purpose of Type II Waivers is to allow flexibility for mixed use or infill redevelopment
49 projects, or site design or layout, where alternative solutions can be permitted, subject to
50 performance criteria or limitations. Type II Waivers are not intended to relieve specific
51 financial hardship nor circumvent the intent of this Code. A Type II Waiver may not be
52 granted if it conflicts with other sections of this Code, or the Florida Building Code. **[Ord.**
53 **2011-016]**

54 **2. Applicability**

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

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:

Reason for amendments: [Zoning] Simplify applicability of time limitations for requests that do not require a building permit or other Development Order, typically used as a trigger to vest an approved Type II Variance.

CHAPTER B PUBLIC HEARING PROCESS

Section 3 Type II Variance

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.

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

1 **a. Request for Time Extension**

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

8 **b. Exemption for Applications Not Subject to Building Permit**

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

14

15
16
17 **Part 9. ULDC Art. 2.D.1.F.1.f, DRO Authority (page 38 of 85), is hereby amended as follows:**

Reason for amendments: [Zoning] To identify that the Development Review Officer (DRO) has authority to impose conditions on Type I Waivers.
--

19 **CHAPTER D ADMINISTRATIVE PROCESS**

20 **Section 1 Development Review Officer (DRO)**

21 **F. Conditions**

22 **1. DRO Authority**

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

27

28 f. Allow~~s~~ specific requirements of the Code to be waived, provided the proposed
29 development meets the specific requirements for ~~the waiver.~~ a Type I Waiver. **[Ord.**
30 **2009-040]**

31

32
33
34 **Part 10. ULDC Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals [Related to DRO Authority]**
35 **(pages 38 - 39 of 85), is hereby amended as follows:**

Reason for amendments: [Zoning] 1) Clarify limitation of DRO authority to relocate Requested or Conditional Uses approved by the ZC; 2) Clarify that the DRO may modify BCC/ZC approvals for Type II Waivers or Type II Variances, where limited to a reduction of the original request (e.g. a Type II Variance granting a 10 foot setback where 15 foot is required, may be reduced to anything greater than 10 feet [i.e. 12 foot]); and, 2) Clarify Allow the Development Review Officer (DRO) to amend Type II Waivers when the change proposed is consistent with the authority to amend BCC/ZC approvals.

37 **CHAPTER D ADMINISTRATIVE PROCESS**

38 **Section 1 Development Review Officer (DRO)**

39 **G. Administrative Review**

40 The DRO may approve amendments to Preliminary Plans approved by the BCC, and approve
41 Final Plans, in accordance with the following procedures. **[Ord. 2007-001] [Ord. 2008-003] [Ord.**
42 **2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]**

43 **1. Amendments to BCC/ZC Approvals**

44 The DRO shall have the authority to approve modifications to a Development Order approved
45 by the BCC or ZC. An application for an amendment shall be submitted in accordance with
46 Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C,
47 Review Procedures. Applications must be submitted on deadlines established on the Zoning
48 Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to
49 the following: **[Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]**

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

53 k. Modification to IRO or URAO Plans, provided that there are no conflicts with prior
54 conditions of approval, any improvement or amenity used to garner support for a project,

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**EXHIBIT S
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or testimony from Public Hearing(s); ~~or, and,~~ [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]

I. 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:

Reason for amendments: [Zoning] To identify requests that would fall under the Type I Waiver classification.

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

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

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EXHIBIT S
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1
2 **Part 12. ULDC Art. 2.G.1.A.17 [Related to Powers and Duties] (page 68 of 85), is hereby**
3 **amended as follows:**
4

Reason for amendments: [Zoning] To include Type II Waivers under the purview of the BCC.

5 **CHAPTER G DECISION MAKING BODIES**

6 **Section 1 Board of County Commissioners**

7 **A. Powers and Duties**

8 17. to hear, consider and approve, approve with conditions or deny applications for ~~Urban~~
9 ~~Redevelopment Area Overlay (URAO)~~ Type II Waivers and Waiver of Code Provisions for
10 Historic Resources; and, **[Ord. 2011-016]**
11
12

13 **Part 13. ULDC Art. 2.G.3.H.2.g [Related to Historic Resources Review Board Powers and**
14 **Duties] (page 75 of 85), is hereby amended as follows:**
15

Reason for amendments: [Zoning] Amended to clarify the Historic Resources Review Board has the authority to make recommendations to the BCC under Art. 9.B.4.B, Waiver of the Code Provisions, as applicable to Historic Structures. Authority to administer Art. 9, Archaeological and Historic Preservation falls under the authority of the PZ&B Executive Director, but is typically delegated to the County Archaeologist located within the Planning Division, so this process is not administered by the Zoning Division.

16 **CHAPTER G DECISION MAKING BODIES**

17 **Section 3 APPOINTED BODIES**

18 **H. Historic Resources Review Board**

19 **2. Powers and Duties**

20 g. pursuant to Article 9.B.4.B, Waiver of the Code Provisions, review and comment to the
21 BCC concerning waiver of Code provisions ~~of the Code~~ for properties within historic
22 districts and for properties designated as historic or archaeological sites or listed on the
23 PBC Register of Historic Places;
24
25

26 **Part 14. ULDC Art. 2.G.3.M.2, Powers and Duties [Related to Zoning Commission] (page 80 of**
27 **85), is hereby amended as follows:**
28

Reason for amendments: [Zoning] To clarify that the Zoning Commission presides over decides upon appeals for Type I Waivers for Infill Redevelopment (IRO), Lifestyle Commercial Center (LCC) and Green Architecture.

29 **CHAPTER G DECISION MAKING BODIES**

30 **Section 3 APPOINTED BODIES**

31 **M. Zoning Commission**

32 **2. Powers and Duties**

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

34

35 *and,*

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

38 ~~h~~ i to hear, consider and decide appeals from decisions of the DRO on applications for ~~Infill~~
39 ~~Redevelopment Overlay (IRO) or Lifestyle Commercial Centers (LCC)~~ Type I Waivers,
40 except URAO. **[Ord. 2011-016]**
41
42
43
44
45
46

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**EXHIBIT S
WAIVERS
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1
2 **Part 15. ULDC Art. 2.G.4.G.2.h [Related to Powers and Duties and Development Review Officer]**
3 **(page 82 of 85), is hereby amended as follows:**
4

Reason for amendments: [Zoning] Clarify that all Type I Waivers will be presented to and decided by the Development Review Officer (DRO).
--

5 **CHAPTER G DECISION MAKING BODIES**

6 **Section 4 STAFF OFFICIALS**

7 **G. Development Review Officer (DRO)**

8 **2. Powers and Duties**

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

12

13
14
15 **Part 16. ULDC Art. 2.G.4.K.2, Jurisdiction, Authority and Duties [Related to the Executive**
16 **Director of Planning, Zoning and Building] (page 84 of 85), is hereby amended as**
17 **follows:**
18

Reason for amendments: [Zoning] Clarify authority of the PZ&B Executive Director to waive review timeframe of Minor Utilities or Commercial Communication Towers during a declared state of emergency.

19 **CHAPTER G DECISION MAKING BODIES**

20 **Section 4 STAFF OFFICIALS**

21 **K. Executive Director of Planning, Zoning and Building**

22 **2. Jurisdiction, Authority and Duties**

23

24 c. to administer the PZB Department, including the Planning Division, the Zoning Division,
25 the Building Division, and the Code Enforcement Division; ~~and~~

26 d. to waive or modify development review fees upon demonstration that the applicant is
27 indigent pursuant to PBCHD standards, or the applicant can demonstrate review fees are
28 in excess of actual staff costs; ~~and,~~

29 e. to waive certain requirements as may be stated within this Code when a state of
30 emergency is declared.

31
32
33 **Part 17. ULDC Art. 2.G.4.N.2.k, [Related to Jurisdiction, Authority and Duties and Zoning**
34 **Director] (page 85 of 85), is hereby amended as follows:**
35

Reason for amendments: [Zoning] Delete jurisdiction to review administrative waivers, all of which have been relocated and consolidated under the Type I Waiver category, which falls under the authority of the Development Review Officer (DRO).

36 **CHAPTER G DECISION MAKING BODIES**

37 **Section 4 STAFF OFFICIALS**

38 **N. Zoning Director**

39 **2. Jurisdiction, Authority and Duties**

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

42
43
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45

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

Reason for amendments: [Zoning] To clarify that provisions allowing for a waiver of density in the Glades Area Overlay (GAO) will be classified as a Type II Waiver subject to BCC approval.

4 **CHAPTER B OVERLAYS**

5 **Section 4 GAO, Glades Area Overlay**

6 **D. Use Regulations**

7 **4. Property Development Regulations (PDRs)**

8 **b. Type II Waiver - Minimum Density**

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

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

21

22
23
24 **Part 19. ULDC Art. 3.B.15.B, Infill Redevelopment Overlay (page 54 of 228), is hereby amended**
25 **as follows:**
26

Reason for amendments: [Zoning] Specify IRO waivers are classified as Type I.
--

27 **CHAPTER B OVERLAYS**

28 **Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)**

29 **B. Applicability**

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

34

35
36
37 **Part 20. ULDC Art. 3.B.15.F.6.d.2, Civic Building [Related to Infill Redevelopment Area Overlay**
38 **(page 70 of 228), is hereby amended as follows:**
39

Reason for amendments: [Zoning] Specify IRO waivers are classified as Type I.
--

40 **CHAPTER B OVERLAYS**

41 **Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)**

42 **F. Design and Development Standards**

43 **6. Building Standards**

44 **d. Special Building Standards**

45 **2) Civic Building**

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

49

50
51
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53

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**EXHIBIT S
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1 Part 21. ULDC Art. 3.B.15.G, IRO Waivers (pages 82 - 83 of 228), is hereby amended as follows:
2

Reason for amendments: **[Zoning]** Amended to simplify redundant language for the IRO Waiver.

3 **CHAPTER B OVERLAYS**

4 **Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)**

5 **G. Type I IRO Waivers**

6 The applicant may apply for ~~waivers~~ Type I Waivers for development standards in accordance
7 with Art. 2.D.7, Type I Waiver and Table 3.B.15.G, Type I ~~IRO~~ Waivers. The following table
8 summarizes the IRO development ~~requirements standards that eligible for could be requested~~
9 ~~through a waiver~~ the Type I Waiver process: **[Ord. 2010-005] [Ord. 2011-016]**
10

Table 3.B.15.G – Type I IRO Waivers

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

11
12
13
14 **Part 22. ULDC Art. 3.B.16.F.9.a.5), Service and Loading Areas [Related to Urban**
15 **Redevelopment Area Overlay (URAO)] (page 105 of 228), is hereby amended as**
16 **follows:**
17

Reason for amendments: **[Zoning]** Scrivener's error to indicate URAO Waiver instead of PRA Waiver.

18 **CHAPTER B OVERLAYS**

19 **Section 16 Urban Redevelopment Area Overlay (URAO)**

20 **F. PRA Design and Development Standards**

21 **9. Parking and Loading Standards**

22 **a. Location and Access**

23 **5) Service and Loading Areas**

24 All service and loading areas shall be located along the rear or side of buildings, and
25 shall not be visible from usable open space areas, streets or abutting residential
26 neighborhoods. The service areas shall be located within the footprint of the building
27 or immediately adjacent to the building. Required loading space areas may be
28 waived, reduced in number or dimension, in accordance with Art. 6.B, Loading
29 Standards, or by ~~PRA-waivers~~ Art. 3.B.16.G, Type I and II URAO Waivers. **[Ord.**
30 **2010-022]**
31

34 **Part 23. ULDC Art. 3.E.1.C.2, Performance Standards [Related to PDDs] (pages 146 - 147 of**
35 **228), is hereby amended as follows:**
36

Reason for amendments: **[Zoning]** To clarify that waivers from Planned Development Districts (PDDs) Frontage and Cul-de-sacs will be classified as a Type II Waiver.

37 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

38 **Section 1 General**

39 **C. Objectives and Standards**

40 **2. Performance Standards**

41

42 **a. Access and Circulation**

43 **1) Minimum Frontage**

44 PDDs shall have a minimum of 200 linear feet of frontage along an arterial or
45 collector street unless stated otherwise herein; **[Ord. 2010-022]**

46 **a) Type II Waiver - Infill Development**

47 The BCC may grant a Type II Waiver ~~waiver~~ to reduce the frontage requirement
48 in the U/S Tier upon demonstration by the applicant that the requirements
49 standards cannot be satisfied by any other means and by complying with the
50 following standards: **[Ord. 2005 – 002] [Ord. 2010-022]**

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**EXHIBIT S
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- (1) the reduction is the minimum necessary to provide safe and adequate access to the project; **[Ord. 2005 – 002]**
- (2) the reduction will not result in any undue hardship or adverse impact on adjacent property owners; **[Ord. 2005 – 002]**
- (3) the reduction will not adversely effect the development of adjacent land in accordance with the Plan and this Code; **[Ord. 2005 – 002]**
- (4) the reduction is supported by the County Engineer and PZB; **[Ord. 2005 – 002]**
- (5) where applicable, the reduction is necessary to allow for development of new SR-7 EDO projects that establish access by means of interconnectivity requirements of the overlay; **[Ord. 2010-022]**

b) PUD Minimum

The BCC shall not reduce the frontage requirements below the following thresholds: **[Ord. 2005 – 002]**

- (1) 1500 trips or less: 50' of frontage. **[Ord. 2005 – 002]**
- (2) More than 1500 trips: 80' of frontage. **[Ord. 2005 – 002]**

Further reductions from the frontage requirements shall only be allowed by the ZC as a Type II variance in accordance with Art. 2.B.3, Variances. **[Ord. 2005 – 002]**

....
5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of local streets that can terminate in cul-de-sacs, the applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Article 1 of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20 foot wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets. **[Ord. 2008-037]**

- a) 40 percent of the local streets in a PDD may terminate in a cul-de-sac or a dead-end by right. **[Ord. 2007-001] [Ord. 2008-037]**
- b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-sac pursuant to a Type II Waiver ~~waiver~~ application approved by the BCC. The BCC shall consider the following additional standards when deciding whether or not to approve the Waiver ~~waiver~~. **[Ord. 2007-001] [Ord. 2008-037]**
 - (1) cul-de-sacs terminate in an open space that provides amenities accessible to the residents of the development; and, **[Ord. 2008-037]**
 - (2) cul-de-sacs connect to a pedestrian system including but not limited to sidewalks, and designated path or trail systems. **[Ord. 2008-037]**

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

Reason for amendments: **[Zoning]** To clarify that LCC Waivers would fall under the Type I Classification.

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		
....		

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**EXHIBIT S
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(Updated 1/19/12)**

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

Reason for amendments: [Zoning] To clarify that some requirements for parking structures in the AGR Tier can be waived through a Type II Waiver.
--

4 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

5 **Section 2 General Standards**

6 **A. Applicability**

7 **2) Connectivity**

8 **d. Parking Structures**

9 **1) U/S and AGR Tiers**

10 **a) Type II Waiver AGR Exception**

11 The requirement for structured parking in the AGR Tier may be waived by the
12 BCC upon approval of a Type II Waiver. [Ord. 2005 – 002]
13

14

16 Part 26. ULDC Art. 3.F.4.E.9.a, BCC Waiver [Related to TMD Structures] (page 225 of 228), is
17 hereby amended as follows:
18

Reason for amendments: [Zoning] To clarify that a TMD Block Structure requirement in the AGR tier can be waived through a Type II Waiver.

19 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

20 **Section 4 Traditional Marketplace Development (TMD)**

21 **E. Standards Applicable to AGR Tier**

22 **9. Block Structure**

23 **a. Type II BCC Waiver**

24 An AGR TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision
25 below, unless waived through a Type II Waiver by the BCC upon the BCC determining
26 that the block structure proposed is functionally equivalent for the purpose of Art.
27 3.F.1.A.4, and Art. 3.F.4.A Purpose. The Type II Waiver-waiver may be granted only
28 upon the applicant's agreement to be bound by the block configuration of the site plan
29 approved by the BCC. [Ord. 2005-002] [Ord. 2005 – 041]
30

31

33 Part 27. ULDC Art. 4.B.1.A.121.b.4), Parking and Loading [Related to Commercial Greenhouses]
34 (page 98 of 170), is hereby amended as follows:
35

Reason for amendments: [Zoning] To establish that loading for a Commercial Greenhouse can be waived through a Type I Waiver.
--

36 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

37 **Section 1 Uses**

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

39 **121.Shade House**

40 **b. Commercial Greenhouse**

41 **4) Parking and Loading**

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

44 **a) Parking**

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

48 **b) Loading**

49 Loading zones shall not be oriented towards residential uses, and shall be
50 setback from property lines a minimum of 250 feet, unless waived by the DRO
51 approved as a Type I Waiver. [Ord. 2006-004]
52

53

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

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

Reason for amendments: [Zoning] To establish that landscaping for Solid Waste Transfer Stations can be waived through a Type I Waiver.

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:

Reason for amendments: [Zoning] Clarify that the Planning, Zoning and Building Executive Director may waive Minor Utilities review timeframes when state of emergency is declared.

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:

Reason for amendments: [Zoning] Clarify that the Planning, Zoning and Building Executive Director may waive Commercial Communication Towers review timeframes when state of emergency is stated.

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:

Reason for amendments: [Zoning] To establish that Stealth Commercial Communication Towers would fall under the Type II Waiver classification.

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.

....

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

1
2
3 **Part 32. ULDC Art. 4.C.3.B.5, Waivers (page 114 of 170), is hereby amended as follows:**
4

Reason for amendments: [Zoning] To identify that Camouflage Commercial Communication Towers would be subject to Type II Waivers.

5 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

6 **Section 3 Siting Requirements**

7 **B. Camouflage Towers**

8 **5. Type II Waivers**

9 A ~~Type II Waiver-waiver~~ from separation, setback, distance between towers, height, and
10 similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver
11 from Required Dimensional Criteria.
12
13
14

15 **Part 33. ULDC Art. 4.C.3.K, Waiver from Required Dimensional Criteria (pages 128 - 130 of 170),**
16 **is hereby amended as follows:**
17

Reason for amendments: [Zoning] To identify that required dimensional criteria for Commercial Communication Towers would be subject to Type II Waivers.
--

18
19 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

20 **Section 3 Siting Requirements**

21 **K. Type II Waiver from Required Dimensional Criteria**

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

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

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

28 **2. Towers Approved on an Administrative Basis**

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

32 **3. Requests for a Type II Waiver**

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

36 **4. Criteria for Granting a Type II Waiver**

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

42 **a. Protection of Public Welfare**

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

45 **b. Economics**

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

48 **c. Incompatibility Not Created**

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

51 **d. Exhaustion of Other Remedies**

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

57 **e. Minimum Waiver**

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

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EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)

- 1 **f. Consistent with the Plan**
2 Grant of the ~~Waiver-waiver~~ will be consistent with the purposes, goals, objectives, and
3 policies of the Plan and this Code.
- 4 **g. Not Detrimental**
5 The grant of the ~~Waiver-waiver~~ will not be injurious to the area involved or otherwise
6 detrimental to the public welfare.
- 7 **h. Prohibition of Service**
8 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
9 within the defined search or propagation study area so as not to prohibit the provision of
10 personal wireless, television, and related communication services as defined by the
11 Telecommunications Act of 1996 and rules of the FCC, if adopted.
- 12 **i. FAA Limitations**
13 The ~~Waiver-waiver~~ is required to comply with locational standards established by the
14 FAA.
- 15 **j. Lack of Technical Capacity**
16 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
17 within the defined search or propagation study area as existing towers or other structures
18 do not possess the capacity to allow reasonable technical service.
- 19 **k. Height of Existing Structures**
20 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
21 within the defined search or propagation study area as existing towers or other structures
22 are not of sufficient height to provide reasonable service.
- 23 **l. Lack of Structural Capacity**
24 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
25 within the defined search or propagation study area as existing towers or structures do
26 not have the structural capacity to accommodate the equipment needed to provide
27 reasonable service within the defined search or propagation study area.
- 28 **m. Interference**
29 The, subject to documentation provided by the applicant, is necessary within the defined
30 search or propagation study area due to interference that may be caused resulting from
31 such factors as collocation on existing towers or structures, the nature of other
32 communications equipment or signals, or other technical problems that would result in
33 interference between providers.
- 34 **n. Unreasonable Costs**
35 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
36 within the defined search or propagation study area as the fees, costs or contractual
37 provisions to collocate on or adapt an existing tower or structure for collocation are
38 unreasonable.
- 39 **o. More Appropriate Site**
40 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
41 within the defined search or propagation study area as a result of identification of a more
42 appropriate site that does not meet dimensional criteria, including such factors as
43 distance from residential uses, existence of permanent screening and buffering, and
44 location within a large scale non-residential area.
- 45 **p. Avoid Certain Locations**
46 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
47 within the defined search or propagation study area to avoid location in one or more of
48 the following:
49 1) officially designated wilderness areas, wildlife refuges, and wildlife management
50 areas;
51 2) officially designated vegetation and wildlife preserves;
52 3) habitats of threatened/endangered species, historical sites;
53 4) Indian religious sites;
54 5) locations which may cause significant alteration of wetlands, deforestation, or water
55 diversion;
56 6) night use of high intensity lights in residential areas;
57 7) environmentally sensitive lands acquired or leased by PBC; or
58 8) linked open space corridors as set forth in the Plan.
- 59 **q. Reduce Residential Impact**
60 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
61 within the defined search or propagation study area and will allow a proposed tower
62 location to reduce the impact on adjacent residential uses.
- 63 **r. Effect of Governmental Regulation or Restrictive Covenant**
64 The ~~Waiver-waiver~~, subject to documentation provided by the applicant, is necessary
65 within the defined search or propagation study area due to governmental regulations or
66 restrictive covenants which preclude location of a tower.
- 67 **5. Simultaneous Consideration**

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

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

5
6
7 **Part 34. ULDC Art. 4.C.4.D.1, Waiver of Distance Between Towers (page 132 of 170), is hereby**
8 **amended as follows:**
9

Reason for amendments: [Zoning] 1) To identify that waiver for distance between towers will be classified as Type II Waiver; and, 2) To eliminate a glitch where a sentence is repeated twice.

10 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

11 **Section 4 Standards**

12 **D. Distances/Separation Between Towers**

13 **1. ~~Type II Waiver of Distance Between Towers~~**

14 A ~~Type II Waiver waiver~~ to reduce the distance between towers may be granted subject to
15 the requirements of Article 4.C.3.K, ~~Type II Waiver from Required Dimensional Criteria. A~~
16 ~~waiver to reduce the distance between towers may be granted subject to the requirements of~~
17 ~~Article 4.C.3.K, Waiver from Required Dimensional Criteria.~~
18

19
20
21 **Part 35. ULDC Art. 4.C.4.S, Nonconforming Lots of Record (page 137 of 170), is hereby**
22 **amended as follows:**
23

Reason for amendments: [Zoning] To establish that Communication Towers on Nonconforming Lots of Record are not required to apply for Required Dimensional Criteria Type II Waiver as long as the structure is consistent with the sitting requirements of Article 4.C, Communication Tower, Commercial.
--

24 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

25 **Section 4 Standards**

26 **S. Nonconforming Lots of Record**

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

30
31
32 **Part 36. ULDC Art. 5.B.1.A.19.a.2)b)(2) [Related to Zoning Director discretion to exempt**
33 **Mechanical Equipment Screening] (page 27 of 91), is hereby amended as follows:**
34

Reason for amendments: [Zoning] Establish that a Type I Waiver will be the procedure for applying for waivers from Roof Mounted Mechanical Equipment screening of the Right-of-Way.
--

35 **CHAPTER B ACCESSORY AND TEMPORARY USES**

36 **Section 1 Supplementary Regulations**

37 **A. Accessory Uses and Structures**

38 **19. Mechanical Equipment**

39 **a. Applicability**

40 **2) Screening Requirements**

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

42 (2) Subject to ~~approval of a Type I Waiver Zoning Director discretion~~, the
43 screening may not be required for any industrial use with industrial FLU
44 designation if the equipment cannot be viewed from adjacent R.O.W. ~~In~~
45 ~~addition to the standards applicable to Type I Waiver, a~~ line of sight drawing
46 may be required ~~by the DRO~~ to ensure compliance with screening of
47 equipment. **[Ord. 2011-016]**
48

49 **Part 37. ULDC Art. 5.C.1.E.3.a, Green Architecture (page 35 - 38 of 91), is hereby amended as**
50 **follows:**
51

Reason for amendments: [Zoning] Clarify that Green Architecture is subject to approval as a Type I Waiver, as amended in Round 2011-01, Ord. 2011-016.

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

1 **CHAPTER C DESIGN STANDARDS**

2 **Section 1 Architectural Guidelines**

3 **E. Review Process**

4 **3. Type I Waiver - Green Architecture**

5 **a. Purpose and Intent**

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

15

16 **d. Appeals**

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

20

21
22
23 **Part 38. ULDC Art. 5.C.1.J.1, Non Judicial Remedies (page 44 of 91), is hereby amended as**
24 **follows:**

Reason for amendments: [Zoning] Correct reference for consistency with the changes included in this exhibit.

26 **CHAPTER C DESIGN STANDARDS**

27 **Section 1 Architectural Guidelines**

28 **J. Appeal**

29 **1. Non-Judicial Remedies**

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

34

35
36
37 **Part 39. ULDC Art. 6.A.1.D.2.c.1), Large Scale Commercial Development [Related to Location of**
38 **Required Parking] (page 13 of 39), is hereby amended as follows:**

Reason for amendments: [Zoning] Clarify that prior BCC waiver process for Large Scale Commercial Development shall be processed as a Type II Waiver.

40 **CHAPTER A PARKING**

41 **Section 1 General**

42 **D. Off-Street Parking**

43 **2. Location of Required Parking**

44 **c. Location of Front, Side, and Rear Parking**

45 **1) Large Scale Commercial Development**

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

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

54 **d) Type II Waiver**

55 The BCC may waive these requirements as a Type II Waiver this requirement if
56 the applicant demonstrates there is an unusual site configuration and/or unique
57 circumstances, and the alternative site design clearly meets the intent of this

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

1 provision, by increasing the proximity of parking spaces to public entrances,
2 reducing the visual blight of large expanses of surface parking areas, and
3 improving pedestrian connectivity. [Ord. 2005- 002]

4

5
6
7 **Part 40. ULDC Art. 6.B.1.H.7.a.2) Administrative Reduction [Related to Loading Space**
8 **Reduction] (page 37 of 39), is hereby amended as follows:**
9

Reason for amendments: [Zoning] Clarify that waiver provisions for loading zones for uses with less than 10,000 square feet shall be processed as a Type I Waiver.

10 **CHAPTER B LOADING STANDARDS**

11 **Section 1 Loading**

12 **H. Dimensional Standards and Design Requirements**

13 **7. Loading Space Reduction**

14 **a. Reduction in Number of Spaces**

15 **2) Type I Waiver-Administrative Reduction**

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

19

20
21
22 **Part 41. ULDC Art. 7.F.9.C.1, Walls and Fences (page 40 of 50), is hereby amended as follows:**
23

Reason for amendments: [Zoning] To establish that walls or fences within an incompatibility buffer can be waived through a Type I Waiver.

24 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

25 **Section 9 Incompatibility Buffer**

26 **C. Walls and Fences**

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

29 **1. Existing Walls or Fences**

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

- 33 a. Condition of existing wall;
34 b. Effectiveness of visual screen; and
35 c. Type of construction.

36
37
38 **Part 42. ULDC Art. 7.F.9.E, Special Standards (page 41 of 50), is hereby amended as follows:**
39

Reason for amendments: [Zoning] To establish that an incompatibility buffer for pods adjacent to open space can be waived through a Type I Waiver.

40 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

41 **Section 9 Incompatibility Buffer**

42 **E. Special Standards**

43 The DRO may require incompatibility buffers for uses such as recreation and civic areas within a
44 residential subdivision or pod. The ~~DRO may~~ applicant may apply for a Type I Waiver to waive
45 the incompatibility buffer for pods adjacent to open space that is 100 feet or greater in width.
46 [Ord. 2005 – 002]

47
48
49 **Part 43. ULDC Art. 8.H.2, Billboards (page 38 of 39), is hereby amended as follows:**
50

Reason for amendments: [Zoning] Clarify that DRO approves Type I Waiver for billboard location criteria applicable to billboards located on Right-of-Ways.

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**EXHIBIT S
WAIVERS
SUMMARY OF AMENDMENTS
(Updated 1/19/12)**

1 **CHAPTER H OFF-SITE SIGNS**

2 **Section 2 Billboards**

3

4 **F. Relocation of Billboards**

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

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

10

11 **G. Billboard Replacement**

12

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

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EXHIBIT T

LIVESTOCK KEEPING
SUMMARY OF AMENDMENTS
(Updated 07/10/12)

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

Reason for amendments: [BCC / Zoning]. 1) Introduce new definition for Cross Fencing to clarify type of fence used to limit areas where livestock is kept; and, 2) Domesticated Livestock definition is proposed to specify the types of animals that are considered livestock as it relates to proposed amendments to Article 5.B.1.A allowing livestock to be kept as an accessory to a single family residence in the Exurban and Rural Tiers.

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

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

9 [Renumber accordingly.]

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

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

15 [Renumber accordingly.]
16
17
18

19 Part 2. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 27 of 91), is hereby amended
20 as follows:
21

Reason for amendments: [BCC/Zoning] This new language is proposed to allow the keeping of livestock as an accessory to a single family residential use subject to the following: 1) location in the Rural or Exurban Tier other than Planned Unit Developments (PUDs); 2) differentiate between the setback requirements for permanent structures and temporary / portable structures; 3) provide square footage and height limitations for temporary / portable structures; 4) vest properly permitted permanent structures; 5) allow cross fencing; 6) include provisions of appropriate care and maintenance; 7) provide guidelines related to the number of livestock sales that may be permitted in a 12 month period; and, 8) creates timeline of six months for residents with livestock as accessory use to comply with the Code regulations as contained in this amendment once the ordinance gets effective.

22 CHAPTER B ACCESSORY AND TEMPORARY USES

23 Section 1 Supplementary Regulations

24 A. Accessory Uses and Structures

25 20. Livestock

26 a. Standards of Approval

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

29 1) Tier

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

31 2) Accessory Structures

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

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

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

39 3) Cross Fencing

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

43 4) Animal Care

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

45 5) Limitations of Use

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

48 6) Existing Uses

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EXHIBIT T

LIVESTOCK KEEPING
SUMMARY OF AMENDMENTS
(Updated 07/10/12)

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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.

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