



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING

TO: The Honorable Steven L. Abrams, Mayor, and
Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director *JM*

DATE: August 14, 2013

RE: **Research on Separation Distance for Freestanding ATM's
Unified Land Development Code (ULDC) Amendment Round 2013-01**

This memo serves to follow up to BCC discussion, at the July 25, 2013, First Reading of Unified Land Development Code (ULDC) Amendment Round 2013-01, as it relates to the proposed 1,000-foot separation distance between Freestanding ATMs. During the discussion Commissioner Taylor, Vice Mayor, asked whether the proposed separation distance would be sufficient to address the possible proliferation of Freestanding ATMs on commercial sites.

Zoning staff researched 10 different shopping centers within unincorporated PBC to determine based on typical property dimensions how many ATMs could realistically be installed on a site. Staff's analysis is found in Attachment A, Location Map for Shopping Centers Evaluated, and Attachment B, Table and Analysis for Evaluated Centers.

Staff has concluded that the current 1,000-foot separation proposal will prevent the proliferation of freestanding ATMs. However, should the BCC choose to limit the number of ATMs per property, this can be done by adding a maximum of 2 per site at the August 22, 2013 Final Adoption Hearing.

If you should have any questions or require additional information, please contact me at (561) 233-5234.

JM/DN/BK/dn

Attachments: A) Location Map for Shopping Centers Evaluated
B) Table and Analysis for Evaluated Centers

- C: Verdenia Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZ&B
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use Assistant County Attorney
- Maryann Kwok, AICP, Chief Planner, Zoning
- William Cross, AICP, Principal Site Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- David Nearing, Site Planner I, Zoning

U:\Zoning\CODEREV\Research - Central\ATM\2013\1 - Correspondence\8-14-13 Memo to BCC on Separation Distance Review No. 4.docx

Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



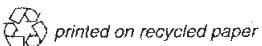
**Palm Beach County
Board of County
Commissioners**

- Steven L. Abrams, Mayor
- Priscilla A. Taylor, Vice Mayor
- Hal R. Valeche
- Paulette Burdick
- Shelley Vana
- Mary Lou Berger
- Jess R. Santamaria

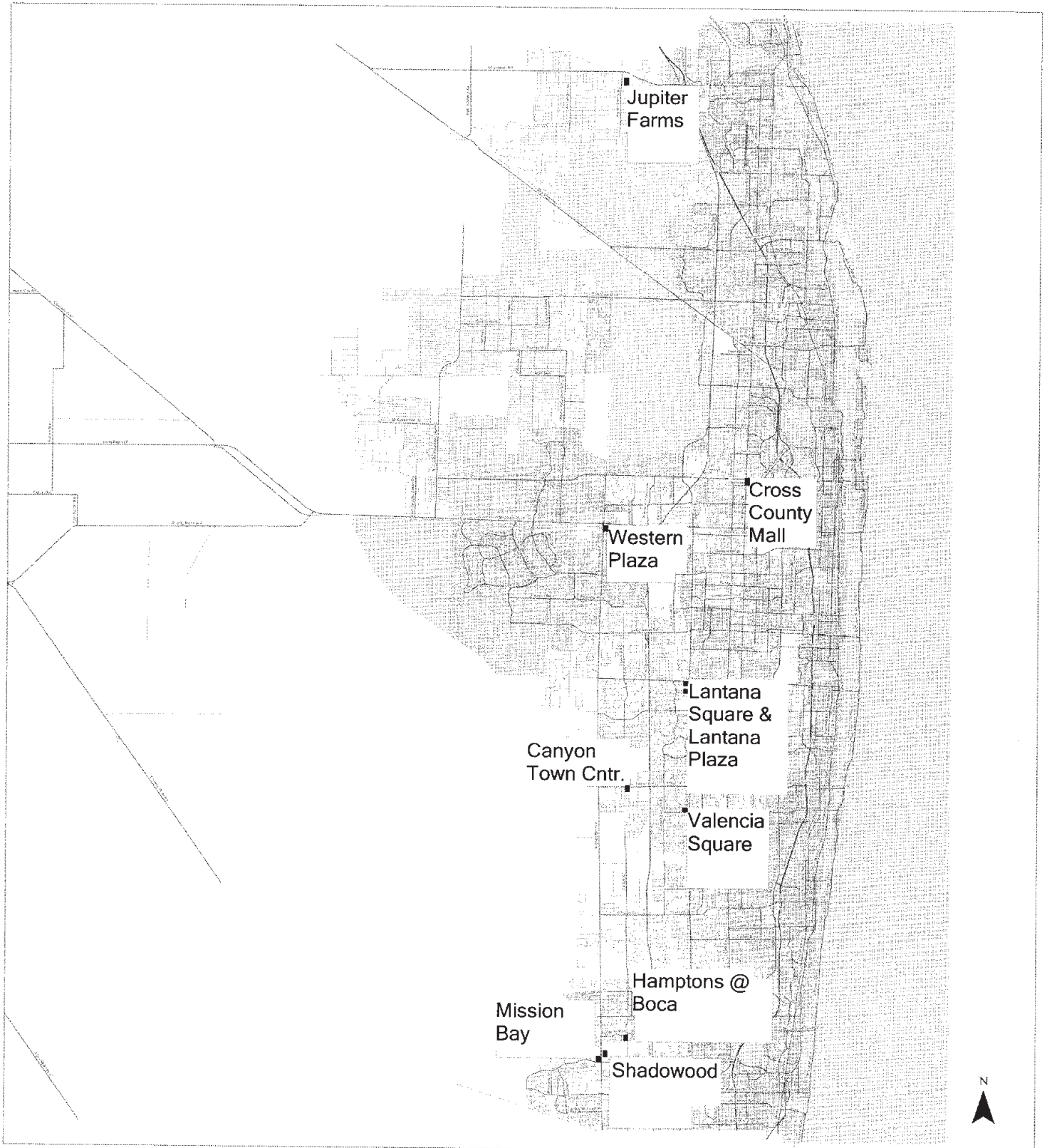
County Administrator


Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"



Attachment A




 MUNICIPALITIES

Location Maps for Shopping Centers Evaluated

0 1 2 3 Miles

Map © 2013 SWA_Sites.mxd



Planning, Zoning and Building Department - GIS

2300 N. Jog Road
West Palm Beach, FL 33411
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pzmap@pbcgov.com
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Attachment B, Table and Analysis for Evaluated Centers

ULDC AMENDMENT ROUND 2013-01
Freestanding ATMs – Analysis of 1,000 Ft. Separation Distance
 (Updated 8/12/13)

#	Development Name	Linear Ft. of Frontage	Site Depth (Ft.)	Acreage	Corner Location	Number of Freestanding ATM's Possible
1	Jupiter Farms Shopping Center	≈1,200	≈1,700	≈34.5	Yes	3
2	Cross County Mall	≈1,280	≈1,750	≈42.8	Yes	4
3	Western Plaza	≈1,674	≈746	≈32.8	No	2
4	Lantana Square Shopping Center	≈965	≈1,562	≈17.6	Yes	2
5	Lantana Square Plaza II	≈490	≈383	≈2.4	No	1
6	Canyon Town Center TMD	≈1,300	≈900	≈27	Yes	2
7	Valencia Square MUPD	≈686	≈485	≈23.8	Yes	1
8	Hamptons at Boca Raton (PUD Commercial Pod)	≈738	≈893	≈12	Yes	1
9	Mission Bay (PUD Commercial Pod)	≈888	≈1,568	≈30.8	No	2
10	Shadowood Square	≈1,200	≈1,700	≈35	Yes	4

Background Information:

Through the development of guidelines for Freestanding ATMs, the applicant, Bank of America, proffered a separation distance of 1,000 feet. Staff found that such a separation distance would:

- Prevent the proliferation of freestanding ATMs;
- Prevent use of the structures as advertisement;
- Prevent disruption of traffic flow within parking lots; and,
- The proposed ordinance language permits collocation of more than one financial institution in a structure.

The table above shows the outcome of staff's analysis of the subject shopping centers. All measurements noted are approximate, based on the software used to perform the measurements. The estimated number of possible ATMs that could potentially go in each center is based on an absolute best possible case. However, a more realistic number will be lower because these are all existing centers, and any new Freestanding ATM would have to be retrofitted into the center. Due to the placement of existing buildings, parking lot layouts, access, traffic circulation patterns, etc., it would be virtually impossible to place more than 1 freestanding ATM in smaller centers, or more than 2 in the larger ones, unless they were placed in inaccessible locations, such as behind anchor stores, in loading areas, etc. In addition, if an adjacent property owner where to place a Freestanding ATM on its property adjacent to, or even across the street from one of these centers, it could further limit, or in the case of a center with less than 1,000 feet of frontage or depth, totally preclude the location of a Free-Standing ATM.

In conclusion, staff is confident that the current proposal will in fact accomplish the four points noted above.

Board of County Commissioners

Steven L. Abrams, Chair
Priscilla A. Taylor, Vice Chair
Hal R. Valeche
Paulette Burdick
Shelley Vana
Mary Lou Berger
Jess Santamaria



County Administrator
Robert Weisman

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

**TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-01**

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 Article 1, General Provisions
- Exhibit B Article 3, Overlays and Zoning Districts
- Exhibit C Article 10, Enforcement
- Exhibit D Adult Day Care Center
- Exhibit E Florida Fish and Wildlife Conservation Commission
- Exhibit F Freestanding Automated Teller Machines ATM
- Exhibit G Murals
- Exhibit H Private Gun Ranges
- Exhibit I Bona-Fide Agriculture
- Exhibit J Best Management Practices for Livestock Waste

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on February 27, 2013, March 27, 2013, April 24, 2013, May 22, 2013, and June 19, 2013, and the Land Development Regulation Commission (LDRC) on April 24, 2013, May 22, 2013 and June 19, 2013. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: June 24, 2013, Request for Permission to Advertise for First Reading on July 25, 2013: Approved as amended, 7 – 0. July 24, 2013 - Approve on First Reading and advertise for an Adoption Hearing on August 22, 2012. Approved as amended 7-0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER B, INTERPRETATION OF THE CODE; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES:** CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER C, DESIGN STANDARDS; NEW CHAPTER I, MURALS; NEW CHAPTER J, BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; **ARTICLE 6 – PARKING:** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING:** CHAPTER D, GENERAL STANDARDS; **ARTICLE 8 – SIGNAGE:** CHAPTER B, EXEMPTIONS; CHAPTER G: STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 10 – ENFORCEMENT:** CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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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 B, INTERPRETATION OF THE CODE; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES**; CHAPTER G, DECISION MAKING BODIES; CHAPTER D: ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER E: PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS**; CHAPTER A: USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER C, DESIGN STANDARDS; NEW CHAPTER I, MURALS; NEW CHAPTER J, BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; **ARTICLE 6 - PARKING**; CHAPTER A, PARKING; **ARTICLE 7 - LANDSCAPING**; CHAPTER D, GENERAL STANDARDS; **ARTICLE 8 - SIGNAGE**; CHAPTER B, EXEMPTIONS; CHAPTER G: STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 10 - ENFORCEMENT**; CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; **PROVIDING FOR**: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; 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:

Section 1. Adoption

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

- 1 ▪ Exhibit A Article 1, General Provisions
- 2 ▪ Exhibit B Article 3, Overlays and Zoning Districts
- 3 ▪ Exhibit C Article 10, Enforcement
- 4 ▪ Exhibit D Adult Day Care Center
- 5 ▪ Exhibit E Florida Fish and Wildlife Conservation Commission
- 6 ▪ Exhibit F Freestanding Automated Teller Machines ATM
- 7 ▪ Exhibit G Murals
- 8 ▪ Exhibit H Private Gun Ranges
- 9 ▪ Exhibit I Bona-Fide Agriculture
- 10 ▪ Exhibit J Best Management Practices for Livestock Waste
- 11

12 **Section 2. Interpretation of Captions**

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

15

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

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

19

20 **Section 4. Severability**

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

25

26 **Section 5. Savings Clause**

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

33

34 **Section 6. Inclusion in the Unified Land Development Code**

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

1 **Section 7. Providing for an Effective Date**

2 The provisions of this Ordinance shall become effective upon filing with the Department
3 of State.

4
5 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
6 County, Florida, on this the _____ day of _____, 20_____.

7
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Steven L. Abrams, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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10 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
11 _____, 20_____.

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EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.1.2.C.36.a [Related to definition of Coastal High Hazard Area] (page 47 of
3 119), is hereby amended as follows:

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7 36. Coastal High Hazard Area -

8 a. The area subject to high velocity waters, including, but not limited to, hurricane wave
9 wash or tsunamis- regulated by F.S. §163.3178(2)(h), as amended. The area is
10 designated on the FIRM as Zone VI-30.

11

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13
14 Part 2. ULDC Art. 1.1.2.S.49, Single Family [Related to Definitions] (page 99 of 119), is hereby
15 amended as follows:

16 CHAPTER I DEFINITIONS AND ACRONYMS

17 Section 2 Definitions

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

19 49. Single Family –

20 a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit,
21 excluding a mobile home but including a manufactured building.

22 b. for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile
23 home dwellings.

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26 Part 3. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 117 of 119), is hereby amended as
27 follows:

28 CHAPTER I DEFINITIONS & ACRONYMS

29 Section 3 Abbreviations and Acronyms

....
AHCA Agency for Health Care Administration

....
LCC Lifestyle Commercial Center Development

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

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

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

EXHIBIT B

EXEMPTIONS/APPLICABILITY FOR PRIOR APPROVALS
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals (page 18 of 229), is
3 hereby amended as follows:

4 CHAPTER A GENERAL

5 Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

6 E. Exemptions/Applicability for Prior Approvals

7 Any application for a Development Order that requires Public Hearing approval, excluding Status
8 Reports, EAC, Class B Conditional Uses, Type II Variances, and prior Special Exception or
9 Conditional Use for a Planned Unit Development (PUD), are ~~not~~ required to rezone. Other prior
10 Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are
11 encouraged but not required to rezone when submitting an application for amendment to the prior
12 approval, ~~unless exempted otherwise herein~~. Any application for a Development Order to any of
13 the prior approvals listed herein shall comply with the applicable requirements of the
14 corresponding district, except for any information permitted to be carried forward from a prior
15 approval. [Ord. 2011-016] [Ord. 2012-003]

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EXHIBIT C

ART. 10, ENFORCEMENT
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 10.C.5.B., Fines and Penalties (page 9 of 12), is hereby amended as follows:

3 CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

4 Section 5 Administrative Fines; Costs; Liens

5 B. A fine, imposed pursuant to this Section, shall not exceed \$1,000 per day for a first violation and
6 shall not exceed \$5,000 per day for a repeat violation, and in addition, may include all costs of
7 repairs pursuant to Article 10.C.5.A, Whenever one of the GNRPB. For violations deemed
8 irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed \$15,000
9 per violation, pursuant to F. S. §162.09, as may be amended. In determining the amount of a
10 fine, the GNRPB shall consider the following factors: (a) the gravity of the violation(s); (b) any
11 actions taken by the violator to correct the violation(s); and (c) any previous violations committed
12 by the violator. Notwithstanding the foregoing, penalties and fines imposed for violation of the
13 Petroleum Storage Systems Ordinance or Petroleum Contamination Cleanup Criteria Ordinance,
14 as either Ordinance may be amended, shall be imposed as set forth in F.S. § 403.121, as
15 amended periodically, pursuant to the agreement approved by the Palm Beach County Board of
16 County Commissioners (R2001-941) on June 19, 2001 and June 12, 2010 (R2010-0095).

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EXHIBIT D

ADULT DAY CARE
SUMMARY OF AMENDMENTS

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Part 1. ULDC Art. 4.B.1.A.40, Day Care (page 48 of 171), is hereby amended as follows:

Reason for amendments: [Facilities, Development and Operations (FDO)] 1) Delete redundant requirements for minimum square footage for senior day care facilities to eliminate conflict with Florida Administrative Code (FAC) and Agency for Health Care Administration (AHCA); and, 2) Clarify that outdoor activity areas are only required for child care day care facilities, or as otherwise may be determined by the AHCA.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

40. Day Care

An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), as specified below: **[Ord. 2011-016]**

....
j. Floor Area

....
2) Adult Care

For an adult day care, ~~the total amount of net floor space available for all participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be amended, and as determined by the AHCA with 20 persons or less, the minimum floor area, exclusive of any space devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. An additional 75 square feet of floor area shall be provided for each person over 20 persons.~~

k. Outdoor Activity Area for Child Care

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Notes:

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EXHIBIT E

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.1.2.E.22.b, Florida Game and Fresh Water Fish Commission (page 56 of
3 119), is hereby amended as follows:

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

6 E. Terms defined herein or referenced Article shall have the following meanings:
7 22. **Endangered, Threatened, Rare, and Species of Special Concern** - any species listed as
8 endangered, threatened, rare, or of special concern by one or more of the following agencies:
9 b. Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission;

10
11
12 Part 2. ULDC Art. 4.D.2.A, Conflicting Provisions, [Related to Excavation] (page 143 of 171), is
13 hereby amended as follows:

14 CHAPTER D EXCAVATION

15 Section 2 Applicability

16 A. **Conflicting Provisions**
17 To the extent provisions of this Section conflict with regulations of other applicable regulatory
18 agencies, the more restrictive regulations shall apply. Other permitting agencies include but are
19 not limited to SFWMD, Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation
20 Commission, USACE, DEP, and ERM. **[Ord. 2006-004]**

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.1.2.A, Definitions (page 39 of 119), is hereby amended as follows:

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

6
7 ~~....~~
8 104. Automated Teller Machines (ATMs) – computerized, self-service machines used by
9 financial institution customers permitting a full range of financial transactions, including (but
10 not limited to) deposits, withdrawals and fund transfers, or the technological evolution thereof,
11 without contact with financial institution personnel. [Ord. 2013-]

12 105. Automated Teller Machines, Freestanding – a freestanding structure containing ATMs
13 operated by one or more financial institutions, remotely located from a fully staffed branch of
14 the same financial institution. [Ord. 2013-]

15 Renumber Accordingly.

16
17 Part 2. ULDC Art. 1.1.2.F.17, Financial Institution [Related to Definitions] (page 59 of 119), is
18 hereby amended as follows:

19 CHAPTER I DEFINITIONS & ACRONYMS

20 Section 2 Definitions

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

22 17. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include
23 commercial banks, savings institutions, and credit unions, including outdoor ~~automated teller~~
24 ~~machine~~ ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a
25 Financial Institution. [Ord. 2013-]

26
27
28 Part 3. ULDC Art. 2.D.1.G.1, Amendments to BCC/ZC Approval (page 39 of 88), is hereby
29 amended as follows:

30 CHAPTER D. ADMINISTRATIVE PROCESS

31 Section 1 Development Review Officer (DRO)

32 G. Administrative Review

33 1. Amendments to BCC/ZC Approvals

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

40
41 ~~....~~
42 k. Add new or amend existing Freestanding ATMs. [Ord. 2013-]

43 Part 4. ULDC Art. 4.B.1.A.55, Supplementary Use Standards (page 54 of 171), is hereby
44 amended as follows:

45 CHAPTER B SUPPLEMENTARY USE STANDARDS

46 Section 1 Uses

47 A. Definitions and Supplementary Standards for Specific Uses

48 55. Financial Institution - an establishment engaged in deposit banking. Typical uses include
49 commercial banks, savings institutions, and credit unions, including outdoor ~~automated teller~~
50 ~~machines~~ ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a
51 Financial Institution. [Ord. 2013-]

52 a. **Development Thresholds and Approval Processes**

53 A financial institution, including freestanding ATMs, shall comply with the Development
54 Thresholds and required approval process of Table 4.B.1.A, Financial Institution
55 Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040]
56 [Ord. 2013-]

Notes:

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS

1

Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes

Zoning District	Development Thresholds				Approval Process
	GFA		Drive-thru (1)	Freestanding ATM	
CN and CLO	5,000 s.f. max	and	Prohibited	Prohibited	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	No drive thru lanes Prohibited	Permitted	Permitted by Right Freestanding ATM, DRO
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	Permitted by Right Freestanding ATM, DRO
UC or UI (2)	N/A	and	Any number of drive thru lanes (3)	Permitted	DRO (2)
CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Permitted	Class A or Requested Use Freestanding ATM, DRO
[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2013-]					
Notes:					
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.					
2. Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses (Related to PRA Use matrix). [Ord. 2011-016]					
3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. [Ord. 2011-016]					

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b. Freestanding ATMs

All freestanding ATMs shall be subject to the following requirements: [Ord. 2013-]

- 1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County; [Ord. 2013-]
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; [Ord. 2013-]
- 3) Customer access to the interior of the structure shall be prohibited; and, [Ord. 2013-]
- 4) Shall not be located within 1,000 feet from another Freestanding ATM; except within a TMD, the 1,000 foot may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas. [Ord. 2013-]

Part 5. ULDC Art. 5.C.1.B., Architectural Guidelines (page 33 of 92), is hereby amended as follows:

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

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

1. General

- a. All nonresidential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]
- b. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A, Use Matrix, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]
- c. Multi-family buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]
- d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and [Ord. 2006-036]
- e. The following uses, regardless of building size: [Ord. 2006-036]
 - 1) Automotive paint or body shop; [Ord. 2006-036]
 - 2) Repair and maintenance, general; [Ord. 2006-036] [Ord. 2012-027]
 - 3) Retail sales, automotive parts and accessories; ~~and,~~ [Ord. 2006-036] [Ord. 2012-027] [Ord. 2013-]

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS

- 4) Type I restaurants with drive through requesting location criteria exception pursuant to Art.4.B.1.A.109, Restaurant, Type I; and [Ord. 2012-027]
- 5) Freestanding ATMs. [Ord. 2013-]

Part 6. ULDC Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 5 of 39), is hereby amended as follows:

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

Use Type: Commercial	Parking(1)	Loading (2)
....		
Financial institution	1 space per 200 sq. ft.(3)	E
<u>Freestanding ATM</u>	<u>2 spaces(9)</u>	<u>N/A</u>
....		
<u>Ord. 2005-002] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-]</u>		
Notes:		
9. <u>Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-]</u>		

Part 7. ULDC Art. 7.D.11, Foundation Plantings (page 24 of 50), is hereby amended as follows:

CHAPTER D GENERAL STANDARDS

Section 11 Foundation Plantings

Foundation plantings shall be provided along façades as required by Table 7.C.3, Minimum Tier Requirements, for non-residential structures unless specifically exempted by this Section. Along front and side facades with drive-through establishments, including Freestanding ATMs, plantings may be located within 30 feet of the foundation or the required plantings may be relocated to an adjacent façade. All required foundation plantings shall be planted with a minimum of one tree or palm for each 20 linear feet of building facade and appropriate shrubs or ground cover. Relocation of required foundation plantings may be approved by the Zoning Division if adjacent to a landscape buffer. [Ord. 2013-]

G. Freestanding ATM's

Required foundation plantings may be modified as follows:

1. Walk Up

Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-]

2. Drive Through

Foundation planting areas may be relocated in accordance with similar provisions for other drive through establishments, except that required foundation planting areas shall not be relocated to the façade of any adjacent building or structure other than the Freestanding ATM. [Ord. 2013-]

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS

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Part 8. ULDC Table 8.G.1.A, Wall Signs, (page 24 of 40), is hereby amended as follows:

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

	U/S Tier(3)	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 any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (4).		
Minimum wall sign per side or tenant space (5)	24 square feet	24 square feet	24 square feet
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] [Ord. 2012-027] [Ord. 2013-]			
Notes:			
1. For P 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. This provision shall not apply to Freestanding ATMs. [Ord. 2005-002] [Ord. 2013-]			
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. 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. [Ord. 2012-027]			
5. This standard shall not apply to Freestanding ATM's, which shall be limited to "Maximum Sign Area" standards above. [Ord. 2013-]			

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EXHIBIT G

MURALS
SUMMARY OF AMENDMENTS

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Part 1. ULDC Art. 1.B.1.A, Authority (page 6 of 88), is hereby amended as follows:

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director of PZB or designee with the following exceptions: [Ord. 2011-016]

....
9. The County Administrator or designee shall have the authority to interpret Art. 5.I, Murals. [Ord. 2013-...]

Part 2. ULDC Art. 1.I.2, Definitions (pages 78, 82 and 98 of 119), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....
61. Mural – an original production of art of any size, shape, color, material, medium or combination thereof that is designed by an artist, directly affixed or applied to the exterior surface of a building or structure (mural surface), and that neither contains nor consists of any commercial message, including any logo, icon, trademark or brand name. For the purposes of this definition, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. [Ord. 2013-]

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

43. Sign

a. Sign Types

....
58) **Wall** - for the purposes of Art. 8, any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. ~~Wall graphics, murals and art work are considered as signs and shall be included when calculating the total permitted square footage.~~ [Ord. 2008-003] [Ord. 2013-]

Part 3. ULDC Art. 2.G.4, Staff Officials (page 88 of 88), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 4 Staff Official

C. County Administrator
2. Jurisdiction, Authority and Duties

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

....
c. to approve, approve with conditions, or deny, applications for murals. [Ord. 2013-]

Part 4. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to add new Chapter I, Murals, as follows:

CHAPTER I MURALS

Section 1 Purpose and Intent

The purpose of this Chapter is to establish standards, and review and approval procedures for murals. Murals are intended to contribute to and advance: streetscape aesthetics; architectural features or character of a building; a unique identity; sense of place; civic pride; community interaction; or the preservation of local history or culture. [Ord. 2013-]

Section 2 Restrictions on Placement

Notes:
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EXHIBIT G

MURALS
SUMMARY OF AMENDMENTS

A. Non-residential Buildings and Structures

Murals shall be limited to non-residential buildings or structures supporting commercial, industrial, civic, recreational, cultural, or utilities uses, as identified in Table 4.A.3.A, Use Matrix. [Ord. 2013-]

B. Adjacent to Interstate Highways

Murals in the vicinity of any Interstate highways shall comply with the Federal Highway Beautification Act as implemented through Chapter 10-14, FAC, as amended. [Ord. 2013-]

C. Adjacent to Residential

Murals shall not be located on a mural surface within 200 feet of any property line adjacent to a parcel with a residential use, district or FLU designation, unless: [Ord. 2013-]

1. oriented so it cannot be seen from an adjacent residential parcel; [Ord. 2013-...]
2. the adjacent parcel supports nonresidential uses; [Ord. 2013-...]
3. separated by a collector or arterial street; or, [Ord. 2013-...]
4. separated from view by a building, structure, or incompatibility buffer. [Ord. 2013-]

Section 3 Application Procedures

A. General

No murals may be placed on any buildings or structures unless in compliance with this Chapter, and approved by the County Administrator. [Ord. 2013-]

B. Application Requirements

An application form and requirements shall be specified by the County Administrator, and shall include, but not be limited to, the following: [Ord. 2013-]

1. Scale drawing depicting the proposed mural, including color and materials. [Ord. 2013-]
2. A scale drawing of the site depicting which building or structure elevation(s) will act as the mural surface(s). [Ord. 2013-]
3. A detailed written and graphic description of the method which will be used to securely affix the mural to the mural surface, including any drawings or specifications deemed necessary by the Building Official, or designee. [Ord. 2013-]
4. A notarized letter from the property owner: [Ord. 2013-]
 - a. authorizing the placement of the mural on the building or structure; and, [Ord. 2013-]
 - b. stating that the owner of the property will maintain, repair or remove the mural if deemed necessary, in the event the artist fails to complete the installation of the mural, or due to deterioration or damage to the mural. [Ord. 2013-]
5. A proposed timeline for completion of the mural, upon approval of a mural application (not to exceed six months). [Ord. 2013-]

C. Review

Mural applications shall be reviewed in accordance with procedures established in the Public Art Committee Resolution R-2010-2092, as amended, and the following: [Ord. 2013-]

1. Unless determined to be insufficient, within ten days of accepting a mural application, the Building Division shall forward to FDO for review by the Public Art Committee. [Ord. 2013-]
2. FDO shall schedule a meeting of the Public Art Committee. [Ord. 2013-]
3. The Public Art Committee shall conduct a public meeting and make a recommendation to the County Administrator, to approve, approve with conditions, continue pending submittal of additional materials or clarification, or deny, in accordance with the following: [Ord. 2013-]
 - a. Not less than ten or more than 60 days after submittal of a complete application, the Public Art Committee shall meet and review the application. Once the public meeting is scheduled, the following public notice requirements shall be satisfied: [Ord. 2013-]

1. Public Notice Boards

The applicant shall provide public notice of the meeting by the posting of the property with signs in the following fashion; [Ord. 2013-]

- a) The subject property shall have notices posted by the applicant with information provided by FDO regarding the public hearing on one or more signs at least 15 days in advance of any public meeting. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2013-]
 - (1) Evenly spaced along the street when more than one sign per property is required; [Ord. 2013-]
 - (2) Setback no more than 25 feet from the property line; and, [Ord. 2013-]
 - (3) Erected in full view of the public. [Ord. 2013-]

Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to FDO. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final meeting. [Ord. 2013-]

b) Exceptions

Notes:

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EXHIBIT G

MURALS
SUMMARY OF AMENDMENTS

1 **A. Installation**
2 Murals shall be installed in compliance with the drawings and specifications reviewed by the
3 Public Art Committee and approved by the County Administrator. [Ord. 2013-]

4 **B. Time for Completion**
5 An applicant shall adhere to the timeline approved by the County Administrator. Time for the
6 completion and successful inspection of the mural shall not exceed six months from the issuance
7 of the mural permit. After six months, the mural site improvement permit will expire, and the work
8 may not continue, unless the applicant requests, and is granted a mural permit renewal by the
9 Building Division. In no case shall a mural permit be renewed more than one time without
10 reconsideration of the renewal by the County Administrator. In the event the time for completion
11 has exceeded the approved timeline, and a request for a renewal has not been requested and
12 granted, the County Administrator may declare the approval of the mural void, and the project to
13 be abandoned. If declared abandoned the surface(s) of the building shall be restored to a
14 condition consistent with the PBC Property Maintenance Code. [Ord. 2013-]

15 **Section 6 Inspection**
16 Upon completion of the mural, the applicant shall contact FDO staff to arrange for an inspection for
17 compliance with the drawings contained in the approved mural application. [Ord. 2013-]

18 **Section 7 Enforcement**
19 In the event the County Administrator declares the project abandoned, or the mural as installed or
20 maintained fails to materially comply with the drawings and specifications approved by the County
21 Administrator, or with the permit or permit conditions, the owner of the property on which the mural is
22 located shall be subject to enforcement proceedings before the PBC Code Enforcement Special Masters
23 pursuant to Art. 10, ENFORCEMENT. Should the owner be found non-compliant, the Special Master
24 may order the mural removed, or impose fines and penalties under Art. 10.B.3, Administrative Fines;
25 Costs; Leins. The remedies contained in this section shall be in addition to any other remedy available at
26 law. [Ord. 2013-]

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29 **Part 5. ULDC Art. 8.B, Exemptions (page 7 of 40), is hereby amended as follows:**

30 **CHAPTER B EXEMPTIONS**

31

32 **Section 6 Murals**
33 Unless otherwise specified, Murals approved in accordance with Art. 5,I, Murals, shall be exempt from all
34 other standards of Art. 8, Signage. [Ord. 2013-]

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EXHIBIT H

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.I.2.G.27 (page 64 of 119), is hereby deleted as follows:

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

6
7 ~~37. **Gun Range, Private** – for the purposes of Art. 4, a private facility, open or enclosed, used for~~
8 ~~the discharge of firearms or projectiles at targets and not to be used for commercial purposes~~
9 ~~or by the general public.~~

10 [Renumber accordingly.]

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13 Part 2. ULDC Table 3.E.1.B, PDD Use Matrix (page 144 of 229), is hereby amended as follows:

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 R / 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
Recreation Uses																						
....																						
Gun Range, Private	-																					
....																						
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027]																						
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EXHIBIT H

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS

Part 3. ULDC Table 4.A.3.A, Use Matrix (page 15 of 171), is hereby amended as follows:

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

Use Type	Zoning District/Overlay																N O T E
	Agriculture/ Conservation			Residential					Commercial					Industry/Public			
	P C	A G R	A P	AR R S A	U E	R T	R S	R M	C N	C L O	C C O	C H O	C G E	I L	I G	P O F	
Recreation Uses																	
....																	
Gun Range, Private			D	A												P	68
....																	
[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2012-007]																	
Key:																	
....																	

Part 4. ULDC Art. 4.B.1.A.68, Private Gun Range (page 59 of 171), is hereby deleted as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

68. ~~Gun Range, Private Reserved for Future Use~~

~~A private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.~~

~~a. Required Lot Size, Buffer and Approval Process~~

~~1) Enclosed~~

~~An enclosed private gun range shall be located on a lot of five acres or greater, and shall be subject to Special Permit issued by the Zoning Director. An enclosed shooting gun range shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property in addition to the required minimum setbacks.~~

~~2) Open~~

~~Requirements for open private gun ranges vary based on location of proposed range and type of weapons to be fired. An outdoor gun range use for small caliber and rim fire shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property. An outdoor gun range for large caliber or center fire shall have a 300 foot setback and an additional 100 foot buffer from residentially occupied property. These setbacks are in addition to the required minimum setbacks. The discharge of firearms shall not occur within 300 yards of a structure. The shooter must have the written permission of the property owner. A bullet trap is required in all locations.~~

~~b. Small Caliber and Rim Fire~~

~~The open firing of handguns of 22 calibers and less which are rim fire or the firing of any type of shotgun shall be allowed on lots of two and one-half acres or greater. A private gun range use, which lies east of the L-40 canal, as defined below, shall be subject to DRO approval. A private gun range use, which lies west of the L-40 canal, as defined below, shall require a Special Permit approved by the Zoning Director.~~

~~c. Larger Caliber or Center Fire~~

~~The open firing of any center fire gun or of handguns of more than 22 calibers shall require a minimum lot size of ten acres. A private gun range located east of the L-40 canal, as defined below, shall be subject to Class A Conditional use approval. A private gun range located west of the L-40 canal, as defined below, shall be subject to DRO review and approval.~~

~~d. L-40 Canal~~

~~For the purpose of this Subsection, the boundaries of the L-40 Canal are: From the Broward County Line north along Canal L-36 to the Loxahatchee National Wildlife Refuge. Thence north to Southern Boulevard along Canal L-40. Thence west along Southern Boulevard to a north-south line 1.5 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point~~

Notes:

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EXHIBIT H

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS

where SR 880 intersects Southern Boulevard from the south. Thence north along the line of this north-south road to the boundary of the J. W. Corbett Wildlife Management Area. Thence east and north along the boundary at the J. W. Corbett Wildlife Management Area to the Martin County Line.

Part 5. ULDC Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements (page 8 of 39), is hereby amended as follows:

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

Use Type: Recreational	Parking (1)	Loading (2)
....		
Gun club, enclosed and open, or gun range, private	1 space per target area	N/A
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[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007]		
Loading Key:		
....		

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EXHIBIT I

BONA-FIDE AGRICULTURE
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.I.2, Definitions, (page 34 of 119), is hereby amended as follows:

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

- 6
7
8 41. **Agriculture, Bona Fide** – any plot of land where the principal use consists of the growing,
9 cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture,
10 horses and livestock; the production of animal products such as eggs, honey or dairy
11 products; or the raising of plant material. ~~The determination as to whether or not the use of~~
12 ~~land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right~~
13 ~~to Farm Act. [Ord. 2009-040]~~

14
15 Part 2. ULDC Art. 4.B.1.A.3, Bona-fide Agriculture (pages 26 to 30 of 171), is hereby amended
16 as follows:

17 CHAPTER B SUPPLEMENTARY USE STANDARDS

18 Section 1 Uses

19 A. Definitions and Supplementary Standards for Specific Uses

20 3. **Agriculture, Bona Fide**

21 Any plot of land where the principal use consists of the growing, cultivating and harvesting of
22 crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the
23 production of animal products such as eggs, honey or dairy products; or the raising of plant
24 material. The following standards shall apply to a Bona-fide Agriculture use, except where
25 pre-empted by State law.—~~The determination as to whether or not the use of land is~~
26 ~~considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm~~
27 ~~Act. [Ord. 2009-040] [Ord. 2013-...]~~

28 a. **Determination**

29 ~~A determination as to whether the use of the land for agriculture is bona fide shall only be~~
30 ~~made where both Article 4.B.1.A.3.a.1, Designation Criteria, and Article 4.B.1.A.3.a.2,~~
31 ~~Productivity Standards, below are met. Criteria listed in item Article 4.B.1.A.3,~~
32 ~~Agriculture, Bona Fide, Additional Guidelines, below shall be used as guidelines in the~~
33 ~~determination.~~

34 1) **Designation Criteria**

35 The property complies with the following standards:

36 a) **Continuous Use**

37 The use has been continuous; and

38 b) **Farming Procedures**

39 Farming procedures have been demonstrated by past action or documented
40 plans to care sufficiently and adequately for the land in accordance with accepted
41 commercial agricultural practices, including, but not limited to, fertilizing, liming,
42 tilling, mowing, reforestation, and other accepted agricultural practices; and

43 c) **Agricultural Classification**

44 The property has received a qualified agricultural classification pursuant to F.S.
45 §193.461.

46 2) **Productivity Standards**

47 The productivity or proposed net return or production of the farm operation based on
48 net or yield for the type of agricultural production on the site is comparable to the
49 average net or yield for the type of agriculture in the State of Florida. In making this
50 determination at least four of the following standards shall be met:

51 a) **Amount of Land**

52 The amount of land under cultivation or in agricultural use (including canal or
53 drainage features) is greater than 60 percent of the total parcel;

54 b) **Investment**

55 Demonstration is made that there has been on-going investment in and
56 maintenance of the agricultural land use or documented plans for investment in
57 agricultural use of the land;

58 c) **Employees**

59 There are typical seasonal or full-time employees for the agricultural operation;

60 d) **No Nonagricultural Development**

61 There is no nonagricultural development (except accessory agricultural uses as
62 defined in this Article, or farm residences or farm workers quarters) on site; and

63 e) **Demonstration**

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EXHIBIT I

BONA-FIDE AGRICULTURE
SUMMARY OF AMENDMENTS

- 1 ~~Demonstration is made that the land will be used for agricultural production for~~
- 2 ~~more than five years.~~
- 3 **3) Additional Guidelines**
- 4 **a) Lot Size**
- 5 ~~Whether the size of the land area as it relates to a specific agricultural use, is~~
- 6 ~~appropriate.~~
- 7 **b) Lease**
- 8 ~~Whether such land is under lease, and, if so, the effective length, terms and~~
- 9 ~~conditions of the lease.~~
- 10 **c) Intent**
- 11 ~~The intent of the landowner to sell or convert the land for nonagricultural~~
- 12 ~~purposes.~~
- 13 **d) Proximity**
- 14 ~~The proximity of the property to existing urban metropolitan development.~~
- 15 **e) Productivity**
- 16 ~~The productivity of land in its present use.~~
- 17 **f) Plan Designation**
- 18 ~~Must be consistent with Plan designation.~~
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EXHIBIT J

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 40, 48, 53 71 and 100 of 119), is hereby
3 amended as follows:

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

8
9 17. **Best Management Practices (BMPs)** – technologically and economically feasible means of
10 preventing or reducing amounts of pollution generated by point and non-point sources to a
11 level compatible with the water quality and quantity objectives of ~~the~~ PBC. BMPs include
12 schedules of activities, prohibitions of practices, maintenance procedures, and other
13 management practices to prevent or reduce the pollution of waters. [Ord. 2013-...]

14
15 C. Terms defined herein or referenced in this Article shall have the following meanings:

16
17 62. **Composting Facility** - a facility designed and used for transforming food, yard waste and
18 other organic material into soil or fertilizer through biological decomposition. This use does
19 not include backyard-composting serving individual families.

20 63. **Composting** – the process by which biological decomposition of organic solid waste is
21 carried out under controlled conditions, and which stabilizes the organic fraction into a
22 material which can easily and safely be stored, handled, and used in an environmentally
23 acceptable manner. [Ord. 2013-...]

24 [ReNUMBER accordingly.]

25
26 D. Terms defined herein or referenced in this Article shall have the following meanings:

27 21. **Designated Disposal Facility** – for the purposes of Art. 5.J, Best Management Practices for
28 Livestock Waste, a solid waste management facility operated, permitted or designated by the
29 Solid Waste Authority to receive solid waste generated within Palm Beach County, or such
30 alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-
31 ...]

32 [ReNUMBER accordingly.]

33 52. **Domesticated Livestock** - for the purposes of Article 5, shall include, but not be limited to,
34 all animals of the equine (excluding horses), bovine (cattle), porcine (swine), caprine (goats),
35 ovine (sheep), and camelid (llamas, alpacas) families as well as poultry (chickens and
36 ducks). For the purposes of Art. 5.J, Best Management Practices for Livestock Waste,
37 livestock shall include all domesticated livestock and horses. [Ord. 2012-027] [Ord. 2013-...]

38
39 L. Terms defined herein or referenced in this Article shall have the following meanings:

40
41 48. **Livestock Waste** – for the purposes of Art. 5.J, Best Management Practices for Livestock
42 Waste, waste composed of excreta of animals and residual materials that have been used for
43 bedding, sanitary, or feeding purposes for such animals. [Ord. 2013-...]

44 [ReNUMBER accordingly.]

45 Section 3 Abbreviations and Acronyms

46
47 CES Cooperative Extension Service

48 Part 2. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to create
49 new Chapter J, Best Management Practices for Livestock Waste, as follows:

50 **CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE RECEIVED FROM**
51 **OFFSITE SOURCES**

52 **Section 1 Purpose and Intent**

53 The purpose and intent of these regulations is to prevent potential adverse environmental impacts,
54 pathogens and other nuisances associated with the inappropriate use or disposal of livestock waste
55 received from off-site sources. Adverse impacts include but are not limited to: ground and surface water
56 pollution due to excessive nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance
57 from improperly stored, composted or spread livestock waste.

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EXHIBIT J

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS

Section 2 Applicability

The standards shall apply to the storage or receiving of livestock waste that is received from offsite sources.

A. Exemptions

1. Where pre-empted by State law, including but not limited to, the Right to Farm Act. Where applicable, documentation of implemented Best Management Practices or other method of pre-emption shall be required;
2. A SWA Designated Disposal Facility;
3. The commercial application of fertilizer on non-agricultural property when in compliance with the Palm Beach County Fertilizer Ordinance (Ord. 2012-039);
4. Composted manure applied by a homeowner or tenant to residential lawns or gardens; and,
5. Ten cubic yards per acre up to a maximum of 20 cubic yards in any 12 month period, with all requirements being met, as listed under Section 3 below.

Section 3 Storage or Spreading of Livestock Waste

The storage or spreading of livestock waste that is received from off-site sources is prohibited, unless in compliance with the following:

A. Storage

Storage areas shall be covered or contained to prevent run-off or seepage of liquids or materials from the storage area. Storage of livestock waste shall comply with the following:

1. Shall not be located within five feet of any structure, unless placed within a structure intended for the storage or composting of such waste;
2. Shall not be located within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and,
3. Shall not be within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal or other water body.

B. Spreading

Livestock waste received from off-site sources shall be spread within 72 hours of delivery, except for less than 10 cubic yards that is actively being composted, or as otherwise approved in a Nutrient Management Plan. Storage shall comply with any applicable livestock waste Storage and Separation requirements. Spreading of livestock waste shall comply with the following:

1. Nutrient Management Plan

Prior to receiving livestock waste, an application shall be submitted to the Cooperative Extension Service (CES) for review. Upon completion of the review, the CES shall develop a Nutrient Management Plan which indicates whether application of any livestock waste is appropriate for the soil condition, and if so, in what amount.

a. Application Form and Requirements

The application form and requirements shall be in a manner established by the CES.

b. Validity of Nutrient Management Plan

The Nutrient Management Plan shall remain current for three years after its issuance by the CES. A current Nutrient Management Plan must be in place prior to receiving of livestock waste at any time. It shall be a violation of the ULDC, if livestock waste is stored or spread in a manner inconsistent with the current Nutrient Management Plan.

2. Separation

The spreading of livestock waste shall not occur:

- a. Within 25 feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and,
- b. Within 100 feet of a potable water supply well, a storm drainage system, wetland, pond, canal or other water body. [Ord. 2013-...]

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