



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning & Building

TO: The Honorable Mary Lou Berger, Mayor
And Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA
Zoning Director *JM*

DATE: January 13, 2016

RE: **Unified Land Development Code (ULDC)
Use Regulations Project Update - Public and Civic Uses**

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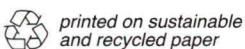
**Palm Beach County
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Overview

In a continuing effort to keep the Board updated on the ULDC Use Regulations Project, Zoning staff will be presenting Public and Civic Uses under the Zoning Director Comments at the BCC Zoning Hearing on January 28, 2016.

The Board was last updated on Excavation Uses and a general overview of the Project on December 3, 2015. In addition, staff provided updates on Industrial and Recreation Uses on February 27, 2014, Residential Uses on September 24, 2015, and Utility Uses on October 22, 2015 at BCC Zoning hearings.

Current Status of Project

The tentative timeline for adoption Hearings for the project is the second quarter of 2016.

BCC Update on Proposed Amendments:

Overview of Public and Civic Uses (Attachment 1):

Public and Civic Uses include Transportation Uses, which have been made into a separate new use classification, tentatively scheduled to be presented at the March 24, 2016 BCC Zoning Hearing.

Input was solicited on Public and Civic Uses, as follows:

- Public Survey - July 14 to August 1, 2014 to solicit input on existing supplementary standards and approval process.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee meeting on November 9, 2015.
- Proposed amendments presented to LDRAB on November 18, 2015.

Status of Pending Use Classifications:

Staff is still reviewing the remaining Use Classifications as outlined below:

1. Commercial Communication Towers

Minor revisions and reformatting of Commercial Communication Towers will be presented to the public and interested parties at an upcoming Public Meeting sometime in February 2016.

2. Commercial Uses:

Analysis of these uses includes a new Temporary Use classification which mainly includes Commercial Uses of a temporary nature. Commercial Uses have been subject to the following:



- Public Survey - April 31 to May 30, 2014 to solicit input on existing regulations applicable to Commercial uses in Article 4 of the ULDC.
- Kick-Off Meeting with Industry and Interested Parties on May 15, 2014.
- Adult Entertainment use is not to be considered in the analysis of uses.
- Staff is currently initiating amendments to Commercial Uses.

3. Agriculture Uses:

Agricultural Uses have been subject to the following:

- Public Survey - October 1 to October 31, 2014 and April 6 to 24, 2015 (to accommodate agricultural community participation).

Staff has scheduled meetings with each Commissioner in advance of the January 28, 2016 BCC Zoning Hearing to discuss this project update. If you have any questions before the October Hearing, please contact me at 561-233-5234 or William Cross, Principal Site Planner at 561-233-5206.

JM/WC/MC

Attachments: Attachment 1, Public and Civic Uses

C: Verdenia C. Baker, County Administrator
Rebecca D. Caldwell, Executive Director, PZ&B
Wesley Blackman, AICP, Chairman of the Land Development Regulation Advisory Board (LDRAB)
Robert Banks, Chief Land Use County Attorney
Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, AICP, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Code Revision Staff

ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

Part 1. New ULDC Art. 4.B.4, Institutional, Public and Civic Uses, is hereby established as follows:

CHAPTER B USE CLASSIFICATION

Section 4 Institutional, Public and Civic Uses

A. Institutional, Public and Civic Use Matrix

Use Matrix has been provided as a separate handout for ease of use.

Reason for amendments: [Zoning] Codify Palm Beach County Comprehensive Plan Future Land Use (FLU) Element Objective 1.5-r to make the regulations applicable to all uses in the Institutional, Public and Civic Use classification. The objective does not permit the location of institutional and public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands.

B. General Institutional, Public and Civic Standards

1. Agricultural Reserve (AGR) Tier

In the AGR Tier, institutional, public and civic uses are prohibited west of State Road 7.

AIRPORT, LANDING STRIP OR HELIPAD STANDARDS HAVE BEEN RELOCATED TO NEW ART. 4.B.8 TRANSPORTATION USES.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Type IV Kennel (Animal Shelter)

HISTORY: The Kennel Type IV (Animal Shelter) use definition and supplemental standards were introduced in the ULDC in 2008 by Ordinance 2008-037. The definition and supplemental standards were amended by Ord. 2008-037, 2009-040, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Delete Kennel Type IV from the use name to only keep Animal Shelter. The change minimizes confusion with other commercial kennel uses.
2. Revise the definition to:
 - Delete the reference to type of establishment and acreage requirement as an Animal Shelter will be subject to the Property Development Regulations (PDRs) of the zoning district where the use is located. Humane Society and Private Animal Nonprofit organization are defined by Ordinance 98-022 as amended, and therefore regulated by Animal Care and Control (ACC).
 - Delete reference in the use definition related to services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that is developed through separate supplementary use standards.
2. Rename the Limitations of Use Standard to identify typical services the use is intended to include.
3. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
4. Delete the Hours of Operation Standard as the ACC Ordinance does not identify or regulate business hours. The hours of operation shall comply with new Article 5.E.5, Hours of Operation.
5. Delete the Setback standard related to outdoor areas. Setback requirements will be subject to standards for kennels and runs under provisions for Accessory Uses found in Art. 5.B.1.A.22, Kennels and Runs.

a. Definition

~~A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, A nonprofit establishment used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code.~~ [Ord. 2008-037] [Partially relocated to Limitations of Use Standard, below]

ab. Limitations of Use Typical Services

~~All Type IV kennels shall be licensed and regulated by ACC, and comply with the following.~~ [Partially relocated to Approval Process – ACC Permit Standard, below]

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

Typical services provided by an Animal Shelter may include, but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037] [Partially relocated from Definition Standard, above]

c. Approval Process - ACC Permit

All Animal Shelters shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended. The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. [Partially relocated from Limitations of Use Standard, above]

4)d. Frontage

Facilities that are open to the public shall have a minimum of 100 feet fronting of frontage on and access from a collector or arterial street. [Ord. 2008-037]

2) Hours of Operation

~~Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]~~

3)e. Outdoor Animal Use Areas Landscaping

a) Setbacks

~~Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2008-037]~~

b) Screening

~~In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer,~~

Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following: [Ord. 2008-037]

- (1) A six foot high fence, and double the required buffer width and planting requirements; or, [Ord. 2008-037]
- (2) A six foot high CBS or concrete panel wall. [Ord. 2008-037]

4.	Delete standard for number of animals permitted. The number of animals is determined by ACC Ord. 98-22.
5.	Delete Collocated Use standard as collocated and accessory uses will be identified under the individual use. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix. The Veterinary Clinic reference will be deleted and relocated to the Veterinary Clinic Use under the Commercial Classification.
6.	Revise Accessory Residential Use standard to clarify that an Animal Shelter may have an accessory SFD if the parcel has an underlying residential FLU designation.
7.	Delete standard that allows Animal Shelter in Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The use will not be permitted in PIPD as the districts are intended for large employment centers, mainly designed to accommodate and promote manufacturing, research and development.

4) Number of Animals Permitted

~~Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2008-037]~~

5)f. Waste Disposal

An ~~Type IV kennel~~ Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2008-037]

b. Collocated Uses

~~Any commercial or other use providing services to the general public, inclusive of training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein. Veterinary clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2008-037] [Ord. 2009-040]~~

eg. Accessory Residential Use

A ~~Type IV Kennel~~ may be operated in conjunction with a ~~A s~~Single ~~f~~Family dwelling unit may be permitted as an accessory use to an Animal Shelter provided the property on properties having has an underlying residential FLU designations. [Ord. 2008-037]

d. PIPD

~~A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4.b. [Ord. 2008-037]~~

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

Reason for amendments in the Use Matrix: [Zoning] Allow the use in CL and CHO of IRO subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial zoning districts.



2. Cemetery

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Cemetery use. The definition and supplemental standards were amended by Ord. 2003-067, 2013-001 and 2015-06.

Reason for amendments: [Zoning]

1. Delete reference in the use definition related to tentative accessory uses or services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that may be developed through supplementary use standards. Definition of chapel will be added to Article 1 to clarify is an accessory use not to be confused with a Place of Worship as defined and developed in this use classification.

2. There are circumstances in which a site may be subdivided with outparcels requiring the MUPD provision to be utilized. Since cemeteries are not consistent with commercial uses located in MUPD, a new supplementary standard is proposed to limit MUPDs developed for cemeteries to be limited to include other cemeteries or places of worship uses only.

a. Definition

Land used or intended to be used for human ~~or animal~~ interment. ~~A cemetery may include an office, chapel, mausoleum, or columbarium.~~ [Ord. 2013-001]

ba. Zoning District - MUPD

~~A MUPD developed to include a Cemetery shall be limited to have Place of Worship or other Cemeteries as collocated uses.~~

c. Frontage

~~Where permitted in a ~~in all~~ residential zoning districts, a ~~e~~Cemetery shall have frontage on and access from an arterial or a collector street.~~

db. Lot Size

1) A ~~e~~Cemetery ~~for human interment~~ shall be located on a site with a minimum contiguous area of 30 acres. ~~An existing cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval.~~ [Relocated to new #2), below] Exceptions to the minimum acreage requirement may be permitted, as follows: [Ord. 2013-001] [Ord. 2015-006]

4a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, ~~when on sites~~ less than 5 acres, ~~but not less and equal to or greater~~ than 2 acres, which provides only single-level ground burial. [Ord. 2015-006]

2b) County and municipal cemeteries. [Ord. 2015-006]

3c) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise. [Ord. 2015-006]

4d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. [Ord. 2015-006]

5e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. [Ord. 2015-006]

6f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. [Ord. 2015-006]

7g) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in F.S. §1000.21(6). [Ord. 2015-006]

2) ~~An existing Cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval.~~ [Ord. 2015-006] [Relocated from #1) above]

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ATTACHMENT 1

**ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)**

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2.	Relocate standard allowing a Funeral Home or a Crematory to be collocated with a Cemetery in the Multifamily Residential (RM) Zoning District. The standard is consolidated with regulations that apply to Funeral Home and Crematory uses, respectively.
3.	Clarify that pet cemetery is only permitted in the Institutional and Public Facilities (IPF) Zoning District for consistency with the uses intended to be located in the designation and delete approval from the General Commercial (CG) Zoning District. Pet cemetery will be permitted to be accessory to any Cemetery for humans provided the pet cemetery is not located within the minimum acreage required for the Cemetery for humans established by State Statutes.
4.	Florida Statutes 497 regulates Cemeteries as “a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains” but it does not cover pet cemeteries. Staff recognizes industry trend to allow pet cemeteries accessory to a Cemetery for humans but the minimum lot size of requirements of Cemeteries has to be met as stated in the State Statutes. Consequently, a new standard is proposed to allow accessory pet cemetery as long as the square footage is in addition to the minimum acreage required for Cemeteries for human interment.

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~~**c. RM District**~~

~~*In the RM district, a cemetery may include a funeral home or a crematory subject to approval as a Class A Conditional Use, provided the use is restricted to those being interred within that cemetery. [Ord. 2013-001][Relocated to Crematory Use and Funeral Home use, below]*~~

~~**d. Pet Cemetery**~~

- ~~1) A pet cemetery shall May be permitted only in the CG and IPF Zoning Districts subject to as a Class A Conditional Use approval. [Ord. 2013-001]~~
- ~~2) May be permitted as an accessory use to a Cemetery, provided the area dedicated for pet cemetery is in addition to the minimum lot size required for the Cemetery.~~

Reason for amendments in the Use Matrix: [Zoning]	
1.	Change approval in General Commercial (CG), Community Commercial (CC), and Public Ownership (PO) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The use cannot be less restrictive in standard zoning district than in Planned Development Districts (PDDs) where additional site design requirements and development patterns are typically exceeded. The approval for the use in the Civic pod of PUD is Class A Conditional use, therefore this change is made to be consistent with approval in PDDs which allows public participation through the hearing process.
2.	Allow the approval of Cemeteries in MUPD with CH FLU designation subject to Class A Conditional Use approval to allow development of outparcels when collocated with other Cemeteries or Places of Worship. A supplementary use standard has been created to clarify the limitations of the use in this district.

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3. College or University

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the College or University use. The definition and supplemental standards were amended by Ord. 2003-067.

Reason for amendments: [Zoning]	
1.	Delete reference in the use definition related to supporting services or functions necessary for the operation of the use. The use definition shall be limited to explain and outline the meaning of a use.
2.	Streamline the approval of the use to make it subject to DRO when standards related to separation from residential, limitation of building square footage, and location on collector or arterial streets are met. <ul style="list-style-type: none"> • The separation standard of 150 feet from residential FLU designation or use is utilized consistently throughout the Code for high intensity uses such as Pawnshop. • The limitation of maximum square footage to 30,000 gross floor area responds to the average mid-size college or university which also corresponds to the minimum square footage that will trigger approval of the use by the Board of County Commissioners (BCC) as contained in the Development Thresholds section of this Code. Dormitories shall be counted towards the total building square footage. • The requirement for freestanding or stand alone use located on arterial or collector street is added to facilitate approval and promote location of College or University use in Planned Development Districts and infill parcels and minimize the impact to adjacent uses or roads.
3.	Clarify that dormitories shall be considered incidental use to a College or University to be allowed as long as they are owned or operated by the educational institution and used by its students. If this provision is not met, the use will be considered residential and will be subject to the applicable residential use standards, approval process and density requirements.

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

a. Definition

An institution of higher learning offering undergraduate or graduate degrees, ~~and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.~~

b. Approval Process

A College or University may be approved by the DRO, subject to the following:

- 1) The property is separated from parcels with a residential FLU designation or use by a minimum of 150 feet;
- 2) A maximum of 30,000 square feet of GFA; and,
- 3) The use has frontage on and access from an arterial, collector or local commercial street.

c. Accessory Dormitories

Dormitories shall be allowed if owned or operated by the College or University for enrolled students.

Reason for amendments in the Use Matrix: [Zoning]

The use is now proposed to be in the CHO Zoning District, MXPB with CHO FLU designation and TMD Urban/Suburban, Exurban and Rural Tiers subject to Class A Conditional Use approval for consistency of the use approval in similar intensity commercial zoning districts.



4. Crematory

HISTORY: Crematory use was established for the first time in the ULDC by Ordinance 2013-01 in order to respond to industry demand and clarification when the use is collocated with a Cemetery.

Reason for amendments: [Zoning]

- 1. Amend definition by deleting reference to Funeral Homes as Funeral Home is another defined use with supplementary standards in the Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
- 2. Relocate from Cemetery and consolidate Crematory standard related to collocation of the use under the provisions that pertain to Crematory use. The standard clarifies approval of collocated Crematory to a Cemetery in the RM Zoning District to be Class A Conditional Use since the use is prohibited in the Multifamily Residential (RM) Zoning District as identified in the Use Matrix.

a. Definition

A facility used for the incineration of human or animal remains, ~~excluding activities related to funeral homes.~~ [Ord. 2013-001]

ab. Equipment Location

Crematory equipment shall be located within a fully enclosed building. [Ord. 2013-001]

bc. Services Prohibited

Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. [Ord. 2013-001]

d. Collocated Use

In the RM district, a Crematory may be collocated with a Cemetery subject to a Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. [Ord. 2013-001] [Relocated from Art. 4.B.4.C.2, Cemetery, above]

Reason for amendments in the Use Matrix: [Zoning] No changes to the approval process have been proposed.



DAY CAMP HAS BEEN RELOCATED TO ART. 4.B.11, TEMPORARY USES TO BE ADDRESSED AT A LATER TIME.



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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

5. Day Care

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Day Care use. The definition and supplemental standards were amended by Ord. 2003-067, 2005-002, 2011-016, and 2013-021. Ordinance 2011-016 clarified use requirement for Family Day Care Home and Large Family Child Care Home (LFCCH) for compliance with Chapter 2010-249, Section 1(3), Laws of Florida.
Reason for amendments: [Zoning]
1. Clarify the different types of Day Care use by explaining them separately while retaining standards that apply to all Day Care uses.
2. Relocate the use is made for consistency with similar uses that are accessory to residential principal uses. The approval is indicated in Table 4.B.1.D - Corresponding Accessory Use to a Principal Use and Permitted by Right (P) accessory to Single Family dwelling, Townhouse, Zero Lot Line, Multifamily and Mobile Home Dwelling in the zoning districts where the principal uses are permitted.
3. Delete standard related to the approval of the Large Family Child Care Home (LFCCH) as the approval process is now indicated in the Use Matrix. The use is shown in the Use Matrix to be allowed in the same residential zoning district where Limited Day Care is allowed for consistency with content in the standard to be deleted. Per F.S. 402.302(11), a LFCCH is required to operate for two years as a Family Day Care Home prior to obtain license as LFCCH, therefore this use will be permitted only in the zoning districts indicated in the Use Matrix subject to the previous operation as Family Day Care Home.
4. Delete DRO approval standard in the LFCCH to clarify that the use is Permitted by Right when the parcel is 20,000 square feet (SF) or greater since the Use Matrix will reflect DRO as the most restrictive approval process for those smaller lots.
5. Create reference to the Residential use classification for Family Day Care Home use to assist the Code user on the location of the use information.

a. Definition

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]

b. Types

1) Day Care Limited

A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. [Relocated from Limited standard, below]

a) Collocated Use - AGR District

A Limited Day Care may be permitted as a collocated use to a Non-profit Assembly Institutional use subject to DRO approval. [Relocated from AGR District standard, below]

b) Use Limitations

A Limited Day Care does not include nighttime or overnight care. [Ord. 2011-016] [Relocated from Limited standard, below]

2)a. Day Care General

A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. [Ord. 2011-016]

b. Limited

~~*A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited Day Care does not include nighttime or overnight care. [Ord. 2011-016] [Relocated to Limited Day Care standard, above]*~~

c. Family Day Care Home

~~*An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, shall be permitted by right in Residential Zoning Districts, in accordance with F.S. 125.0109, and exempt from any standards other than those applicable to residential uses. [Ord. 2011-016] [Relocated to Accessory Residential Uses Standard under the Residential Use Classification]*~~

3)d. Large Family Child Care Home (LFCCH)

An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two- full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: [Ord. 2011-016]

a 4) Applicability

The applicant or owner shall provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. [Ord. 2011-016]

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~~2) Zoning District Limitation
Shall be permitted only in Residential Zoning Districts where Limited Day Care is allowed. [Ord. 2011-016]~~

~~b.3) Approval Process
Shall be subject to DRO approval unless A LFCCH shall be Permitted by Right when located on lots 20,000 square feet or more greater in which case the use shall be permitted by right. [Ord. 2011-016]~~

~~c.4) Site Requirements
In addition to the Pproperty Ddevelopment Rregulations applicable to Single Family Residential Zoning District, the following shall apply: [Ord. 2011-016]~~

~~(1a) Outdoor Activity Area
All outdoor activity area provisions applicable to a Day Care shall apply. [Ord. 2011-016]~~

~~(2b) Drop Off
Shall comply with all drop-off access standards applicable to Day Care. [Ord. 2011-016]~~

~~(3e) Parking
Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, Parking. [Ord. 2011-016]~~

~~(4d) Site Egress
Shall not allow backward egress from a driveway or parking area into a street. [Ord. 2011-016]~~

~~(5e) Signage
Signs shall not be permitted. [Ord. 2011-016]~~

~~4) Family Day Care Home
See standards under Residential Use Classification, Accessory Residential Use Standards.~~

~~ec. Lot Size
A minimum of 6,000 square feet, or the minimum required by the district in which the Limited or General dDay eCare is located, whichever is greater.~~

Reason for amendments: [Zoning]
6. Delete Farm Workers Quarters from a reference that allowed the Day Care to be accessory to it. Farm Workers Quarters is an accessory use in itself, it cannot exist on its own.
7. Comprehensive Plan Future Land Use (FLU) Element Objective 1.5 does not permit institutional and public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands. The standard was deleted to be a general standard applicable to all uses in the Institutional, Public and Civic Use classification.
8. Delete unenforceable standard that limits day cares in industrial zoning districts to serve only the employees of that zoning district.
9. Delete a portion of the Outdoor Play Equipment supplementary use standard that requires the site plan to show the location of stationary play equipment. Zoning Memorandum PPM# ZO-O-029 identifies structures that do not need to be shown on the approved Final Plans and it clearly identifies playground equipment to be excluded.

~~f. AGR District
A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRO approval. In the AGR district a day care shall not be located west of SR7. [Partially relocated to Limited Day Care standard, above]~~

~~gd. Airport Zoning Overlay
The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2011-016]~~

~~he. CRE District
A gGeneral dDay eCare shall not be located in a CRE district with an RR FLU designation.~~

~~i. IND-FLU or Pod
A day care center located in a project with an IND-FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.~~

~~1) Exception
A commercial pod in a MXPd or PIPD shall not be subject to this limitation.~~

~~jf. Floor Area
1) Child Care
a) For a child-dDay eCare with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet.~~

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ATTACHMENT 1

**ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)**

- 1 **b)** An additional 35 square feet of floor area or the amount required by the PBCHD
2 shall be provided for each child over 40 children.
- 3 **2) Adult Care**
4 For an ~~a~~Adult ~~d~~Day ~~e~~Care, the total amount of net floor space available for all
5 participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be
6 amended, and as determined by the AHCA. **[Ord. 2013-021]**
- 7 **kg. Outdoor Activity Area for Child Care**
8 **1) General**
9 An outdoor activity area shall be provided on the same lot as the ~~d~~Day ~~e~~Care. The
10 area shall not be located in the required front setback or adjacent to any outdoor
11 storage area of any existing use.
- 12 **2) Square Footage**
13 Shall be in compliance with the Palm Beach County Rules and Regulations
14 Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of
15 Appendix D to the Palm Beach County Code, as may be amended. **[Ord. 2011-016]**
- 16 **3) Location of Outdoor Play Equipment**
17 Stationary outdoor play equipment permanently anchored to the ground shall be
18 setback a minimum of 25 feet from any residentially zoned or used property line, and
19 ten feet from any other property line. ~~The location of stationary play equipment shall~~
20 ~~be depicted on the site plan.~~ Outdoor play equipment shall not be located in any
21 required landscape area or easement.
- 22 **4) Shade Trees**
23 A minimum of one 12 foot tall native canopy tree shall be provided or preserved
24 within the interior of the outdoor activity area per 1,500 square feet of area provided.
- 25 **5) Fence/Wall**
26 A minimum four foot high fence or wall shall surround the outdoor activity area.
- 27 **h. Drop-off Access**
28 **1) Drop-Off**
29 One designated drop off space shall be provided for every 20 children or adults.
30 Drop-off spaces shall be a minimum of 12 feet in width. **[Ord. 2005 – 002]**
- 31 **2) Sidewalk Access**
32 A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off
33 spaces and connecting to the ~~d~~Day ~~e~~Care entrance shall be provided.
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Reason for amendments in the Use Matrix: [Zoning]
1. Change the approval process for Day Care General in AGR Zoning District from Class B Conditional Use to Class A Conditional Use to make the approval consistent with all other zoning districts where the use is permitted.
2. Change the approval process for Day Care General in CHO and CG Standard Zoning Districts from Class B Conditional use approval to Class A Conditional Use approval; and, Commercial Recreation (CRE) Standard Zoning District from DRO approval to Class A Conditional Use. The amendments address consistency with the use being subject to Class A Conditional Use in PDDs.
3. Allow the use in CLO and CHO FLU designation of IRO to be subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial standard zoning districts.
4. Delete the approval process for Day Care General and Day Care Limited in Industrial Light (IL), Industrial General (IG) standard Zoning Districts, and Industrial Light and Industrial General pods of PIPD. The change is made for consistency with County's policy to retain industrial land for employment based economic activities and development. Non-industrial uses such as Day Care do not serve as support of employment centers or help in the implementation of mobility strategies as that is one of the main purposes of industrial uses in the Comprehensive Plan. Staff recognizes the use can be accessory to any industrial use.
5. Change the approval for Day Care General in IPF from Class B Conditional Use to Class A Conditional use for consistency with the use in MUPD with INST FLU designation.
6. Modify the approval for Day Care Limited in CL FLU designation of Infill Redevelopment Overlay (IRO) from Class A Conditional Use to Class B Conditional Use; and, allow the use in CLO FLU designation and CHO FLU designation in IRO to be subject to Class B Conditional Use and DRO approval respectively, for consistency with the approval of the use in CL, CLO and CHO standard Zoning Districts.
7. Add Large Family Child Care Home to the Use Matrix to clarify approval process and differentiate from General, and Limited Day Care uses. The use approval is added to the Agricultural Residential (AR) Rural Service Area (RSA) and Urban Service Area (USA), Residential Estate (RE), Residential Transitional (RT), Residential Single Family (RS) and Residential Multifamily (RM) Zoning Districts subject to DRO approval as well as the Urban Redevelopment Area Overlay (URAO) where Single Family dwelling use is allowed. The use is Permitted by Right (P) when located in parcels 20,000 square feet (SF) or greater, as noted on a specific standard, but the Use Matrix indicates DRO (D) approval to reflect the most restrictive process when the parcel is less than the 20,000 SF.

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

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6. Funeral Home

HISTORY: Funeral Home use definition was established for the first in the ULDC by Ordinance 2013-01 in order to clarify when the use is collocated to a Cemetery.

Reason for amendments: [Zoning]

1. Amend definition by deleting reference to Cremation as Crematory is another defined use with separate standards in the Institutional, Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
2. Relocate and consolidate Crematory standard to keep all related standards under the provisions that pertain to Crematory use. Stand alone Crematory is prohibited in the Multifamily Residential (RM) Zoning District. The relocated standard from Cemetery clarifies Class A Conditional approval is applicable to Crematory when collocated to a Cemetery in that Zoning District.

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a. Definition

An establishment which arranges and manages funerals and prepares human or animal remains for interment, ~~excluding cremation~~. [Ord. 2013-001]

b. Zoning Districts - IL, or IG, District and or MUPD with IND FLU

A ~~f~~Funeral ~~h~~Home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. [Ord. 2013-001]

c. Collocated Use

In the RM district, a Funeral Home may be collocated with a Cemetery subject to a Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. [Ord. 2013-001] [Relocated from Art. 4.B.4.C.4, Cemetery, above]

Reason for amendments in the Use Matrix: [Zoning] No changes to the approval process have been proposed.

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7. Government Services

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Government Services use. The definition and supplemental standards were amended by Ord. 2003-067, 2008-037, 2009-40 and 2011-001.

1. Revise the Definition to delete typical uses and create an individual standard for clarification purposes. Delete reference to Homeless Resource Center, see reason #6, below.
2. Standard related to Institutional and Public Facilities located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Uses as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Revise the Prison standard to:
 - Clarify jails, correctional facilities and prisons are allowed only in certain zoning districts subject to Class A Conditional Use and other Government Services uses will be subject to the existing approval process in the Use Matrix; and,
 - Relocate language related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.
4. Delete the PIPD reference in the ACC Control Facilities standard. ACC facilities do not meet the purpose of the PIPD Zoning District intended for large employment centers, promoting research and development and other value-added services.
5. Delete standard that allowed Homeless Resource Centers to utilize Government Services approval. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.

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a. Definition

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. ~~Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and homeless resource centers.~~ [Ord. 2009-040]

b. Typical Uses

A Government Service may include, but is not limited to: Administrative offices for government agencies, jails, correctional facilities, prisons, public libraries, police and fire stations.

a. AGR-District

~~Institutional and public facility uses shall not be located west of SR-7.~~

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
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bc. Approval Process – PO and IPF Zoning Districts Prisons

- 1) Jails, correctional facilities and prisons shall be ~~permitted~~ allowed in the PO and IPF Zoning ~~d~~Districts only ~~subject to Class A Conditional Use approval.~~ Expansion of existing facilities shall be exempt from ~~this requirement~~the Class A Conditional Use approval.
- 2) All other Government Services shall be Permitted by Right in the PO Zoning District and DRO Approval in the IPF Zoning District.
- 1) ~~Barbed or Razor Wire~~
~~Barbed or razor wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord. 2011-001]~~

cd. ACC Animal Control Facilities

An ACC operated Animal Control Facility shall be considered a ~~g~~Government ~~s~~Services use in the PO and IPF Zoning ~~d~~Districts; ~~or a commercial or light industrial pod of a PIPD, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]~~

d. Homeless Resource Centers

~~These facilities shall comply with the supplementary standards indicated Note 70-1 of this Chapter, Homeless Resource Center. [Ord. 2009-040]~~

Reason for amendments in the Use Matrix: [Zoning]

- Change the approval in the CN, CLO, CC, CHO, CG and CRE Zoning Districts for consistency with commercial FLUs and Pods in Planned Development Districts.
- Change the approval in the PO Zoning District from Permitted (P) to Class A Conditional Use (A); and in the IPF Zoning District from DRO (D) to Class A Conditional Use to identify the most restrictive use approval applicable to jails, correctional facilities and prisons as dictated in the standards.

8. Homeless Resource Center

HISTORY: The Homeless Resource Center use definition and supplemental standards were first referenced in 2009 (Ord. 2009-040).

Reason for amendments: [Zoning]

1. Revise the definition to:
 - Clarify that a Homeless Resource Center can be a public or private establishment. Publicly owned Homeless Resource Centers were referenced in the Government Services Use and relocated to the Homeless Resource Center use so that both distinctions would be incorporated into one use.
 - Relocate typical services to a new supplemental standard. Typical services reference is not a function of the definition.
2. Revise the Location and Separation Requirements standard to:
 - Clarify PO Deviations are applicable to separation and location provisions; and,
 - delete the Fire Rescue provision. Fire Department verifies through concurrency review process if a fire rescue station response time and accessibility is within the goals of that department to respond to any use.
3. Establish a standard that recognizes government operated or owned Homeless Resource Centers approved during the period when this use was created and the effective date of this ordinance to consider them conforming. This change is made in response to the deletion of a standard that allows Homeless Resource Centers to utilize Government Services approval.

a. Definition

A facility public or private establishment that provides multiple services for the homeless population. ~~Typical services include: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.~~

b. Typical Services

Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.

ac. Location and Separation Requirements

For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a district boundary. [Ord. 2009-040]

- 1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type II variance relief, in accordance with Article 2.B,

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

~~Public Hearing Process~~, may be requested if this standard cannot be met. ~~Facilities located in the PO zoning district may request a deviation from this requirement pursuant to the standards in Article 5.A.3, Deviations for the PO Zoning District. [Ord. 2009-040]~~

2) A Homeless Resource Center ~~(HRC)~~ shall not be located within a 1,200 foot radius of another Homeless Resource Center. [Ord. 2009-040]

3) ~~The applicant shall obtain certification from Palm Beach County Fire Rescue that a fire rescue facility is available to serve the proposed facility. Certification shall be provided prior to issuance of the development permit. [Ord. 2009-040]~~ Facilities located in the PO Zoning District may request a PO Deviation from Location and Separation Requirements, subject to BCC approval, utilizing the standards in Art. 5.A.3, Deviations for the PO Zoning District.

bd. Facility Use

A minimum of twenty-five percent of the GFA shall be reserved for accessory service delivery other than temporary housing. [Ord. 2009-040]

ce. Subsequent Development with Locational Standards Nonconformities

The subsequent approval of a development order for a residential district shall not change the status of the HRC to a nonconforming use. [Ord. 2009-040] **[Relocated to Location and Separation Requirements Standard, above]**

f. Existing Approvals

A prior approval for a government owned or operated Homeless Resource Center shall be considered a legal conforming use for sites approved between October 28, 2009, (Ordinance 2009-040), and the effective date of this ordinance.

Reason for amendments in the Use Matrix: [Zoning] The following changes are being proposed:

- Delete Class B Conditional (B) approval from the CC Zoning District. The use does not meet the intent of the Community Commercial Zoning District as this district is to provide neighborhood serving commercial facilities. An Homeless Resource Center is more of a regional serving facility.
- Change the approval process in CHO and CG Standard Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change is made for consistency with the approval of the use in similar zoning districts.
- Add Class A Conditional Use approval process to the CH and CHO of the IRO Zoning Districts. The use is proposed to be changed from DRO approval to Class A Conditional Use in the IL Zoning District and subject to Class A Conditional use in the MUPD with IND FLU designation for consistency between each other.
- Add Class A Conditional Use approval process to the PO Zoning District. The proposed addition is addressing the relocation of Homeless Resource Center from Government Services. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.
- The use is deleted from the Industrial light (IL) pod and Commercial pod of PIPD as it is a non-industrial use that is not supporting major function of an employment center such as PIPD.

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

9. Hospital ~~or Medical Center~~

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Hospital or Medical Center use. The definition and supplemental standards were amended by Ord. 2003-067, 2005-002 and 2011-001.

1. Revise use name and definition to remove reference to Medical Center. The industry utilizes "Medical Center" to identify facilities that provide services covered under Hospitals which are approved by the Agency for Health Care Administration (AHCA) as Hospitals. Approvals made to Hospital or Medical Center shall be covered under Hospitals.

Staff recognizes the medical facility industry is emerging and as such needs to accommodate those uses that do not fit neatly into a Hospital use. Staff is proposing to add additional medical facility uses during the Commercial Use Classification review and analysis based on industry standards and state statute. The new uses may include Ambulatory Surgical Center, Emergency Center, Treatment Center or Urgent Care Center.

2. Address the licensing requirement for a Hospital by the State of Florida consistent with F.S. 395.003.

3. Delete the Beds standard as the Agency for Health Care Administration's (AHCA) Bureau of Health Facility Regulation addresses bed counts through the Certificate of Need (CON) program. The CON program reviews applications for new hospitals.

4. Relocate Helipad and Collocated Medical or Dental Offices standards as collocated and accessory uses will be identified under the individual use in accordance with new formatting protocol. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix.

a. Definition

~~A facility licensed by the State of Florida~~ An establishment which that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. ~~A hospital is distinguished from a medical center by the provision of overnight care.~~ [Ord.2005-002]

b. Licensing

A Hospital shall be required to be licensed by the State of Florida.

ac. Lot Size

A minimum of five acres or the minimum required in the district, whichever is greater.

b. Frontage

A minimum of 200 feet of frontage or the minimum required in the district, whichever is greater.

~~**c. Beds**~~

~~A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).~~

~~**d. Helipad**~~

~~An accessory helipad is a permitted use.~~ [Relocated to Art. 4.B.10.C.2, Helipad]

~~**ed. Incinerator**~~

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

~~**f. Collocated Medical or Dental Offices**~~

~~Medical or dental offices shall be permitted as a collocated use to a hospital or medical center.~~ [Ord. 2011-001]

Reason for amendments in the Use Matrix: [Zoning] No change to the approval process is being proposed.



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ARTICLE 4.B, USE REGULATIONS
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(Updated 01/15/16)

10. Assembly, Nonprofit Institutional Assembly

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nonprofit Institutional Assembly use. The definition and supplemental standards were amended by Ord. 1995-008, 1997-064, 1999-037, 2000-015, 2001-001, 2001-100, 2003-067, 2005-002, 2006-013, 2007-001, 2007-013, 2010-022, and 2011-016.
Reason for amendments: [Zoning]
1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Per staff comments at November 18, 2015 LDRAB meeting, standard related to PO Zoning District are deleted in its entirety. The limitation to the PO Zoning District was originally established as part of a prior update done to Place of Worship, as this use was not allowed in the PO district at that time. The standard is now removed since a Place of Worship is an allowed use in the PO Zoning District. In addition, it is generally redundant to the government owned or operated limitations established in the definition for the PO district.
3. Clarify Nonprofit Institutional Assembly meets the intent of the Comprehensive Plan FLU Element Sub-Objective 1.2.1 Revitalization, Redevelopment and Infill Overlay (RRIO) for neighborhood revitalization efforts through the County wide Community Revitalization Team (CCRT) Areas. The revisions will eliminate redundancy and provide flexibility by allowing the use subject to Special Permit to encourage development in the RRIO.
4. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Uses. The Comprehensive Plan Future Land Use Element Policy 1.5-r makes the regulations applicable to all Institutional uses.

a. Definition

~~An site or facility establishment~~ open to the public, owned or operated by a ~~not-for-profit nonprofit~~ organization for social, educational or recreational purposes. ~~Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~ **[Relocated to Typical Uses Standard, below]**

b. Typical Uses

~~A Nonprofit Institutional Assembly may include but is not limited to: museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~ **[Relocated from Definition Standard, above]**

c. Zoning Districts - TND District

~~Nonprofit Institutional Assembly shall be limited to a maximum of 10,000 square feet of GFA.~~ **[Ord. 2006-013] [Relocated from TND District Standard, below]**

ad. Frontage and Access

1) General

The use shall ~~have frontage on and access from~~ a collector, arterial or local commercial street, ~~unless stated otherwise herein.~~ A ~~place of assembly Nonprofit Institutional Assembly~~ with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. **[Ord. 2006-013]**

2)e. Redevelopment and Revitalization and Infill Overlay (RRIO)

1) Approval Process

~~The A Nonprofit Institutional Assembly use owned or operated by a neighborhood group, working with the Office of Community Revitalization (OCR) within a Countywide Community Revitalization Team (CCRT) designated area, may be located on a local residential street be approved by the DRO,~~ subject to the following criteria: **[Partially relocated from f) item, below]**

- ~~a) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;~~
- ~~b) A maximum of two acres, unless approved as a Class A conditional use;~~
- ~~c) Landscaping in accordance with Art. 7, Landscaping;~~
- ~~d) A minimum of one parking space per employee and two visitor parking spaces shall be provided;~~
- ~~ea) No outdoor activities after 10:00 pm; and,~~
- ~~f) PBC or a CCRT approved neighborhood group shall own or operate the property and facility;~~ **[Partially relocated to Approval Process standard, above]**
- ~~g) Prior to the issuance of a business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and [Ord. 2007-013]~~

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~~hb)~~ The following accessory uses shall be permitted: ~~l~~limited ~~d~~Day ~~e~~Care, ~~d~~Day ~~e~~Camp, ~~neighborhood association office, and, eCommunity pPolice sSubstation, and fire rescue substations, and special events.~~

2) Location

May be located on a local residential street provided the building square footage is limited to a maximum of 5,000 square feet.

b. TND District

~~Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated to Zoning Districts Standard, above]~~

c. AGR District

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013] [Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~

d. PO District

~~Nonprofit institutional assembly shall be government owned and operated. [Ord. 2006-013]~~

Reason for amendments in the Use Matrix: [Zoning] Staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to Special Permit. Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed:

- Add the use to the AR/USA Zoning District as a Class A Conditional Use (A);
- Add the use to the CRE Zoning District as a DRO Approval;
- Change the approval in the CG Standard Zoning District, Commercial Pod of a PUD, MUPD with CH, CR, and INST FLU designation, MXPD with CH FLU designation and LCC with CH FLU designation from a Class A Conditional (A) approval to DRO (D) approval;
- Delete use from MXPD with CHO FLU designation consistent with CHO Standard Zoning District and MUPD with CHO FLU designation as the use is prohibited in these districts; and,
- Change the approval in the PO Zoning District from Permitted by Right (P) to a DRO Approval. Staff is proposing to add the Place of Worship use to the PO Zoning District as a Special Permit approval, therefore a Nonprofit Institutional use must be on equal footing or have a more restrictive approval process.

11. Assembly, Nonprofit Membership Assembly

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nonprofit Membership Assembly use. The definition and supplemental standards were amended by Ord. 1995-008, 1997-064, 1999-037, 2000-015, 2001-001, 2001-100, 2003-067, 2005-002 and 2006-013.

Reason for amendments: [Zoning]

1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Use Classification. The Comprehensive Plan FLU Element Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Delete the PO District standard for consistency as the use is prohibited in the Use Matrix.

a. Definition

An site or facility establishment owned or operated by a not-for-profit nonprofit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls. [Relocated to Typical Uses Standard, below]

b. Typical Uses

A Nonprofit Membership Assembly use may include but is not limited to: fraternal or cultural organizations, and union halls. [Relocated from Definition, above]

c. Zoning Districts

1) AR/RSA District

May be permitted in the AR/RSA with a SA FLU, subject to a Class A Conditional Use approval. [Ord. 2005-002] [Relocated from AR/RSA Standard, below]

2) TND District

Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated from TND District Standard, below]

Notes:

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

ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

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ad. Frontage and Access

The use shall have frontage on and access from a collector, arterial, or local commercial street. A ~~place of assembly~~ Nonprofit Membership Assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. [Ord. 2006-013]

b. AR/RSA

~~May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated to Zoning Districts Standard, above]~~

c. AGR-District

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013] [Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~

d. PO-District

~~A nonprofit membership assembly shall be government owned and operated. [Ord. 2006-013]~~

e. TND-District

~~Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated to Zoning Districts Standard, above]~~

Reason for amendments in the Use Matrix: [Zoning] Similar to the Nonprofit Institutional Assembly use above, staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to Special Permit. Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed:

- Add the use to the AR/RSA Zoning District as a Class A Conditional Use (A); and,
- Change the approval in the CG Standard Zoning District, MUPD with CH, CR, and INST FLU designation, MXPD with CH FLU designation and LCC with CH FLU designation from Class A Conditional (A) approval to DRO (D) approval.

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12. Place of Worship

HISTORY: The Place of Worship use was first referenced in the 1957 and 1973 Code as "Church or Place of Worship". There were no use specific supplemental standards in either Code. In the 1992 ULDC (Ord. 1992-020) a definition and use specific supplemental standards were referenced. The definition and supplemental standards were amended by Ord. 1993-004, 1997-014, 1999-037, 2001-100, 2003-067, 2005-002, 2005-041, 2006-013, and 2011-016.

BACKGROUND:

The County Attorney's office has recommended to the Zoning Division to review and potentially revise the Place of Worship use in the Unified Land Development Code (ULDC).

A review of national, state and local trends as well as applications for places of worship indicates that "places of assembly" are transforming from the traditional role of providing a limited number of worship services (e.g. one or two days per week) and community support activities, to providing multiple services several days per week and space for an increasing variety of community services, some of which may or may not be related to the practice of religion or support of surrounding neighborhoods. Assembly uses, specifically Places of Worship, are increasingly becoming more common in low density residential districts. The potential for adverse impacts to surrounding areas includes but is not limited to insufficient parking and additional uses that create higher levels of traffic and noise than traditional places of worship. Along with addressing potential adverse impacts on surrounding neighborhoods, local governments must consider the Religious Land Use and Institutionalized Persons Act (RLUIPA) when regulating religious uses. The RLUIPA states that local land use regulations cannot place undue burden on religious practices.

Reason for Amendments: [Zoning]

1. Delete the reference in the definition related to seminary. A seminary is defined as a College or University Use.
2. Establish standard to address potential modification of or abandonment of existing approvals.

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a. Definition

~~Means a An establishment sanctuary~~ which may include a retreat, convent, ~~seminary~~ or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities ~~and or~~ related services. ~~A place of worship may include collocated facilities that require additional~~

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ATTACHMENT 1

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~~approval, such as a day care, school, cemetery, or CLF. [Ord. 2005-041] [Ord. 2006-013]~~

b. Existing Approvals

~~Applicants may seek abandonment of the existing Place of Worship approval and apply for a DRO approval at any time. Prior approvals may be continued to be utilized subject to the limitations in Art. 2.D.1.G, Modifications to Prior Development Orders. A Development Order exceeding the thresholds in Art. 2.D.1.G shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a DRO approval.~~

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|----|---|
| 3. | Revise the frontage and access requirements to clarify the location of a Place of Worship based on the size of the establishment. |
| 4. | Delete the DRO Approval standard, as it no longer applies due to the change to the approval process from Class A Conditional Use (A) to DRO Approval (D). See Reason for Amendments in the Use Matrix #1 below. |

ac. Frontage and Access Location

~~A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]~~

- 1) ~~A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an arterial or collector street.~~
- 2) ~~A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an arterial, collector or local commercial street.~~
- 3) ~~A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a local residential street.~~

b. Use Limitations

1) DRO Approval

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI, MUPD, MXPDP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013] [Ord. 2011-016]~~

- | | |
|----|--|
| 5. | Delete redundant Collocated language as the Code already addresses instances where uses can be collocated and would be subject the approval process identified in the new Article 4 Use Matrices. Revise the Accessory/ Collocated standard to clarify all collocated uses will be considered conforming so as to not create any nonconformities. |
| 6. | Any amendments to an existing development or new construction that meets or exceeds the maximum square footage in the threshold are subject to BCC or DRO approval. This standard clarifies that Places of Worship are not subject to the Development Thresholds contained in Article 4. |
| 7. | Revise Temporary Sales standard to clarify specific types of sales allowed, differentiate accessory sales are not special events; and, establish threshold for number of sales allowed. These changes will mitigate prior confusion with other provisions for the more expansive Temporary Sales use which may include seasonal sales and similar concerns with Special Events, which require a Special Permit. Also, delete standard related to Temporary Sales for more than three consecutive dates as the specific regulations applicable in that case are addressed through the supplementary use standards in Temporary Sales use. |
| 8. | Delete standard allowing affordable housing subject to Class A Conditional Use approval accessory to a Place of Worship in INST FLU designation. A general standard has been proposed under Residential Use Classification to reference Comprehensive Plan regulation in the Future Land Use Element that limits residential uses in the Institutional and Public Facilities (INST) Land Use designation to accessory affordable housing only. |

2) Accessory/Collocated Use

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]~~

d. Development Thresholds

~~A Place of Worship shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.~~

3)e. Temporary Sales

~~Temporary sales, such as rummage, or bake, or seasonal sales, shall be pPermitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.~~

4) Limited Day Care

Notes:

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ATTACHMENT 1

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~~A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013] [Relocated to Limited Day Care]~~

5) ~~INST~~

~~In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013]~~

9. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional Public and Civic Use classification. The Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.

6) ~~AGR District~~

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013] [Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~

Reason for amendments in Use Matrix: [Zoning]

1. This change will amend the existing approval processes from Conditional Use (A), where applicable, to DRO (D), in all zoning districts where the use is allowed. The DRO approval process will allow Zoning staff and applicable County agencies to review applications. The DRO process requires applicable agencies to provide feedback on the proposed application and would require a site plan prior to building permit. Accompanying supplemental standards will provide clear-cut regulatory framework to review and process requests.
2. Add Place of Worship use to the Infill Redevelopment Overlay (IRO) where inadvertently omitted when the district was first established.
3. Delete Requested Use (R) approval from Mobile Home Planned Development (MHPD) District. The MHPD provisions defer to Planned Unit Development (PUD) regulations for recreation, civic and commercial pods, where the use is more appropriately limited to civic and commercial pods.

13. School, - Elementary or Secondary

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the School, Elementary or Secondary use. The definition and supplemental standards were amended by Ord. 2003-067, 2005-002 and 2012-027.

1. Delete reference to Charter school in the School definition per Florida Statutes 1002.33, section (18) Facilities, indicating that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.
2. Standard related to Schools located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Use classification as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.

a. Definition

An institution of learning, whether public, or 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.

ba. 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. [Ord. 2012-027]

~~**2) Agricultural Reserve Tier**~~

~~A school shall not be located west of SR 7/US 441.~~

3) South Florida Water Management District (SFWMD)

Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

a) Preservation

Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in

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ATTACHMENT 1

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SUMMARY OF AMENDMENTS
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conformance with Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION.

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.

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.

43) 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.

cb. Private School

The following standards shall apply to all private schools: [Ord. 2012-027]

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. [Ord. 2012-027]

3) Approval Process

This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. [Ord. 2012-027]

3. Update Charter School by clarifying that in accordance with Florida Statutes 1002.33, section (1) Authorization, all Charter Schools in Florida are public schools. Furthermore, Florida Statutes 1002.33, section (18) Facilities, indicates that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.

de. Charter Schools

~~Charter schools are subject to the same standards and approval processes applicable to private schools. Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and shall be subject to the standards and procedures applicable to Public 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. [Ord. 2012-027]~~

ed. Public Schools

1) Applicability

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~~ Matrix 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. [Ord. 2012-027]

2) Previous Approvals and Future Amendments

Public schools approved prior to June 16, 1992 shall be considered conforming uses. [Ord. 2012-027]

4. Clarify school board projects are subject to review through the Agency Review (ZAR).

3) Review by Zoning

a. School Site Acquisition

Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]

b. Development Review Officer (DRO) Administrative Review

Application shall comply with the DRO ~~Administrative Review Agency Review~~ process as stated in Article 2.D.1.G.2, ~~Administrative Process-Administrative Modifications~~. [Ord. 2012-027]

4) Accessory ~~Uses~~ Radio Towers

~~The following uses, subject to special regulations, Accessory Radio Towers~~ shall be allowed as customarily incidental and subordinate to a public school, subject to the following regulations:

~~a) Accessory Radio Towers~~

~~(1a) Height~~

Notes:

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
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- 1 Towers shall have a maximum height of 100 feet or less measured from the
- 2 finished grade at the base of the tower. Towers over 100 feet in height and
- 3 commercial communication towers shall comply with Art. 4.C, Communication
- 4 Tower, Commercial. [Ord. 2005 – 002]
- 5 ~~(2b)~~ **Setbacks**
- 6 (a) Towers shall meet a minimum setback equal to 50 percent of the height of
- 7 the tower from all property lines. [Ord. 2005 – 002]
- 8 (b) Commercial Communication Towers shall comply with Art. 4.C.,
- 9 Communication Tower, Commercial. ITV antennas shall not be subject to
- 10 these requirements. [Ord. 2005 – 002]
- 11 ~~(3c)~~ **Anchors**
- 12 All tower supports and peripheral anchors shall be located entirely within the
- 13 boundaries of the school site and in no case less than 20 feet from a property
- 14 line.
- 15 ~~(4d)~~ **Fencing**
- 16 Security fencing or a security wall shall be installed around the base of each
- 17 tower, each anchor base and each tower accessory building to limit access.
- 18 ~~(5e)~~ **Sign-Off**
- 19 The School Board shall provide a written sign-off from the County Department of
- 20 Airports stating the tower will not encroach into any public or private airport
- 21 approach space as established by the Federal Aviation Administration.
- 22 ~~(6f)~~ **Removal**
- 23 Obsolete or abandoned towers shall be removed within 12 months of cessation
- 24 of use.
- 25

5. Relocate standard related to Water or Waste Water Treatment facility accessory to a School for consistency with construction of the Code. The Use Regulations Project consolidates all standards applicable to a principal use under the existing provisions for that use to facilitate use of the Code.

- 26
- 27 ~~b) Water or Waste Water Treatment~~
- 28 ~~A water or wastewater treatment facility may be installed in accordance with all~~
- 29 ~~applicable federal, state and local utility standards. [Relocated to Art.~~
- 30 ~~4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~
- 31 ~~(1) Location/Buffering~~
- 32 ~~The facility shall be located and buffered to ensure compatibility with~~
- 33 ~~surrounding land use. [Relocated to Art. 4.4.B.7.C.11, Water or~~
- 34 ~~Wastewater Treatment Plan use]~~
- 35 ~~(2) Duration~~
- 36 ~~The use of the facility shall only be permitted until such time. [Relocated to~~
- 37 ~~Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~
- 38 5) **Setbacks**
- 39 Setbacks for public schools shall be a minimum of 25 feet. [Ord. 2005-002] [Ord.
- 40 2012-027]
- 41 6) **Supplemental Design Standards**
- 42 a) All fences height shall be in compliance with Art. 5, Supplementary Standards
- 43 and Art. 7, Landscaping. [Ord. 2012-027]
- 44 b) Landscape shall comply with State Statutes 1013.64(5)(a). [Ord. 2012-027]
- 45 c) **R-O-W Dedication**
- 46 Within six months of a request by the County Engineer, the School Board shall
- 47 convey to the BCC all portions of the site necessary to achieve the ultimate R-O-
- 48 W, as required by Article 11, Subdivision, Platting and Required Improvements,
- 49 or as warranted by the School District's Traffic Study, as well as additional right
- 50 of way for turn lanes and corner clips, as determined by the County Engineer and
- 51 warranted by the School District's Traffic Study for any affected road. The
- 52 conveyance shall include documentation acceptable to the County Engineer that
- 53 the land is free of all encumbrances and encroachments and shall be in the form
- 54 of a warranty deed acceptable to the County Attorney. Time extension for R-O-
- 55 W dedication may be granted if approved by the County Engineer and the School
- 56 District. [Ord. 2012-027]
- 57 d) **Road Improvements**
- 58 Prior to school occupancy, the School Board shall fund and construct all road
- 59 improvements directly associated with the school such as paving-drainage, turn
- 60 lanes, traffic circulation, sidewalks, and driveway connections as determined by
- 61 the County Engineer and warranted by the School District's Traffic Study. [Ord.
- 62 2005 – 002] [Ord. 2012-027]

Reason for amendments in the Use Matrix: [Zoning] No change to the approval process is being proposed.

Notes:

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ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
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CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

C. Definitions and Supplementary Use Standards for Specific Uses

4. Nursing Home or Convalescent Facility

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nursing or Convalescent Facility use. The definition and supplemental standards were amended by Ord. 2003-067 and 2005-002.

1. Address the licensing requirement for a Nursing Home by the State of Florida consistent with F.S. 400.021(12).
2. Delete Emergency Generators standard as the provision already exists in Art. 5 and is currently a duplicative requirement.

a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

b. Licensing

~~A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.~~

ca. Lot Size

A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.

db. Frontage

A minimum of 100 feet of frontage or the minimum requirement of the district. **[Ord. 2005 – 002]**

ee. Access

If located in a residential FLU ~~designation category~~, access shall be provided from a collector or arterial street.

fd. Maximum Number of Patient Beds

- 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
- 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

e. Emergency Generators

~~A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]~~

Reason for amendments in the Use Matrix: [Zoning]

- | | |
|----|---|
| 1. | Change the use approval from Class B Conditional Use to DRO in the Institutional and Public Facilities (IPF) Zoning District for consistency with the approval of the use in MUPD with INST FLU designation in order to promote the location of the use in this district. |
|----|---|

Part 4. New ULDC Art. 4.B.1.D Residential Uses, is hereby established as follows:

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

D. General Standards for Accessory Uses

1. Corresponding Accessory Use to a Principal Use

Reason for amendments:

1. Per F.S. 125.0109, this use shall constitute a valid residential use to be permitted by right in residential zoning districts. F.S. 402.302 defines the use as an occupied residence which makes it accessory to a principal residential use therefore, the use cannot exist on its own. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts where these principal residential uses are allowed.

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1

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

	<u>Principal Use</u>												
	<u>Mobile Home Dwelling</u>	<u>Multifamily</u>	<u>Single Family</u>	<u>Townhouse</u>	<u>Zero Lot Line</u>	<u>Bona Fide Agriculture</u>	<u>Stable Commercial/ Stable Private</u>	<u>Agricultural Uses</u>	<u>Commercial Uses</u>	<u>Industrial Uses</u>	<u>Institutional and Public Uses</u>	<u>Recreation Uses</u>	<u>Utilities and Excavation Uses</u>
<u>Accessory Use</u>													
....													
<u>Family Day Care Home</u>	P	P	P	P	P	-	-	-	-	-	-	-	-
....													
<u>Notes</u>													
....													
P	<u>Permitted by Right</u>												
....													

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E. Accessory Residential Use Standards

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4. Family Day Care Home

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An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with F.S. 125.0109 as amended. [Ord. 2011-016]

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a) Signage

Signs shall not be permitted.

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[renumber accordingly]

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Part 5. ULDC Art. 1.1.2, Definitions, is hereby amended as follows:

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14

Reason for amendments:

1. Introduce definition of Chapel to clarify the use is not the same as a Place of Worship and clarify that the use may be considered accessory, incidental and subordinate, subject to the limitations applicable to any accessory use.

15

CHAPTER I DEFINITIONS & ACRONYMS

16

Section 2 Definitions

17

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

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....

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28. Chapel - For the purposes of Art. 4, Use Regulations, means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a eCollege or University, hHospital, pPrison, fFuneral hHome, aAirport, and eCemetery.

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[Renumber Accordingly]

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Part 6. ULDC Art. 2.A.1.D.1.a., Board of County Commissioners (BCC) [Related to Processes], (Page 11 of 87) is hereby deleted:

25

26

27

Reason for amendments: [Zoning] Clarify deviations for Homeless Resource Center in the PO Zoning District are for the separation and location requirements as contained in the supplementary use standards of the use in Art. 4, Use Regulations.

28

CHAPTER A GENERAL

29

Section 1 Applicability

30

D. Authority

31

1. Processes

32

a. Board of County Commissioners (BCC)

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

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ATTACHMENT 1

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 01/15/16)

- 1
- 2 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting
- 3 government facilities within the PO Zoning District, [Ord. 2007-013] [Ord. 2008-003]
- 4
- 5 10) Deviations from ~~s~~Separation and Location ~~r~~Requirements for Homeless Resource
- 6 Centers in the PO Zoning District, ~~pursuant to Art. 4.B.1.A.70-1, Homeless Resource~~
- 7 ~~Center.~~ [Ord. 2009-040]
- 8
- 9
- 10 **Part 7. ULDC Art. 2.G.1.A., Powers and Duties, [Related to the BCC] (Page 69 of 87) is hereby**
- 11 **amended:**
- 12

Reason for amendments: [Zoning] Update the reference to deviations for the Homeless Resource Center location and separation requirements when located in the PO Zoning District.

13 **CHAPTER G DECISION MAKING BODIES**

14

15 **Section 1 Board of County Commissioners**

16 **A. Powers and Duties**

- 17 15. to review, hear, consider, and approve, approve with conditions, or deny requests for
- 18 deviations from: Article ~~4.B.4.C.8.c-4.B.1.A.70-1,a.1) Homeless Resource Center~~, Location
- 19 and Separation Requirements, applicable to Homeless Resource Center in the PO Zoning
- 20 District, and Articles 5, 6, and 7 for development supporting government facilities within the
- 21 PO Zoning District; [Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016]
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Notes:

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

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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