

AMENDMENTS TO THE AGENDA
 Wednesday, July 22, 2009

(Updated July 21, 2009)

Amendments to the Agenda:

#1	Exhibit B, Part 3, Page 5 Reason for Amendment: [Zoning] Amend to correct definition for agriculture, bonafide for consistency with supplementary use standards.
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40. Agriculture, Bona Fide – Any plot of land where the principal use consists of the growing, cultivating and harvesting ~~raising~~ of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material, ~~inclusive of a retail or wholesale nursery.~~ The determination as to whether or not the use of land is considered bonafide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act.

#2	Exhibit E, Part 3, Page 10 (Lines 11 - 64) Reason for Amendment: [Zoning] Amend to allow existing language related to bonafide agriculture to remain.
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3. Agriculture, Bona Fide

....
 a. Determination

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

1) Designation Criteria

The property complies with the following standards:

a) Continuous Use

The use has been continuous; and

b) Farming Procedures

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

c) Agricultural Classification

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

2) Productivity Standards

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

a) Amount of Land

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

b) Investment

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

c) Employees

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

d) No Nonagricultural Development

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

e) Demonstration

Demonstration is made that the land will be used for agricultural production for more than five years.

3) Additional Guidelines

a) Lot Size

Whether the size of the land area as it relates to a specific agricultural use, is appropriate.

b) Lease

Notes for Amendments to the Agenda:

Double underlined language indicates new language.

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Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.

- c) Intent
The intent of the landowner to sell or convert the land for nonagricultural purposes.
- d) Proximity
The proximity of the property to existing urban metropolitan development.
- e) Productivity
The productivity of land in its present use.
- f) Plan Designation
Must be consistent with Plan designation.

#3	Exhibit E, Part 3, Page 11 (Lines 26 & 29)
	Reason for Amendment: [Zoning] Amend to change "urban service area" to "urban tier".

3. Agriculture, Bona Fide

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- g. **Livestock Raising in the Urban Tier Service Area (USA)**
 In the Urban Tier Service Area,

#4	Exhibit E, Parts 6 & 7, Page 13 (Lines 19 and 46)
	Reason for Amendment: [Zoning] Amend to clarify that mulch is not hardscape.

88. Nursery, Retail

The ~~cultivation and~~ retail sale of horticultural specialties such as flowers, shrubs, sod, ~~and~~ trees, ~~mulch, and accessory hardscape materials such as mulch or decorative stones~~ intended for ornamental or landscaping purposes.

....

89. Nursery, Wholesale

The ~~cultivation and~~ wholesale of horticultural specialties such as flowers, shrubs, sod, ~~and~~ trees, ~~mulch, and accessory hardscape materials such as mulch or decorative stones~~ intended for ornamental or landscaping purposes.

#5	Exhibit I, Part 3, Page 22
	Reason for Amendment: [ERM] Amend definition for marine facility for consistency with supplementary use standards.

CHAPTER I Definitions and Acronyms

Section 2 Definitions

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

18. Marine Facility

A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan.

#6	Exhibit M, Part 3, Page 42 (Line 8)
	Reason for Amendment: [Planning] Amend to indicate the criteria that will guide the determination to be made by the Planning Director or designee.

designee based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust).

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#7	Exhibit M, Part 3, Page 42 (Lines 12-17)
	Reason for Amendment: [Planning] Amend to correct the format of the numbers of the design requirements.

~~4.~~ **Design**

- ~~1.~~ AHP units shall be designed to be compatible with the overall project, as follows:
- ~~a.~~ 1. All AHP units shall be constructed on site;
- ~~b.~~ 2. All units shall be designed to a compatible exterior standard as other units within the development or pod; and
- ~~c.~~ 3 AHP units may be clustered or dispersed throughout the project.

#8	Exhibit M, Part 3, Page 43 (Line 5)
	Reason for Amendment: [Zoning] Amend to delete repetitive text.

- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits ~~may be issued~~ for sales offices.

#9	Exhibit M, Part 3, Page 50 (Line 47)
	Reason for Amendment: [Planning] Amend to correct document name.

(WHP or AHP) density bonus criteria will be utilized based on the programmatic requirements imposed by a governmental agency providing affordable housing funding or another entity with programmatic requirements (e.g., Habitat for Humanity or a Community Land Trust).

#10	Exhibit N, Workforce Housing Program, Pages 55 - 62
	Postponed: This item has been postponed by Staff

#11	Exhibit S, Part 3, Lines 27, 28, 29, 32, 36, 37, 39, 41, 43, 45, 54 & 57 Page 106
	Reason for Amendment: [Land Development] Amend to change all references from Department of Engineering and Public Works, and DEPW to Land Development Division and LDD for clarification.

B. Drainage Easement Encroachments

- 1. All construction in a drainage easement shall be subject to approval by the ~~Department of Engineering and Public Works (DEPW)~~ Land Development Division (LDD). [Relocated from Art. 5.F.2.A.5.a) above.]
- 2. If a building permit is required, the applicant shall obtain approval from the ~~DEPW LDD~~ prior to submitting the building permit application to PZB. [Relocated from Art. 5.F.2.A.5.b) above.]
- 3. The applicant shall submit a request to encroach a drainage easement in or on a form established by the ~~DEPW LDD~~...; and such other documentation as the ~~DEPW LDD~~ reasonably deems appropriate. [Relocated from Art. 5.F.2.A.5.c) above/]
- 4. The ~~DEPW LDD~~ may deny, approve, or approve with conditions the construction. [Relocated from Art. 5.F.2.A.5.d) above.]
- 5. No approval shall be given before the ~~DEPW LDD~~ has received specific written consent from all easement holders... The ~~DEPW LDD~~ is hereby authorized to effect consent on behalf of PBC... The ~~DEPW LDD~~ may require that consent be in or on a form established by the ~~DEPW LDD~~. [Relocated from Art. 5.F.2.A.5.e) above.]
- 6. The ~~DEPW LDD~~ shall also have executed in proper form... It shall contain such other terms and covenants as the ~~DEPW LDD~~ or the County Attorney deems appropriate. [Relocated from Art. 5.F.2.A.5.f) above.]
- 7. Construction in or overlapping a drainage easement approved by the ~~DEPW LDD~~ shall comply with the provisions of Sections: 2.A.5, 2.A.6, and 2.A.7 of this Chapter.

#12	Exhibit V, Part 1, Lines 23 - 24 Page 117
	Reason for Amendment: [ERM] Amend to clarify requirements related to illumination within the STPZ.

Section 6 Jurisdiction

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LDRAB/LDRC

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2 D. ...Existing beachfront lighting ~~located within or~~ causing direct or indirect illumination ~~that is visible~~
3 ~~from the beach within the STPZ~~ as defined herein shall comply with Article 14.A.11, Standards for
4 Existing Beachfront Lighting.
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6

#13	Exhibit V, Part 1, Line 49 Page 118
	Reason for Amendment: [ERM] Amend to clarify requirements related to visibility of illumination.

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8 3. ~~a~~Any and all light fixtures shall be designed and/or positioned such that they do not cause
9 ~~direct or indirect~~ illumination which is not directly or indirectly of areas seaward of the crest of
10 ~~the dune and the source of light is not directly~~ visible from the beach.
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July 10, 2009

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

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



**Palm Beach County
Board of County
Commissioners**

Jeff Koons, Chairman
Burt Aaronson, Vice Chairman

Karen T. Marcus

Shelley Vana

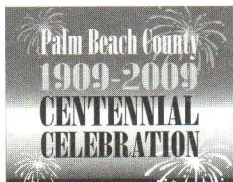
Steven L. Abrams

Jess R. Santamaria

District 7

County Administrator

Robert Weisman



*"An Equal Opportunity
Affirmative Action Employer"*

Mr. Wesley Blackman, AICP, Chairman
and Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: July 22, 2009 LDRAB/LDRC Meeting

Dear Mr. Blackman:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, July 22, 2009.

As discussed at the conclusion of the June meeting, this meeting is expected to be somewhat lengthy and we will need to start one hour earlier than normal. The meeting will commence at **1:00 p.m.** in the Vista Center 1st Floor Conference Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me via email at BCPinkst@pbcgov.org or William Cross, Principal Site Planner at (561) 233-5342.

Sincerely,

Barbara Pinkston-Nau
Principal Site Planner, Zoning Division

Attachments: July 22, 2009 LDRAB Agenda and Supporting Materials

BPN

c: Verdenia C. Baker, Deputy County Administrator
Barbara Alterman, Esq., Executive Director, PZB
Lenny Berger, Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
Maryann Kwok, Chief Planner, Zoning
William Cross, Principal Site Planner, Zoning
Isaac Hoyos, Principal Planner, Planning
John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

JULY 22, 2009

BOARD MEMBERS

Wes Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Joni Brinkman (League of Cities)

Barbara Katz (District 3)

Ron Last, P.E. (Florida Engineering Society)

Jim Knight (District 4)

Jose F. Jaramillo (A.I.A.)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Michael Cantwell (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Wayne Larry Fish, P.S.M. (Fl. Soc. of Prof. Surveyors)

Brian Waxman, Esq. (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Frank Palen, Esq. (Member at Large/Alternate)

Steven Dewhurst (Association Gen. Cont. of America)

Board of County Commissioners

John F. Koons
Chairman, District 2

Burt Aaronson
Vice Chair, District 5

Karen T. Marcus
Commissioner, District 1

Shelley Vana
Commissioner, District 3

Steven L. Abrams
Commissioner, District 4

Jess R. Santamaria
Commissioner, District 6

Vacant
District 7

Robert Weisman
County Administrator





**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
Wednesday, July 22, 2009 AGENDA
2300 North Jog Road
1st Floor Conference Room (VC-1W-47), 1:00 p.m.**

A. Call to Order/Convene as LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of June 24, 2009 Minutes (Exhibit A) (pages 1 – 4)

B. ULDC Amendments

1. Exhibit B Article 1 - General Provisions (page 5)
2. Exhibit C Article 2 - Development and Review Process (page 6)
3. Exhibit D Article 3 - Overlays & Zoning Districts (pages 7 – 8)
4. Exhibit E Article 4 - Use Regulations (pages 9 – 14)
5. Exhibit F Article 7 – Landscaping (pages 15 – 17)
6. Exhibit G Article 12 – Traffic Performance Standards (page 18)
7. Exhibit H Article 17 - Decision Making Bodies (pages 19 – 21)
8. Exhibit I Manatee Protection Plan (page 22)
9. Exhibit J Renewable Energy (pages 23 – 26)
10. Exhibit K Homeless Resource Center (pages 27 – 30)
11. Exhibit L Architectural Standards (pages 31 – 40)
12. Exhibit M Affordable Housing Program (pages 41 – 54)
13. Exhibit N Workforce Housing Program (pages 55 – 62)

C. Convene as LDRC

1. Proof of Publication
2. Consistency Determinations
 - a. See Exhibits listed above B.1 thru B.13
 - b. Previously presented at March 25th, May 27th and June 24, 2009 LDRAB meetings:
 - 1) Exhibit O Article 1 - General Provisions (pages 63 – 65)
 - 2) Exhibit P Article 2 - Development and Review Process (pages 66 – 79)
 - 3) Exhibit Q Article 3 - Overlays & Zoning Districts (pages 80 – 98)
 - 4) Exhibit R Article 4 - Use Regulations (pages 99 – 103)
 - 5) Exhibit S Article 5 - Supplementary Standards (pages 104 – 108)
 - 6) Exhibit T Article 7 – Landscaping (pages 109 – 114)
 - 7) Exhibit U Article 8 – Signage (pages 115 – 116)
 - 8) Exhibit V Article 14 - Environmental Standards (pages 117 – 123)
 - 9) Exhibit W Adult Entertainment * (pages 124 – 133)
 - 10) Exhibit X Traffic Performance Standards (pages 134 – 137)

D. Reconvene as LDRAB

E. Public Comments

F. Staff Comments

G. Adjourn

* Back up material from the County Attorney's Office will be maintained at the Zoning Division, and will also be made available during the LDRC meeting.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of June 24, 2009 Meeting

On Wednesday, June 24, 2009 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A) Call to Order/Convene as LDRAB.

1) Roll Call

Vice Chair David Carpenter called the meeting to order at 2:05 p.m. Ann DeVeaux, Code Revision Site Planner I, called the roll.

Members Present:

David Carpenter, Vice Chair (District 2)
Raymond Puzitello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Ron Last (FL Eng. Society)
Jose Jaramillo (A.I.A.)
Rosa Durando (Environmental Org.)
Michael Cantwell (PBC Board of Realtors)
Maurice Jacobson (Condominium Assoc.)
Joanne Davis (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Mike Zimmerman (District 6)
Martin Klein (District 7)

Members Present – 14

Members Absent:

Wesley Blackman (PBC Planning Congress)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
Brian Waxman (Mem. At Large, Alternate)
Frank Palen (Mem. At Large, Alternate)

Members Absent – 3

County Staff Present:

Jon MacGillis, ASLA, Director, Zoning
Maryann Kwok, Chief Planner, Zoning
Barbara Pinkston-Nau, Principal Site Planner, Zoning
William Cross, Senior Site Planner, Zoning
Lenny Berger, Asst. County Attorney
Allan Ennis, Assistant Director, Traffic Engineering
Ann DeVeaux, Site Planner I, Zoning

2) Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit C, Article 3, Overlays & Zoning Districts; Exhibit D, Article 4, Use Regulations; and, Exhibit E, Supplementary Standards.

Motion to approve, as amended, by Maury Jacobson seconded by Martin Klein. The motion passed unanimously (14 – 0).

3) Motion to Adopt Agenda

Motion to approve, by Maury Jacobson, seconded by Martin Klein. The motion passed unanimously (14 - 0).

4) Adoption of May 27, 2009 Minutes (Exhibit A)

Motion to approve, by Maury Jacobson, seconded by Martin Klein. The motion passed unanimously (14 – 0).

B) ULDC Amendments

1) Article 1 – General Provisions Summary of Amendments (Exhibit B)

Barbara Pinkston-Nau stated that the amendment adds a definition to clarify communication tower users list and adds DRO as the entity responsible for the list maintenance. It also contained various acronyms relating to types of plans.

Maury Jacobson made the motion to approve Exhibit B as amended including the changes to the amendment, seconded by Martin Klein. The motion passed unanimously (14 - 0).

2) Article 3 – Overlays & Zoning Districts (Exhibit C)

Barbara Pinkston-Nau stated that the amendment has to do with hours of operation which was amended last year, but more clarification was needed for commercial uses. An exemption was added for fire stations, police stations and similar uses that should not be subject to hours of operation.

Joni Brinkman questioned whether it was correct to incorporate all non-residential districts including industrial and agricultural wherein before it applied only to commercial districts. She questioned if at the time the applicant comes in for a DOA, if they would need to ask for relief from hours of operation as part of the DOA.

EXHIBIT A

Maryann Kwok related that it would be a Type II variance if asking for a deviation for hours of operation.

Jon MacGillis explained that if the use is existing and established at the time the Code allowed a commercial use closer than 250 feet from a residential use, then one is considered grandfathered. The provision "existing uses" is to recognize that there are uses that are not being modified and grandfather status would not be taken away with the provision. He also stated that the uses are defined in the Use Matrix by categories, such as civic, public, etc, and suggested that instead of using non-residential, the language could be changed to Commercial and Public and Civic Uses.

Raymond Puzzitiello asked if the 250 feet measurement was from structure to structure or property line to property line. Jon MacGillis stated it would be the building in question that will be subject to measurement to the property line.

David Carpenter questioned why the language located within 250 feet is being changed from abutting. Jon MacGillis explained that the language is arbitrary. When you have a large shopping center that abuts any part of the multi-plan development, another building would not be allowed even if it was located 1,000 feet from the property line. The intent of the provision is to protect residential from businesses that may cause a nuisance to a residence.

Joanne Davis stated that she does not support changing the language to a Type II variance because it is only breaking the Code, and more often than not, the applicant can not meet the requirements. David Carpenter asked what is being done with Class A Conditional use and continuing with the Type II variance as it is being done now. Mr. MacGillis indicated that lines 21-25 should be stricken, as the added language was not necessary due to existing provisions allowing for a variance approval by the Zoning Commission.

Barbara Pinkston-Nau clarified that Part 2 is parking requirements for PDDs and the applicant may elect to utilize Art. 3 or Art. 6, parking standards for more flexibility. The applicant will clearly indicate the chosen parking provision, which they will be required to comply with for the entire project. The applicant would not be able to pick and choose, but this option allows flexibility. She summarized Part 3, Signage for TDDs and the language is mostly for clarification and building mounted signs. The amendment also allows signs in Ag reserve signs in TMDs and allowing A-frame signs in walkways as long as it does not impede pedestrian pathway.

Martin Klein made the motion to approve Exhibit C as amended including the changes to the amendment, seconded by Maury Jacobson. The motion passed unanimously (14 - 0).

3) Article 4 – Use Regulations (Exhibit D)

Barbara Pinkston-Nau stated this amendment clarifies commercial tower users list and the add/delete sheet shows that DRO is responsible for the maintenance of the list.

Martin Klein made the motion to approve Exhibit D as amended including the changes to the amendment, seconded by Joanne Davis. The motion passed unanimously (14 - 0).

4) Article 5 – Supplementary Standards (Exhibit E)

Barbara Pinkston-Nau explained this amendment clarifies where barbed wire can be permitted. The add/delete sheet specifies that the exception applies to jails, prisons and correctional facilities.

David Carpenter questioned whether there was anywhere in the Code that allows you to apply for barbed wire on industrial properties. Jon MacGillis stated that there are some supplementary notes that still allow it.

Joanne Davis questioned whether "concertina" barbed wire is allowed and if there are regulations on super razor wires. Barbara Pinkston-Nau stated the Code does address this under the Fences and Walls section and prohibits it.

Martin Klein made the motion to approve Exhibit E as amended including the changes to the amendment, seconded by Maury Jacobson. The motion passed unanimously (14 - 0).

5) Article 7– Landscaping (Exhibit F)

Maryann Kwok indicated that the amendments introduced a new landscape permitting process proposed by the Zoning Division to clarify the responsibilities of the owner, contractor, landscape architects and staff. Currently, permitting and inspections are done through the building permit division and a typical building permit is routed to the zoning division for review. At that time Landscape Section will determine if they need a landscape permit. The intent of the new language is to make the process clearer.

Jon MacGillis stated that a subcommittee that included landscape architects from industry met in one meeting and was in agreement with the language.

EXHIBIT A

Raymond Puzzitiello mentioned that there were some issues on quantity and sizes on Part 6. Maryann Kwok stated that Chuck Mucciolo of GL Homes had questions on the PUD planting. This was clarified on page 13 in the new table, Shrub Planting Requirements and the new methodology of calculating quantity would be based on linear feet of the buffer length rather than percentage.

Joni Brinkman questioned why the minimum height at maturity was changed to maximum and how the height of the shrubs would be monitored and if Code Enforcement is responsible for monitoring the height of at maturity. Maryann related that the hierarchy of height should be maintained because the small shrub should not grow higher than the medium shrub. This actually applies more to the R-O-W buffer. Jon MacGillis stated it would be monitored through the selection of plants.

Joanne Davis asked for an example of the small shrub and medium shrub at maturity. Jon MacGillis stated that there is a list of shrubs that can fall into the category.

Wendy Tuma of Urban Design Studios stated that the landscape architects who do the design and sign and seal the drawings can select plants that fit into the category however, it is ultimately the maintenance company that would be responsible for the maintenance of the shrub height and they would need to know what was considered the small, medium and large shrub. She suggested changing the word "Maturity" to "Maintained."

Martin Klein suggested changing the Table 7.F.7.F column heading to "Maximum Maintained Height" and delete words "At Maturity" and that should solve the problem of monitoring and will make it enforceable.

Maryann Kwok explained that the remaining landscape exhibits consisted of a revised diagram which clarifies the shrub planting desire and the shrub planting pattern reflects the new methodology for calculating the R-O-W buffer; and, clarification on incompatibility buffer which currently requires a six foot hedge, wall or fence depending of the type of incompatibility buffer. It also requires shrub and tree planting. A new column was added to clearly state the type of shrubs that are required in an incompatibility buffer.

Joni Brinkman questioned if the "in feet" measurement of walls in Table 7.F.9.A Incompatibility Buffer Standards was correct. Maryann Kwok stated that "in feet" is a glitch and should be stricken from the Walls Required column Part 8, line 44.

Martin Klein made the motion to approve Exhibit F as amended including the changes to the amendment, seconded by Ron Last. The motion passed unanimously (14 - 0).

6) Article 8 – Signage (Exhibit G)

Barbara Pinkston-Nau explained that the requirements were clarified for the Master Sign Plan and different types of sign plans. The technical details for the sign plans will be listed in the Technical Requirements Manual. She also stated there is a new illustration of how to measure building frontage for large scale developments which was necessary due to the number of variances received. Wall Sign Standards are being amended to allow signage internal on frontage that is not adjacent to a street.

Martin Klein made the motion to approve Exhibit G, seconded by Joanne Davis. The motion passed (14 - 0).

7) Adult Entertainment (Exhibit H)

Lenny Berger stated Adult Entertainment is a first amendment protected activity and in order for the government to regulate it, it must be documented. Periodically, studies are commissioned to show the secondary effects of sexually oriented businesses. This amendment is being readopted and the recent findings of fact support this amendment.

Martin Klein made the motion to approve Exhibit H, seconded by Maury Jacobson. The motion passed (14 - 0).

8) Traffic Performance Standards (Exhibit I)

Allan Ennis explained that the purpose of the amendments is to clarify some points in the existing Code and in some cases to make the technical analysis more precise. The changes on how traffic standards are calculated were reviewed by a group of traffic consultants. Discussion ensued concerning Part 5, Enforcement. Allan Ennis requested that Part 5 be stricken from the exhibit.

Martin Klein made the motion to approve Exhibit I with the exception of Part 5, seconded by Ron Last. The motion passed unanimously (14 - 0).

C) Public Comments

N/A

EXHIBIT A

D) Staff Comments

Barbara Pinkston-Nau reminded the Board Members that the next meeting will start at 1:00 and the meeting will be lengthy and that the LDRAB will also convene as LDRC. Jon MacGillis gave an overview of the key topics to be presented.

E) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:05 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Secretary at (561) 233-5088.

Minutes prepared by: Ann Deveaux, Site Planner I


Name (signature)

7/8/09
Date

EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

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Part 1. ULDC, Art. 1.C.5, Density and Intensity, (page 14 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend language to ensure consistency with the Comp Plan, and to relocate provisions for density and intensity calculations from the section related to eminent domain to a new section under Rules of Construction and Measurement.

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 5 *Density, Intensity and Building Coverage*
That portion of a property dedicated for public right-of-way without compensation may be subsequently included with the subject property for the purpose of density, intensity or building coverage calculations. [Relocated from Art. 1.G.1.B.8, Density and Intensity]

Part 2. ULDC, Art. 1.G.1.B.8, Density and Intensity [Related to Eminent Domain] (page 25 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to relocate provisions for density and intensity calculations from the section related to eminent domain to a new section under Rules of Construction and Measurement.

CHAPTER G EMINENT DOMAIN

Section 1 Properties Affected by Eminent Domain Proceedings

B. Development Standards
Properties and site improvements impacted by eminent domain action may continue to exist and may expand as outlined below
~~8. Density and Intensity~~
~~Property conveyed without compensation may be utilized in calculating allowed density or intensity, consistent with the applicable density/intensity provisions in the Plan. [Ord. 2005-041] [Relocated to Art. 1.C, Rules of Construction and Measurement.]~~

Notes:
Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

**ARTICLE 2 – DEVELOPMENT AND REVIEW PROCESS
SUMMARY OF AMENDMENTS**

(Updated 07/08/09)

1
2 **Part 1. ULDC, Table 2.E.3.B, Time Limitation of Development Order for Each Phase (page 42 of**
3 **53), is hereby amended as follows:**
4

5 **Reason for amendment:** [Zoning / Industry] Amend to allow two phases for an AGR-TMD. Proposed
6 language would allow the commercial portion of an AGR-TMD to be constructed and allow the residential
7 portion to have received all COs within five years of the issuance of first CO for phase one.
8

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER		MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....						
TDD (Including any associated variance(s))	TMD IN THE AGR TIER	4 ¹⁰	Commence development ¹		Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
	TMD IN THE U/S TIER	4	Commence development ¹	Three years ^{2,7} Or, for a TTD, as may be recommended by DRI or local government conditions of approval		
	TMD IN ALL OTHER TIERS AND TDD	No maximum	Commence development ¹	Three years ^{2,7} Or, for a TTD, as may be recommended by DRI or local government conditions of approval		
....						

Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037]

Notes:

....
10. All Certificates of Occupancy (COs) for the second phase shall be issued no later than ~~two~~ five years from the date of issuance of the first CO for the first phase.

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29 Process.docx

Notes:

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EXHIBIT D

**ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)**

1
2 **Part 1. ULDC, Table 3.B.2.A-1, Airport Use Regulations (page 16 of 155), is hereby amended as**
3 **follows:**
4

5 **Reason for amendment:** [County Attorney] Amend to allow a Place of Worship as a permitted use in all
6 districts where they were previously allowed and to provide more definitive standards for review.

7
8 **Table 3.B.2.A-1 Airport Use Regulations (Continued)**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Public and Civic Uses					
....					
Place of Worship		D-P	CG	29	All
....					
[Ord. 2006-036] [Ord. 2008-003]					

9
10
11 **Part 2. ULDC, Table 3.E.1.B – PDD Use Matrix (page 76 of 155), is hereby amended as follows:**
12

13 **Reason for amendment:** [County Attorney] Amend to allow a Place of Worship as a permitted use in all
14 districts where they were previously allowed and to provide more definitive standards for review.

15 **Table 3.E.1.B – PDD Use Matrix cont'd**

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

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EXHIBIT D

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

Part 3. ULDC, Table 3.E.1.B – PDD Use Matrix (page 76 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify standards for hobby breeders located in the AR/USA district.

Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD							MXPD				PIPD			M	R	N
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	€	C	€	C	I	C	I			
	E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	H	V	P
	S	M	C	V	R			O	O		D	S			€	O	L	M	D	D	P	D
					P							T										
Agricultural Uses																						
....																						
Aviculture, Hobby Breeder					P																	19
....																						
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

Part 4. ULDC, Table 3.F.1.F – Traditional Development Permitted Use Schedule (page 118 of 155), is hereby amended as follows:

Reason for amendment: [County Attorney] Amend to allow a Place of Worship as a permitted use in all districts where they were previously allowed and to provide more definitive standards for review

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

District	TND						TMD				N O T E S
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve	
Public and Civic Uses											
....											
Place of Worship		RP			RP		RP	RP	RP		29
....											
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											
[Ord. 2005-002]											

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EXHIBIT E

**ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 7/08/09)**

1 **Part 1. ULDC, Table 4.A.3.A-1 – Use Matrix (page 15 of 155), is hereby amended as follows:**

2
3 **Reason for amendment:** [County Attorney] Amend to allow a Place of Worship as a permitted use in all
4 districts where they were previously allowed and to provide more definitive standards for review.
5

Table 4.A.3.A-1 – Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE		
	Agriculture/Conservation			Residential				Commercial					Industry/ Public						
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I		I	P
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P
				S	S					O			O	E				F	
				A	A														
Public and Civic Uses																			
....																			
Place of Worship		<u>AP</u>		<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>				<u>AP</u>	
....																			
[Ord. 2005 – 002] [Ord. 2006-013][Ord. 2008-037]																			
Key:																			
P Permitted by right																			
D Permitted subject to approval by the DRO																			
S Permitted in the district only if approved by Special Permit																			
B Permitted in the district only if approved by the Zoning Commission (ZC)																			
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

6
7
8 **Part 2. ULDC, Table 4.A.3.A-1 – Use Matrix (page 16 of 155), is hereby amended as follows:**

9
10 **Reason for amendment:** [Zoning] Amend to clarify standards for hobby breeders located in the AR/USA
11 district.
12

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE		
	Agriculture/Conservation			Residential				Commercial					Industry/ Public						
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I		I	P
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P
				S	S					O			O	E				F	
				A	A														
Agricultural Uses																			
....																			
Aviculture, <u>Hobby Breeder</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>PA</u>														
....																			
[Ord. 2006-036] [Ord, 2008-037]																			
Key:																			
P Permitted by right																			
D Permitted subject to approval by the DRO																			
S Permitted in the district only if approved by Special Permit																			
B Permitted in the district only if approved by the Zoning Commission (ZC)																			
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

13
14
15 **Part 3. ULDC, Art. 4.B.1.A.3, Agriculture, Bona Fide (pages 25–28 of 155), is hereby**
16 **amended as follows:**

17
18 **Reason for amendment:** [Zoning] A subcommittee was assembled to address concerns related to
19 bonafide agricultural uses. These proposed amendments are a result of the meetings with the intent to:
20 delete language that is in conflict with FS 823.14, Florida Right to Farm Act; clarify that the retail or sale of
21 products is not considered a bonafide agricultural use; eliminate minimum lot size for groves and row
22 crops; clarify setback requirements for accessory uses; and clarify provisions related to livestock raising in
23 the USA.
24

Notes:
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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 3. Agriculture, Bona Fide

5 Any plot of land where the principal use consists of the growing, cultivating and harvesting
6 raising of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and
7 livestock; the production of animal products such as eggs, honey or dairy products; or the
8 raising of plant material, ~~inclusive of a retail or wholesale nursery~~. The determination as to
9 whether or not the use of land is considered bonafide agriculture shall be made pursuant to
10 FS 823.14, Florida Right to Farm Act.

11 ~~a. Determination~~

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

17 ~~1) Designation Criteria~~

18 ~~The property complies with the following standards:~~

19 ~~a) Continuous Use~~

20 ~~The use has been continuous; and~~

21 ~~b) Farming Procedures~~

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

26 ~~c) Agricultural Classification~~

27 ~~The property has received a qualified agricultural classification pursuant to F.S.~~
28 ~~§193.461.~~

29 ~~2) Productivity Standards~~

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

34 ~~a) Amount of Land~~

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

37 ~~b) Investment~~

38 ~~Demonstration is made that there has been on-going investment in and~~
39 ~~maintenance of the agricultural land use or documented plans for investment in~~
40 ~~agricultural use of the land;~~

41 ~~c) Employees~~

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

43 ~~d) No Nonagricultural Development~~

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

46 ~~e) Demonstration~~

47 ~~Demonstration is made that the land will be used for agricultural production for~~
48 ~~more than five years.~~

49 ~~3) Additional Guidelines~~

50 ~~a) Lot Size~~

51 ~~Whether the size of the land area as it relates to a specific agricultural use, is~~
52 ~~appropriate.~~

53 ~~b) Lease~~

54 ~~Whether such land is under lease, and, if so, the effective length, terms and~~
55 ~~conditions of the lease.~~

56 ~~c) Intent~~

57 ~~The intent of the landowner to sell or convert the land for nonagricultural~~
58 ~~purposes.~~

59 ~~d) Proximity~~

60 ~~The proximity of the property to existing urban metropolitan development.~~

61 ~~e) Productivity~~

62 ~~The productivity of land in its present use.~~

63 ~~f) Plan Designation~~

64 ~~Must be consistent with Plan designation.~~

65 ab. Agricultural Uses in the U/S Tier

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

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- c. **Groves and Row Crop**
The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:
 - 1) ~~Lot Size~~
A minimum of five acres.
 - 2) ~~Setback~~
Structures and accessory activities shall be setback a minimum of 50 feet.
 - 1)3) ~~Hours of Operation~~
Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.
 - 2)4) ~~Loading~~
All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.
 - 3)5) ~~Spraying~~
~~No~~The aerial application of ~~any~~ pesticides, fungicides, fertilizers, or any other chemical shall be ~~prohibited~~ allowed.

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- e. **Pens and Cages**
In the AR and AGR districts, pens, cages or structures shall meet the ~~district setbacks for minimum required front yard and side corner setback for the applicable zoning district pursuant to Table 3.D.1.A.~~ They shall be exempt from the minimum rear and side setback requirements indicated in the Table ~~principal use, or and shall~~ be setback a minimum of 50 feet from ~~any the rear or side interior~~ property lines ~~whichever is greater~~.

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- g. **Livestock Raising in the Urban Service Area (USA)**
~~The breeding, raising and caring for domestic animals including horses.~~
 - 1) ~~Urban Service Area (USA)~~
In the Urban Service Area, livestock raising shall comply with the following standards:
 - 1)a) ~~Lot Size~~
A minimum of five acres.
 - [Renumber Accordingly]
 - 9)i) ~~Compatibility~~
The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Class A conditional ~~use or DRO~~ approval.

Part 4. ULDC, Art. 4.B.1.A.19, Aviculture (page 34 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] A subcommittee was assembled to address concerns related to aviculture as it relates to bonafide agriculture. Pursuant to State Statute aviculture is considered bonafide agriculture and would be subject to those requirements. These amendments clarify standards for hobby breeders located in the AR/USA district, pursuant to a prior Zoning Director PPM that was codified in 2003.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

- 19. **Aviculture, Hobby Breeder**
The raising and care of birds in captivity.
 - 1) **AR/USA General**
The raising of birds as a hobby in the AR / USA shall be ~~permitted~~ allowed as a use ~~by right in the AR district~~ subject to the following:

Part 5. ULDC, Art. 4.B.1.A.29, Places of Worship (page 38 of 155), is hereby amended as follows:

Reason for amendment: [County Attorney] Amend to allow a place of worship as a permitted use in all districts where they were previously allowed and to provide more definitive standards for review.

Notes:

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 29. Place of Worship

5 A sanctuary ~~which may include a retreat, convent, seminary or other similar use~~, owned or
6 operated by a tax-exempt religious group that is used periodically, primarily or exclusively for
7 religious worship, activities and related services. A place of worship may include collocated
8 facilities ~~that require additional approval~~, such as a day care, school, cemetery, or CLF that
9 may require approval through an additional process. [Ord. 2005-041] [Ord. 2006-013]

10 a. Requirements

11 A place of worship shall be permitted pursuant to the requirements of Table 4.A.3.A-1,
12 Use Matrix and Table 3.E.1.B-21, PDD Use Matrix of the ULDC. In addition to the
13 applicable provisions of the ULDC, the facility shall comply with the following additional
14 articles:

- 15 1) Art. 5, Supplementary Standards;
- 16 2) Art. 6, Parking;
- 17 3) Art. 7, Landscaping;
- 18 4) Art. 8, Signage, including Table 8.G.2.A-7, Freestanding Signs; and,
- 19 5) All other applicable articles of the ULDC.

20 The use shall be subject to review by the Building Division and other applicable agencies.

21 ~~ab.~~ **Frontage and Access**

22

23 ~~bc.~~ **Use Limitations**

24 ~~1)~~ **DRO Approval**

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

29 ~~21)~~ **Accessory/Collocated Use**

30 ~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats~~ shall be
31 permitted as an accessory use to an assembly, civic, educational or recreational use
32 in any ~~non-residential~~ district, except IL, IG or a PDD with an IND FLU designation,
33 subject to approval by the DRO. Religious services may be conducted as an
34 accessory use to an existing single-family dwelling that is also utilized for residential
35 purposes. A place of worship may include collocated uses such as but not limited to
36 a retreat, convent, seminary or other similar use. [Ord. 2006-013] [Relocated from
37 A.29 above]

38 ~~32)~~ **Temporary Sales**

39 ~~43)~~ **Limited Day Care**

40 A limited day care shall be permitted as a collocated use to a place of worship ~~with a~~
41 ~~minimum of 3,000 square feet of GFA or 150 seats~~ subject to ~~DRO~~ the approval
42 ~~criteria of Table 4.A.3.A-1, Use Matrix and Table and Table 3.E.1.B-21, PDD Use~~
43 ~~Matrix.~~ . [Ord. 2005 – 002] [Ord. 2006-013]

44 ~~54)~~ **INST**

45

46 ~~65)~~ **AGR District**

47 The use shall be limited to that which serves the needs of farm workers or residents
48 of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]

49 d. Prior Approvals

50 Previously approved places of worship that are not abandoned shall be subject to the
51 requirements of Art. 1.E, Prior Approvals.

52 e. Abandonments

53 Existing places of worship that were previously subject to Class A Conditional Use,
54 Requested Use, or DRO approval may be abandoned pursuant to Art. 2.A.1.Q,
55 Development Order Abandonment.

56 1) Administrative

57 The Zoning development order for a place of worship may be abandoned
58 administratively pursuant to the following:

- 59 a) Existing collocated uses must be permitted by right in the zoning district in which
60 they are located; and,
- 61 b) The facility will continue to be utilized as a place of worship.

62 2) Legislative

63 The Zoning development order for a place of worship may be abandoned legislatively
64 pursuant to the following:

Notes:

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

- 1 a) Existing collocated uses are not permitted by right in the Zoning district in which
- 2 they are located; or,
- 3 b) The facility will no longer be utilized as a place of worship.

Part 6. ULDC, Art. 4.B.1.A.88, Nursery, Retail (page 62-63 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify that items for sale do not have to be cultivated on site; to allow the sale of accessory hardscape materials; and to allow container plants to be located closer than 15 feet from the property line. Products may be cultivated on site as an accessory use.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

88. Nursery, Retail

The ~~cultivation and~~ retail sale of horticultural specialties such as flowers, shrubs, sod, ~~and~~ trees, and accessory hardscape materials such as mulch or decorative stones intended for ornamental or landscaping purposes.

....
e. Setbacks

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B-121, Shade Houses. [relocated from below]

~~a) All Structures (except shade houses) and Outdoor Storage Areas
A minimum of 50 feet.~~

~~2) Container Plants
A minimum of 15 feet.~~

....

Part 7. ULDC, Art. 4.B.1.A.89, Nursery, Wholesale (page 63-64 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify that items for sale do not have to be cultivated on site; to allow the sale of accessory hardscape materials; and to allow container plants to be located closer than 15 feet from the property line in the U/S tier.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

89. Nursery, Wholesale

The ~~cultivation and~~ wholesale of horticultural specialties such as flowers, shrubs, sod, ~~and~~ trees, and accessory hardscape materials such as mulch or decorative stones intended for ornamental or landscaping purposes.

....
h. U/S Tier

2) Setbacks

All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B-121, Shade Houses. [Relocated from below]

~~a) All Structures (except shade houses) and Outdoor Storage Areas
A minimum of 50 feet.~~

~~b) Container Plants
A minimum of 15 feet.~~

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT E

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

1
2 Part 8. ULDC, Art.4.B.1.A.135, Vehicle Sales and Rental [Related to Neighborhood Vehicle
3 Rental Facility] (pages 90-93 of 155), is hereby amended as follows:
4

5 Reason for amendment: [Zoning] Amend language approved by LDRAB to limit rentals to cars, suv's,
6 standard pick up trucks and minivans.

7
8 CHAPTER B SUPPLEMENTARY USE STANDARDS

9 Section 1 Uses

10 A. Definitions and Supplementary Standards for Specific Uses

11 135. Vehicle Sales and Rental

12

13 e. Neighborhood Vehicle Rental Facility

14 A rental facility that is limited to a maximum of six vehicles stored on site. For the
15 purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard
16 pick up trucks, and minivans.

Notes:

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Language ~~crossed-out~~ indicates language proposed to be deleted.

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EXHIBIT F

ARTICLE 7 - LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 7/8/09)

PERVIOUS SURFACE AREA AMENDMENTS – WHITE PAPER

PURPOSE AND INTENT: The primary purpose is to delete the minimum pervious surface area requirements that are overseen by the Zoning Division, where redundant to related Land Development Division minimum drainage requirements, where such provisions are not mandated by or required to fulfill the intent of any Palm Beach County (PBC) Comprehensive Plan objectives or policies. The overall intent is to retain general pervious/impervious requirements as may be needed to meet Planning and Zoning goals, while simplifying redundant processes.

All changes proposed herein are associated with zoning site development requirements. No engineering changes to pervious or other drainage related provisions are proposed herein.

BACKGROUND AND JUSTIFICATION: As part of the 2003 Managed Growth Tier System (MGTS) Code rewrite, minimum pervious surface area requirements for all new development were established in the Unified Land Development Code (ULDC) under Art. 7, Landscaping, Table 3.C.1, Minimum Tier Requirements, as noted in the excerpt below:

Table 7.C.3 - Minimum Tier Requirements

Table with 4 columns: Code Requirements, U/S Tier, AGR and Glades Tiers, Exurban and Rural Tiers. Row 1: Interior Landscaping. Row 2: Pervious Surface Area (Overall Lot) with values 30 percent, 40 percent, 50 percent.

The ULDC also includes numerous other references, requirements or limitations regarding pervious surface area that are of a more general nature, but also include specific provisions such as allowable reductions for urban building forms such as contained within the Westgate Community Development Area – Overlay (WCRAO) and the Traditional Development Districts. It should also be noted that the MGTS rewrite also included revisions to minimum open space requirements, which oftentimes also includes additional requirements for pervious surface area.

In the years following the adoption of the MGTS rewrite, both industry and Zoning staff noted evidence of conflicts or redundancy in the application and review of pervious and open space requirements. During this timeframe, there were several applications for variance relief requesting reductions from minimum open space and pervious requirements, with the latter including proposals to utilize pervious concrete to offset desired reductions in minimum pervious surface area.

Subsequently, towards the end of 2008 the Zoning division convened a Pervious Task Force (PTF) as a subcommittee of the Land Development Regulation Advisory Board (LDRAB), to assess Plan requirements for pervious and open space, as well as clarification of how zoning and engineering pervious requirements may be redundant. Meetings were held on September 24, October 22, and November 19, 2008. Those in attendance included industry representatives for pervious concrete technology and related systems, who were able to provide updates in green paving trends and specific locations where it was being applied. A summary review of Plan objectives and policies indicated that very little reference was made regarding pervious requirements, most of which were more specific to drainage and engineering; however, references and requirements for open space were far more specific. Additional focus on other pervious provisions of the zoning code indicated that sufficient direction or more specific pervious limitations were sufficient for the purposes of enabling good site design (emphasis on minimum landscape areas presumed to be pervious by nature), and that engineering standards to address drainage were best regulated without additional zoning oversight.

RECOMMENDATIONS: At this time, Zoning is only recommending minor changes to the MGTS minimum pervious requirements of the ULDC, primarily being the deletion of the pervious minimums referenced above. It is anticipated that as the energy conserving green building movement continues its upward trend, that additional technology and resources will enable staff to further refine pervious standards in the near future.

Due to the expansive incorporation of open space standards, references and limitations within the Plan, staff is unable to support any open space amendments at this time. However, it should be noted that the concurrent development of the commercially oriented “Infill Redevelopment Overlay” (IRO) may partially address this issue by focusing more on “usable” open space versus the current bulk regulations. If adopted, these standards may serve as the road map to future open space amendments.

Notes:

- Underlined language indicates proposed new language.
Language crossed-out indicates language proposed to be deleted.
Double underlined indicates proposed new language in addition to previous 2009-01 LDRAB packets.
Double crossed-out indicates language proposed to be deleted in addition to previous 2009-01 LDRAB packets.
... (ellipses) or [Renumber Accordingly] indicates unchanged code text/figures omitted to save space.
Relocated language is shown as italicized with reference in parenthesis, with [Relocated to or from].

EXHIBIT F

**ARTICLE 7 - LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 7/8/09)**

1
2 **Part 1. ULDC, Table 7.C.3, Minimum Tier Requirements (page 14 of 47), is hereby amended as**
3 **follows:**
4

Reason for amendment: (Zoning/Industry) See White Paper above. Amend to incorporate additional direction outlined in the FLUE of the Plan:

Policy 4.3-j: The County shall amend the Unified Land Development Code to create rural design standards and development regulations for non-residential development in the Exurban and Rural Tiers. The rural design standards shall address intensity, scale, and character of these tiers, and shall:

2. provide for increased setbacks (except for roads designated as Rural Parkways); lesser lot coverage and floor area ratios; increased landscape buffers, incorporation of open space and pervious area; and, additional screening of parking areas.

5
6 **CHAPTER C MGTS TIER COMPLIANCE**

7 **Section 3 Exurban and Rural Tiers**

8 *The Exurban and Rural Tiers primarily consist of larger residential lots and require the use of more*
9 *informal design patterns that incorporate reduced impervious areas; preservation of native vegetation,*
10 *lakes and other similar open space areas; and, more naturalistic landscaped areas. Non-residential uses*
11 *shall also provide for the increased use of landscape materials in perimeter buffers, parking areas and*
12 *building foundation plantings; dispersed parking with additional screening from adjacent roadways and*
13 *residential uses; and, compliance with rural architectural design guidelines where applicable.*

14 ~~The Exurban and Rural Tiers consist of larger residential lots, development incorporating rustic~~
15 ~~architecture and building materials, and should emphasize preservation of native vegetation, dispersed~~
16 ~~parking and more naturalistic landscaped areas and informal design patterns. [Portions relocated~~
17 ~~above.]~~

21 **Part 2. ULDC, Table 7.C.3, Minimum Tier Requirements (page 14 of 47), is hereby amended as**
22 **follows:**
23

Reason for amendment: (Zoning/Industry) See White Paper above. Note also, that the requirements of FLUE Policy 4.3-j.2, are addressed by previously established provisions requiring increased landscape planting areas and unimproved pathway surfaces, among others.

Note: Single underlined items were amended previously. See LDRC Exhibit T, Part 3.

Table 7.C.3-4 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
....			
Interior Landscaping ^{6L}			
<u>Pervious Surface Area (Overall Lot)</u>	<u>30 percent</u>	<u>40 percent</u>	<u>50 percent</u>
....			
....			
[Ord. 2005-002] [Ord. 2006-004]			
Notes			
....			

25
26
27 **Part 3. ULDC Art. 4.B.1.A.121.b, Commercial Greenhouse (page 85-86 of 155), is hereby**
28 **amended as follows:**
29

Reason for amendment: (Zoning) Deviation of up to 80 percent pervious no longer required due to deletion of minimum pervious surface area requirement from Table 3.C.1, Minimum Tier Requirements.

Notes:

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~~Double crossed-out~~ indicates language proposed to be deleted in addition to previous 2009-01 LDRAB packets.
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EXHIBIT F

ARTICLE 7 - LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 7/8/09)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 121. Shade House

5
6 b. Commercial Greenhouse

7 Commercial greenhouses having roofs and walls made of rolled plastic or other similar
8 materials, used for the indoor cultivation of plants, including hydroponic farming using
9 water containing dissolved inorganic nutrients, may be permitted in the AGR districts,
10 subject to the following: [Ord. 2006-004]

11
12 ~~9) Pervious Surface Area~~

13 ~~An exception to the requirements of Table 7.C.2-1, Minimum Tier Requirements may~~
14 ~~be made for Commercial Greenhouses to allow for an increase in impervious surface~~
15 ~~area up to 80 percent, provided all applicable agencies responsible for reviewing for~~
16 ~~adequate drainage, review and approve the application for compliance prior to DRO~~
17 ~~certification or issuance of a building permit. [Ord. 2006-004]~~

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Notes:

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EXHIBIT G

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/01/09)

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Part 1. ULDC, Art. 12.M.3.B.5, Reports (page 40 of 62), is hereby amended as follows:

Reason for amendment: [BCC] Amend to delete the requirement for the submittal of annual reports to the BCC from appointed boards. Staff followed up on the request by memo to the BCC dated 9/5/08 confirming their support to eliminate the requirement for certain annual reports.

CHAPTER M Five-Year Road Program

Section 3 Monitoring of County’s Adherence to and Implementation of the Adopted Five-Year Road Program

B. Independent Five-Year Road Program Oversight and Advisory Council

5. Reports

b. The Oversight and Advisory Council shall meet at least quarterly ~~and shall submit an annual report by January 31 of each year to the BCC detailing its findings on PBCs implementation of the adopted Five-Year Road Program, the general effectiveness of PBCs road building efforts, and to conduct~~ the ~~other~~ tasks contained in Article 12.M.3.B.3, Activities. The Oversight and Advisory Council may submit ~~other~~ reports to the BCC regarding actual as opposed to planned performance and shall respond to other requests from the BCC.

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Notes:
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EXHIBIT H

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

Part 1. ULDC, Art. 17.A.1, Powers and Duties [Related to the BCC] (page 6 of 26), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify the Powers and Duties of the BCC related to the following: amendments to the ULDC; approval of Lifestyle Commercial Centers (LCC); Unique Structures, pursuant to Architectural Guidelines; and approval of deviations from separation requirements for Homeless Resource Centers when located in PO zoned parcels.

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- D. to initiate, hear, consider and approve, approve with conditions, or deny applications for development permits requests to amend the text of this Code;
M. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; and
O. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: Article 4.B.1.A.70-1.a.1) Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; and [Ord. 2007-013]
P. to hear, consider and approve, approve with conditions, or deny application for Unique Structures.

Part 2. ULDC, Art. 17.B.5.E, Annual Report (page 8 of 26), is hereby amended as follows:

Reason for amendment: [BCC] Amend to delete the requirement for the submittal of annual reports to the BCC from appointed boards. Staff followed up on the request by memo to the BCC dated 9/5/08 confirming their support to eliminate the requirement for certain annual reports.

CHAPTER B General Provisions

Section 5 Rules of Procedure

- E.—Annual Report
Each board shall submit an annual report to the BCC. The form, substance and submittal date for the Annual Report shall be established by County Administrator in a Policy and Procedure Memorandum.

Part 3. ULDC, Art.17.C.1.C. & Art.17.C.1.E, Board Membership & Meetings [Related toLDRAB] (page 9 of 26), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify the terms of office for LDRAB by eliminating the requirement for certain members to be appointed for two year terms instead of three, and by relocating language related to subcommittees.

CHAPTER C APPOINTED BODIES

Section 1 Land Development Regulation Advisory Board

- 3.—Initial Terms
a.—Two Year Term
Even numbered organizations in Table 17.C.1.C-1, LDRAB Expertise, and even numbered in BCC districts and two at-large alternate members.
b.—Three Year Term
Odd numbered organizations in Table 17.C.1.C-1, LDRAB Expertise, and odd numbered BCC districts.
c.—Subcommittees

Notes:

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EXHIBIT H

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

~~The LDRAB shall determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a public meeting.~~

34. Terms of Office

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires.

E. Meetings

1. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

c. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB public meeting. [Relocated from C.1.C.3.c above]

Part 4. ULDC, Art. 17.C.10., Impact Fee Review Committee [Related to Annual Reports] (page 17 of 26), is hereby amended as follows:

Reason for amendment: [BCC / OFMB] Amend to retain the requirement for the Impact Fee Review Committee (IFRC) to submit annual reports to the BCC.

CHAPTER C APPOINTED BODIES

Section 10 Impact Fee Review Committee

....

F. Annual Report

The IFRC shall submit an annual report to the BCC. The form, substance and submittal date for the report shall be established by the County Administrator in a Policy and Procedure Memorandum.

Part 5. ULDC, Art. 17.C.13.B, Powers and Duties [Related to the Zoning Commission] (pages 19-20 of 26), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to: eliminate redundant language; clarify powers and duties related to the rezoning process; require two of the nine Zoning Commission members to be architects registered in the State of Florida appointed by the American Institute of Architects; and to grant the ZC the authority to hear appeals related to green architecture.

CHAPTER C APPOINTED BODIES

Section 13 Zoning Commission

B. Powers and Duties

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

~~1. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the text of this Code;~~

1.2. to initiate, review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications ~~for development orders~~ to amend the Official Zoning Map;

2.3. to review, hear, consider, and make recommendations to the BCC to approve, approve with conditions, or deny applications for development orders pursuant to Art. 2.A.1.D.b, Zoning Commission for planned developments and traditional developments;

~~3.4.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses and Type II variance applications. **[Ord. 2006-036]**

~~5. to review, hear, consider, and approve, approve with conditions, or deny applications for development permits for Class B conditional uses;~~

4.6. to make its special knowledge and expertise available upon request of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal government;

Notes:

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EXHIBIT H

ARTICLE 17 – DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

~~5.7.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
~~6.8.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with this Section to govern the ZC's proceedings; [Ord. 2006-036]
~~7.9.~~ to hear appeals of interpretations or determinations of Art. 5, Supplementary Standards, and waive certain requirements made by the Zoning Director [Ord. 2006-036] to consider and render a final decision on appeals of denials of green architecture application.

C. Commission Membership

1. BCC Appointed Members

The ZC shall be composed of ~~nine~~ seven members, to be appointed by the BCC. Each ~~member of the BCC PBC Commissioner~~ shall appoint one member to the ZC. ~~The remaining two members shall be appointed by a majority vote of the BCC. The BCC shall also appoint two alternate members, a first alternate and a second alternate. The alternate members shall be appointed at large by a majority vote of the BCC. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence.~~

a. Qualifications

~~Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.~~

~~1) Consideration shall be given to applicants who have experience or education in planning, law, architecture, landscape architecture, interior design, land planning, natural resource management, real estate, and related fields.~~

~~2) The two members appointed by a majority vote of the BCC shall be architects registered in the State of Florida and shall be nominated by the PBC Chapter of the American Institute of Architects.~~

b. Terms of Office

~~1) Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires.~~

~~2) Whenever a vacancy occurs on the ZC, the full time member's position shall be served by an alternate member until a permanent member can be appointed by the BCC.~~

Part 6. ULDC, Art. 17.C.14.B, Jurisdiction, Authority and Duties [Related to the Zoning Director] (page 25 of 26), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify that the Zoning Director has the authority to grant waivers from certain sections of the ULDC.

CHAPTER C APPOINTED BODIES

Section 14 Zoning Director

B. Jurisdiction, Authority and Duties

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

....

11. to review and approve or deny requests for administrative waivers pursuant to the applicable section(s) of the ULDC.

Notes:

Underlined language indicates proposed new language.

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.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT I

MANATEE PROTECTION PLAN
SUMMARY OF AMENDMENTS
(Updated 07/02/09)

1
2 Part 1. ULDC, Art. 4.B.1.A.82, Marine Facility (page 60 of 155), is hereby amended as follows:
3

4 Reason for amendment: [ERM] Amend to incorporate the Manatee Protection Plan approved by the
5 Board of County Commissioners (BCC) on August 21, 2007, in 2007 in accordance with the Coastal
6 Management Element (CME) Policy 1.1-m of the County Comprehensive Plan.

7
8 CHAPTER B SUPPLEMENTARY USE STANDARDS

9 Section 1 Uses

10 A. Definitions and Supplementary Standards for Specific Uses

11 82. Marine Facility

12 A commercial facility related to boating. Typical uses include boat docks, marinas, boatyards,
13 yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips
14 shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection
15 Plan.

16
17
18 Part 2. ULDC, Art. 5.B.1.A.5.a, Docks (page 12 of 75), is hereby amended as follows:
19

20 Reason for amendment: [ERM] Amend to incorporate the Manatee Protection Plan approved by the
21 Board of County Commissioners (BCC) on August 21, 2007, in 2007 in accordance with the Coastal
22 Management Element (CME) Policy 1.1-m of the County Comprehensive Plan.

23
24 CHAPTER B ACCESSORY AND TEMPORARY USES

25 Section 1 Supplementary Regulations

26 A. Accessory Uses and Structures

27 5. Docks

28 a. Accessory Docks

29 Applicants shall comply with the Boat Facility Siting Plan of the Palm Beach County
30 Manatee Protection Plan. This requirement does not apply to single family docks and
31 only applies to expansion of existing marine facilities or development of new marine
32 facilities with five or more slips. Accessory docks located on the same lot as a residence
33 shall meet a five foot setback from the side property lines. Accessory docks not located
34 on the same lot as a residence shall comply with the following setbacks:

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Notes:

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**EXHIBIT J
RENEWABLE ENERGY
SUMMARY OF AMENDMENTS
(Updated 07/08/09)**

Part 1. ULDC, Art. 1.1.2, Definitions [Related to Electric Power Facilities and Renewable Energy] (pages 51 & 82 of 109), is hereby amended as follows:

Reason for amendment: [BCC] The BCC directed staff to convene an LDRAB Subcommittee and work with interested parties to develop language and amend the ULDC to add provisions that allow renewable energy. The definition for electric power facility has also been clarified to ensure consistency with the Comp Plan. The Planning Division is also making amendments to the Comp Plan to encourage the development of renewable energy facilities. The proposed ULDC amendments are consistent with the Comp Plan changes.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

12. Electric Power Facilities – ~~The principal use of power for electric generation.~~ Any electric generating facility that uses any process or fuel and includes any associated facility that directly supports the operation of the electrical power facility.

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

22. Renewable Energy Facility, Solar– A facility that uses photovoltaic, thermal or other systems with a principal use of producing electrical or thermal power from the sun.

23. Renewable Energy Facility, Wind – A facility that uses wind turbines or other systems with a principal use of producing electrical or mechanical power from the wind.

Part 2. ULDC, Table 3.E.1.B-21, PDD Use Matrix [Related to Renewable Energy] (pages 17 of 155), is hereby amended as follows:

Reason for amendment: [BCC] Amend the PDD Use Matrix to add the two new use types, indicate where they can be located, and the approval process.

Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD							MXPD				PIPD			M	R	N
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	☒	C	☒	C	I	C	I			
E	O	E	I	G	L	H	L	H	R	N	N	☒	H	☒	H	N	O	N	D	P	D	
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Utilities and Excavation Uses																						
....																						
<u>Renewable Energy Facility, Solar</u>		<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>B</u>	<u>B</u>	<u>106-1</u>	
<u>Renewable Energy Facility, Wind</u>		<u>B</u>	<u>B</u>	<u>B</u>		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>		<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>B</u>	<u>B</u>	<u>106-2</u>	
....																						
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

Notes:

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EXHIBIT J
RENEWABLE ENERGY
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

1
2 **Part 5. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses**
3 **[Related to Electric Power Facilities and Renewable Energy] (page 73 of 155), is hereby**
4 **amended as follows:**
5

6 **Reason for amendment:** [BCC/Zoning/Planning] The BCC directed staff to convene an LDRAB
7 Subcommittee and work with interested parties to develop language and amend the ULDC to add
8 provisions that allow renewable energy. The definition for electric power facility has also been clarified to
9 ensure consistency with the Comp Plan.

10
11 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

12 **Section 1 Uses**

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

14
15 **44-1. Electric Power Facility**

16 ~~The principal use of power for electric generation. Any electric generating facility that~~
17 ~~uses any process or fuel and includes any associated facility that directly supports the~~
18 ~~operation of the electrical power facility.~~

19
20 **106-1. Renewable Energy Facility, Solar**

21 A facility that uses photovoltaic, thermal or other systems with a principal use of
22 producing electric or thermal power from the sun.

23 **a. Minimum Lot Size**

24 Lots shall comply with the minimum lot dimension requirements pursuant to Table
25 3.D.1.A-17- Property Development Regulations, or the applicable PDD requirements.

26 **b. Minimum Setback Requirements**

27 Accessory electric poles, distribution and transmission lines shall be exempt from the
28 minimum setback requirements indicated below.

29 **1) Lots 50 acres or greater**

30 Facilities located on lots 50 acres or greater in size shall be setback a minimum
31 of 25 feet from the side and rear property lines. The facility shall comply with the
32 minimum front and side corner setbacks of the applicable zoning district.

33 **2) Lots less than 50 acres**

34 Facilities located on lots less than 50 acres in size shall be setback a minimum of
35 15 feet from the side and rear property lines. The facility shall comply with the
36 minimum front and side corner setbacks of the applicable zoning district.

37 **3) Lots adjacent to existing residential uses**

38 Facilities located on lots adjacent to existing residential uses shall be setback a
39 minimum of 35 feet along the affected property line.

40 **4) Additional setback**

41 One additional foot of setback shall be required in addition to the minimum
42 setback indicated above for each one foot of height, or fraction thereof, over 20
43 feet.

44 **c. Perimeter Buffers and Interior Tree Requirements**

45 **1) A 6 foot high hedge shall be incorporated into the buffer required pursuant to Art.**
46 **7.F., Perimeter Buffer Landscape Requirements. Palms may be substituted for**
47 **50% of the required canopy trees. This buffer may be modified pursuant to Art.**
48 **7.B.3., Alternative Landscape Plan.**

49 **2) These facilities shall be exempt from interior landscape requirements for the**
50 **developable area pursuant to Table 7.C.3-1, Minimum Tier Requirements.**

51 **d. Substation**

52 Substations associated with the facility shall be subject to the requirements of Art.
53 4.1.A.134., Utility Minor.

54 **e. Collocation with Existing Electric Power Facilities**

55 Solar facilities located on a site with an existing electric power facility shall be
56 approved pursuant to the approval process indicated in the appropriate use matrix,
57 and shall not be subject to a legislative development order amendment pursuant to
58 Article 2.B.2.F, Development Order Amendment.

59 **106-2. Renewable Energy Facility, Wind**

60 A facility that uses wind turbines or other systems with a principal use of producing
61 electric or mechanical power from the wind.

62 **a. Minimum Lot Size**

63 Lots shall comply with the minimum lot dimension requirements pursuant to Table
64 3.D.1.A-17- Property Development Regulations, or the applicable PDD requirements.

65 **b. Minimum Setback Requirements**

Notes:

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**EXHIBIT J
RENEWABLE ENERGY
SUMMARY OF AMENDMENTS
(Updated 07/08/09)**

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below.

- 1) All lots
Facilities shall comply with the minimum setback requirements of the applicable zoning district.
- 2) Lots adjacent to existing residential uses
Facilities located on lots adjacent to existing residential uses shall be setback a minimum of 110% of the height of the turbine. The height shall be measured from finished grade to the top of the turbine blade. The setback shall be measured from the residential property line.
- 3) Additional setback
One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet.

c. Perimeter Buffers and Interior Tree Requirements

- 1) A Type I incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential use. In addition, a Type II incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50% of the required canopy trees. These buffers may be modified pursuant to Art. 7.B.3., Alternative Landscape Plan.
- 2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3-1, Minimum Tier Requirements.

d. Substation

Substations associated with the facility shall be subject to the requirements of Art. 4.1.A.134., Utility Minor.

e. Collocation with Existing Electric Power Facilities

Solar facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.F, Development Order Amendment.

Part 6. ULDC, Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements [Related to Electric Power Facilities and Renewable Energy] (page 73 of 155), is hereby amended as follows:

Reason for amendment: [BCC/Zoning/Planning] Amend parking requirements to include renewable facilities. These facilities are unmanned and do not require more than one parking space.

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

Use Type: Utilities and Excavation	Parking ¹	Loading ²
....		
<u>Renewable Energy Facility, Solar</u>	<u>1 space per site: and 1 space per 200 sq. ft. of office space</u>	N/A
<u>Renewable Energy Facility, Wind</u>	<u>1 space per site: and 1 space per 200 sq. ft. of office space</u>	N/A
....		
[Ord. 2005-002]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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Notes:

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EXHIBIT K

HOMELESS RESOURCE CENTERS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

1
2 Part 1. ULDC, Art. 1.I.2.A.24, Homeless Resource Center (page 59 of 109), is hereby amended
3 as follows:
4

5 Reason for amendment: [Community Services] Amend to add a definition for Homeless Resource Centers.

6
7 CHAPTER I DEFINITIONS AND ACRONYMS

8 Section 2 Definitions

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

10 24. Homeless Resource Center - A facility that provides multiple services for the homeless
11 population. Typical services include: counseling, kitchen and dining facilities, medical
12 and dental outpatient facilities, temporary housing, intake, social services, employment
13 services, and administrative offices.
14
15
16

17 Part 2. ULDC, Table 3.E.1.B – PDD Use Matrix (page 76 of 155), is hereby amended as follows:
18

19 Reason for amendment: [Community Services] Amend to grant the BCC authority to approve deviations
20 from separation requirements for Homeless Resource Centers located in the PO Zoning District.

21
22 CHAPTER A GENERAL

23 Section 1 Applicability

24 D. Authority

25 1. Processes

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

28 a. Board of County Commissioners (BCC)

29 The BCC, in accordance with the procedures, standards and limitations of this Article
30 shall consider the following types of development order applications:
31

32

33 8) Waivers; ~~and~~ [Ord. 2008-003]

34 9) Unique Structures- ~~;and~~ [Ord. 2008-003]

35 10) Deviations from separation requirements for Homeless Resource Centers in the PO
36 Zoning District, pursuant to Art.4.B.1.A70-1.
37
38
39
40
41
42
43
44
45

46 This space left blank intentionally.
47

Notes:
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EXHIBIT K

**HOMELESS RESOURCE CENTERS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)**

1
2 **Part 5. ULDC, Table 4.A.3.A-1 – Use Matrix (page 15 of 155), is hereby amended as follows:**

4 **Reason for amendment: [Community Services]** Amend to address the needs of the homeless population
5 and to allow for the siting of homeless resource centers in strategic locations throughout unincorporated Palm Beach
6 County to provide emergency shelter and services for the homeless.

Table 4.A.3.A-1 – Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE			
	Agriculture/Conservation			Residential					Commercial					Industry/ Public						
	P C	A G R	A P	AR		R	R	R	R	C	C	C	C	C	C	I		I	P	I
				R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P	
				S	S					O		O		E				F		
				A	A															
Public and Civic Uses																				
....																				
<u>Homeless Resource Center</u>												<u>B</u>	<u>B</u>	<u>B</u>		<u>D</u>			<u>B</u>	<u>70-1</u>
....																				
[Ord. 2005 – 002] [Ord. 2006-013][Ord. 2008-037]																				
Key:																				
P Permitted by right																				
D Permitted subject to approval by the DRO																				
S Permitted in the district only if approved by Special Permit																				
B Permitted in the district only if approved by the Zoning Commission (ZC)																				
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																				

8
9
10 **Part 6. ULDC, Art.4.B.1.A.63, Government Services is hereby amended as follows:**

12 **Reason for amendment: [Community Services]** Amend to address the needs of the homeless population
13 and to allow for the siting of homeless resource centers in strategic locations throughout unincorporated Palm Beach
14 County to provide emergency shelter and services for the homeless.

16 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

17 **Section 1 Uses**

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

19 **63. Government Services**

20 Buildings or facilities owned or operated by a government entity and providing services for
21 the public, excluding utility and recreational services. Typical uses include administrative
22 offices for government agencies, public libraries, police, and fire stations, and homeless
23 resource centers.

24

25 **d. Homeless Resource Centers**

26 These facilities shall comply with the supplementary standards indicated in Note 70-1 of
27 this Chapter, Homeless Resource Center.

30 **Part 7. ULDC, Art.4.B.1.A, Supplementary Use Standards is hereby amended as follows:**

32 **Reason for amendment: [Community Services]** Amend to address the needs of the homeless population
33 and to allow for the siting of homeless resource centers in strategic locations throughout unincorporated Palm Beach
34 County to provide emergency shelter and services for the homeless.

36 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

37 **Section 1 Uses**

Notes:

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EXHIBIT K

HOMELESS RESOURCE CENTERS
SUMMARY OF AMENDMENTS
(Updated 07/08/09)

A. Definitions and Supplementary Standards for Specific Uses

70-1. Homeless Resource Center

A facility 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.

a. 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.

1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type II variance relief 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.

2) A Homeless Resource Center (HRC) shall not be located within a 1,200 foot radius of another HRC.

3) The applicant shall obtain certification from Palm Beach County Fire Rescue that a full service fire rescue facility is available to serve the proposed facility. Certification shall be provided prior to issuance of the development permit.

b. Facility Use

A minimum of 25% of the GFA shall be reserved for accessory service delivery other than temporary housing.

c. Subsequent Development with Locational Standards

The subsequent approval of a development order for a residential district shall not change the status of the HRC to a nonconforming use.

Part 8. ULDC, Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 7 of 37), is hereby amended as follows:

Reason for amendment: [Community Services] Amend to add parking requirements for homeless resource centers.

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

Use Type: Public/Civic	Parking ¹	Loading ²
....		
Homeless Resource Centers	1 space per 200 sq. ft. of accessory service delivery areas	E
....		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES SUMMARY OF AMENDMENTS

(Updated 7/08/09)

ARCHITECTURAL GUIDELINES AMENDMENTS – WHITE PAPER

INTRODUCTION: To address recommendations from the Palm Beach County Chapter of American Institute of Architects (AIA PB) regarding amendments to the Article 5.C Architecture of the Unified Land Development Code (ULDC). The purpose of the architectural code amendments is to address issues put forth by the AIA PB regarding the architectural code requirements and the architectural review process.

BACKGROUND AND SUMMARY: In 2000, the Palm Beach County Zoning Division was directed by the Board of County Commissioners (BCC) to establish a Task Team made up of industry representatives and staff that would be responsible for establishing an architectural ordinance for the ULDC. The ordinance would entail (3) three main functions: Process, Application, and Design Standards. In August 2001, the BCC adopted the architectural ordinance, established by the Task Team, which became effective October 2nd 2001. Further regulations were added to the ULDC in 2006 that provided additional requirements for Big Box stores. The overall architectural guidelines provide a large degree of flexibility by allowing the applicant to submit architectural elevations through any of the following processes: BCC, Zoning Commission (ZC), Final Development Review Officer (DRO), or building permit submittal (Site Plan Approval). Overall, the flexibility in the process has been quite successful and beneficial for both the applicants and staff.

On September 18, 2008, the BCC received a letter from the Palm Beach County Chapter of the American Institute of Architects (AIA PB) proposing suggestions on possible amendments to the architectural section of the ULDC. These recommendations are aimed at facilitating and enhancing the current architectural regulations.

The issues put forth by the AIA PB:

- *Current architectural regulations do not accomplish the original intent of the adopted guidelines to combat Big Box stores*
- *Lack of staff being Registered Architects*
- *Review time*
- *Suggestion of allowing architecture to be reviewed by adjacent municipalities for approval*

On November 3, 2008, Barbara Alterman, the Executive Director for Planning, Zoning, and Building responded to the AIA PB's letter concerning the current architectural regulations and offered staff's position regarding the issues put forth by AIA PB. Staff offered to meet with the AIA PB to discuss suggestions on amending the architectural code.

On December 4, 2008, staff was instructed by the BCC to establish a workshop with staff and AIA PB members as a measure to improve certain aspects of the architectural code.

On January 14, 2009, staff met with AIA PB representatives: Robert Currie, Richard J. Logan, and Mark Beatty to discuss recommendations and potential amendments to the architectural section of the ULDC.

PROPOSED ARCHITECTURAL CODE AMENDMENTS:

- *Identify Architectural Styles* - list various architectural styles and certain common elements associated with those styles.
- *Deviations* - to allow for deviations/variances for architecture. Deviations will permit more flexibility and will allow architects to engage in a higher level of creative design.
- *Unique Structures* - Involve architects in establishing a new definition for "unique structure" and include standards that help classify a unique structure.
- *Involvement of Local Architects in the Review Process* - a proposal to have local architects review certain types of projects. i.e. deviations, variances, unique structures.

Architectural amendments that will be processed in 2009 will address the four main elements listed above. The Land Development Review Committee will convene to discuss further amendments to the architectural guidelines of the ULDC.

RECOMMENDATIONS:

- *Threshold* - review existing types of developments subject to Architectural Review, expand exemptions to include all residential (except WFH), industrial, and agricultural, not adjacent to residential or visible from a street.
- *Expanded exemptions* - specify what non residential projects subject to BCC, DRO, and ZC are required to comply with architectural guidelines.

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES SUMMARY OF AMENDMENTS

(Updated 7/08/09)

- 1 • *Process* - defines deviation/variance and unique structure process.
- 2 • *Standards* - refine existing standards to be more descriptive and allow a greater degree of
- 3 flexibility.
- 4 • *Relocation* - The relocating of non architecture provisions to other Articles of the ULDC i.e.,
- 5 mechanical equipment, pedestrian amenities, and walkways.
- 6 • *Architectural Styles* - Define various architectural styles and list elements (i.e., roof, façade,
- 7 etc) associated with each style.
- 8 • *Peer Review* - Delete the Peer Review process and allow provisions for variances,
- 9 deviations, and unique projects, which would essentially serve as a similar function to the
- 10 Peer Review process. The Peer Review process has not been widely used throughout the
- 11 architecture community.
- 12

13 The BCC provided instruction to establish an Architecture Advisory Board or add architects to the
14 Zoning Commission to help review and make final determinations on unique structures and
15 architectural variances.

16
17 **LDRAB SUBCOMMITTEE MEETINGS:** An LDRAB Architectural Subcommittee was established to consider
18 recommendations from industry and staff on amending certain provisions of the architecture code.
19 The objectives of the Subcommittee were:

- 20
- 21 1) Define Architectural Compatibility
- 22 2) Clarify the Unique Structure process
- 23 3) Establish process for Variances
- 24 4) Establish Green Building provisions
- 25 5) Amend Zoning Commission membership to include 2 regular Registered Architects
- 26 starting in February 2010
- 27 6) Reference 5 style sheets for typical Florida architectural styles
- 28

29 The Architecture Subcommittee meeting first convened on April 14, 2009 and continued to the final
30 meeting which concluded on June 16, 2009. During these meetings, numerous recommendations
31 were thoroughly discussed and evaluated as a measure to enhance the ULDC's architectural
32 regulations and to allow a greater degree of flexibility with regards to the review process and
33 architects overall level of creativity. There were lengthy discussions on defining architectural
34 compatibility where input from staff and industry members helped create a more objective and
35 thorough definition. The definition was expanded upon by adding additional elements to the definition
36 to gauge the level of architectural compatibility in context with the surrounding area.

37
38 The Architectural Subcommittee meetings were effective in reaching consensus with industry
39 recommendations on amending and enhancing certain aspects of the architecture code as well as
40 incorporating environmental design concepts into ULDC. The new architectural amendments
41 eliminated the threshold requirements of multi-family buildings with more than 16 units that were
42 subject to architectural review and made only certain residential projects: Workforce Housing (WFH),
43 Transfer of Development Rights (TDRs), and Congregate Living Facilities (CLFs) subject to the
44 architectural guidelines. Certain language in Article 5.C which was not entirely architecture related
45 was relocated to a more applicable section of the ULDC. The Peer Review Process was also
46 eliminated due to the process not being widely used by applicants.

47
48 Another major topic of discussion was the necessity of creating a strong definition and standards for
49 Unique Structures. The new definition of Unique Structure and the corresponding standards help
50 differentiate whether a structure is unique or not. Previously any project deviating from the
51 architecture code was considered a Unique Structure. The Subcommittee members worked to create
52 a process that would allow deviations from architectural guidelines, but not fall under the classification
53 of Unique Structure. A Type II variance would now allow certain deviations from architectural
54 provisions.

55
56 Green Architecture was another new definition that was incorporated into the code. Under this
57 definition Green Architecture would only apply to the exterior of the building in which the focus would
58 mainly pertain to the façade, roofline, exterior treatment, and fenestration. A point system was
59 established for Nonresidential Design Elements and Green Architecture. The point system is
60 designed to encourage greater use of Green Architecture throughout Palm Beach County by giving
61 applicants the ability to obtain points through methods and techniques of Green Architecture. If the
62 applicant has obtained enough points, the Zoning Director can grant waivers from specific
63 architectural requirements. The industry members of the Architectural Subcommittee provided great
64 insight on utilizing various environmentally conscious design methods and sustainable strategies of
65 architecture.

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS

(Updated 7/08/09)

The Zoning Commission membership has been amended to now include two registered architects from the Institute of Architects (AIA). The two members will be able to provide expertise and guidance with architectural projects and assist in making final determinations. The two architects will be added to the Zoning Commission in February 2010.

The members also worked on adding additional design elements to the existing Architectural Style Sheets as well as identifying two new styles: Art Deco and Green Buildings that could be included in the architectural styles sheets. The Architectural Style Sheets are helpful for applicants in the review process by providing a verbal and visual illustration of a defined architectural style and the various elements associated with that particular style.

MOTION FROM SUBCOMMITTEE: A motion was made on the June 16th 2009 meeting to recommend the proposed amendments to LDRAB for review. Staff indicated they would continue to work on the Green Building point system with input from interested Subcommittee members prior to finishing the amendments.

SUBCOMMITTEE MEMBERS:

- LDRAB** – Jose Jaramillo, Ron Last
- Industry** – Robert Currie, Mark Beatty, Jess Sowards,
- Staff** – Jon MacGillis, Jan Wiegand, Timothy Sanford

Part 1. ULDC, Art. 1.1.2, Definitions [Related to Architect] (page 34 of 109), is hereby amended as follows:

Reason for amendment: [Zoning and Industry] Amend to list all architectural definitions in one location and add new architectural definitions for Architectural Compatibility and Unique Structure.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

-
- 83. **Architectural Terms – for the purposes of Art. 5.C.**
 - ~~83-a.~~ **Architect** - a person licensed to engage in the practice of architecture under F.S. Chapter 481, Part I, and includes the term "registered architect."
 - b. Architectural Compatibility** - similar architectural composition that is agreeable, consistent, complimentary, and provides a degree of architectural integration with the structures in the surrounding area. Particular attention should be given to scale, proportion, unity, harmony, and context.
 - ~~84c.~~ **Architectural Composition** - ~~for the purposes of Art. 5,~~ the scale, height, mass, proportion, color, form, style, detail, treatment, texture, construction material, and roof design of a project or building.
 - d. Architectural Style Sheets** – examples of various architectural elements and components that define a particular character, style, or classification of architecture.
 - e. Balance** - the pleasing or harmonious arrangement or proportion of parts or elements in a design or composition.
 - f. Green Architecture** - a building designed to limit its environmental impact through environmentally conscious methods of design and construction. The focus shall pertain to the exterior of the building i.e. façade, roofline, exterior treatment, fenestration.
 - g. Harmony** - the orderly or congruent arrangement of elements or parts of a whole.
 - h. Order** - the condition of logical, harmonious, or comprehensible arrangement in which each element of a group is properly disposed with reference to other elements and to its purpose.
 - i. Proportion** - the comparative, proper, or harmonious relation of one part to another or to the whole with respect to magnitude, quantity, or degree.
 - j. Rhythm** - movement characterized by a patterned repetition or alternative of formal elements or not if it is in the same or a modified form.
 - k. Scale** - certain proportion to size, extent, or degree usually judged in relation to some standard or point of reference.
 - l. Style** - key elements associated with the style of a building.
 - m. Unique Structure** – a structure that is unusual, unequal, rare, or has distinct characteristics in relation to the architectural compatibility of a defined area. Scale, proportion, unity, and harmony shall be considered for unique structure classification.
 - n. Unity** - the state or quality of being combined into one that promotes a singleness effect.

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

8584. **Architectural Features** - for the purposes of Art. 9, architectural features include the architectural style, scale, massing sitting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, type and texture of building material, public access open courtyards, windows, doors, and appurtenances. These features will include interior spaces where the interior has been given historic designation under the procedures listed in Art. 9.B.3.A, Application for Historic Site or District Designation.

[Renumber accordingly]

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

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

Part 2. **ULDC, Art. 2.B.2, Conditional Uses and Development Order Amendments (page 16-17 of 53), is hereby amended as follows:**

Reason for amendment: [Zoning] Amend Public Hearing Procedures to add Unique Structure and relocate standards from review of Article 5.C.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 2 Conditional Uses, Requested Uses, ~~and~~ Development Order Amendments, and Unique Structures

B. Standards for Conditional Uses, Requested Uses and Development Order Amendments

C. Standards for Unique Structure

In order to be considered a Unique Structure, the BCC and ZC shall consider and find that all five standards listed below have been satisfied by the applicant prior to making a motion or decision for approval of a Unique Structure. A request for a unique structure which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1a. Consistency with the Plan

The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities. [Relocated from Art. 5.C.1.E.2. Unique Structure]

2b. Complies with Other Standards of Code

The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. [Relocated from Art. 5.C.1.E.2. Unique Structure]

3e. Architectural Compatibility

The proposed architectural composition is ~~compatible~~ consistent with the Architectural Style, (see Technical Manual for examples) ~~as defined in this Code and generally consistent with the: uses, scale, proportion, unity, harmony and context character of the land architecture in the surrounding and in the vicinity of the land proposed for development area.~~ [Relocated from Art. 5.C.1.E.2, Unique Structure]

4d. Design Minimizes Environmental Impact

The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. [Relocated from Art. 5.C.1.E.2. Unique Structure]

5e. Circumstances

Whether and to what extent it can be demonstrated that there are any circumstances that ~~warrant a deviation~~ support the designation. [Relocated from Art. 5.C.1.E.2. Unique Structure]

[Renumber accordingly.]

Part 3. **ULDC, Art. 2.B.3.A, Type II Variance[Related to Type II Variance] (page 18 of 53), is hereby amended as follows:**

Notes:

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) or [Renumber Accordingly] indicates unchanged code text/figures omitted to save space.

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

Reason for amendment: [Zoning] 1) Provisions from paragraph below changed to a bullet style format; and 2) amend to allow a variance from Article 5.C, Design Standards.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 3 Type II Variance

A. Purpose

To allow a deviation from certain standards of this Code when special circumstances or conditions peculiar to the property exist and the literal enforcement of this Code would result in undue and unnecessary hardship. A Type II variance is required when deviations are requested for:

- 1. any project that is subject to BCC or ZC approval;
- 2. any project requesting ~~5~~ five or more variances;
- 3. variances from 5.C. Architecture, with the exception of Design Elements Subject to ZC or BCC Approval, Rural Design Elements or Large Scale Commercial Development;
- 4. any variance request greater than 15 percent of a required standard; and
- 5. any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance. [Ord. 2006-036]

Part 4. ULDC, Art. 3.E.1.C.1, Design Objectives (page 80 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to relocate requirement for pedestrian amenities found in Art. 5.C.1.H.1.g. Pedestrian Amenities to Art. 3.E.1.C.1, Design Objectives to PDDs where more appropriate for applicability.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

C. Objectives and Standards

1. Design Objectives

....

h. For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

[Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]

- 1) *public art;* [Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]
- 2) *clock tower;* [Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]
- 3) *water feature/fountain;* [Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]
- 4) *outdoor patio, courtyard or plaza; and* [Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]
- 5) *tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture.* [Relocated from Art. 5.C.1.H.1.g, Pedestrian Amenities]

Part 5. ULDC, Art.5.C.1, Architectural Guidelines [Related to Threshold and Exemptions] (page 28 of 75), is hereby amended as follows:

Reason for amendment: [Zoning and Industry] 1) Amend multi-family threshold requirement to delete 16 units and to have regulations apply for the following residential Workforce Housing, Transfer Development Rights and Congregate Living Facilities; 2) expand exemption to include recreation buildings for standard zoned subdivisions; 3) clarify review process; and 4) add new standards and review process for Green Architecture.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

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

1. General

....

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

- c. Multi-family buildings ~~with more than 16 units~~ for Workforce Housing (WFH); Transfer Development Rights (TDR'S); and, Congregate Living Facilities (CLF's); [Ord. 2006-036]

C. Exemptions

- 3. Recreational buildings and accessory structures within a PUD or a standard zoning district.

Reason for amendment: [Zoning] Amend to add reference to Unique Structure and Type II Variance process and change Methods of Architecture Review to Types to be consistent with Rules of Construction of the ULDC.

E. Review Process

PZB shall review all applicable buildings for compliance with this Chapter during the building permit or zoning review process, and provide a written determination of compliance with the requirements of this Chapter. An application submitted for any type of review process listed below may apply for Unique Structure designation or Type II Variance, pursuant to Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments and Unique Structures:

1. **Methods Types of Review**

An applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005 – 002]

- a. **Method Type I - Projects Requiring BCC Approval**
- b. **Method Type II - Projects Requiring ZC Approval**
- c. **Method Type III - Projects Requiring DRO or Site Plan Approval**
- d. **Method Type IV - Projects Requiring Building Permit Approval**

2. **Unique Structure**

~~Deviation from any requirement in this Chapter may be approved by the ZC or BCC. Deviations for projects or buildings only requiring DRO approval or a building permit may be granted by the ZC. The ZC and BCC shall consider the following standards when considering the architectural composition of a unique project or building. Failure to comply with any of the following standards shall be deemed adverse to the public interest:~~

Reason for amendment: [Zoning] Amend to establish Unique Structure and Green Architecture process.

a. **Purpose and Intent**

To recognize structures that comply with the definition in Art. 1, Unique Structure, that by the nature of their: scale, massing, proportion, rhythm, style, harmony, order, balance, etc, warrant a special designation. PBC has diverse architectural styles in the various Tiers that are reflective of the historical evolution of the community. The architecture guidelines were established to preserve and enhance those communities through common building design elements. The allowance for unique structures will continue to foster preservation of key design elements while recognizing new and creative design and materials. An applicant may apply for Unique Structure designation pursuant to Art. 2.B.2, for any of the types of review outlined in Art. 5.C.1.E. A Unique Structure designation will require the applicant to clearly demonstrate that by complying with the standard architectural guidelines in Section 5.C.1.H, Guidelines, the overall design would be compromised. A structure classified as unique does not have to apply for variances, but shall comply with the standards in Art. 2.B.2.C. The Unique Structure process should not be requested if the applicant can seek variances for minor code deviations as provided for in Art. 2.B.2.

b. **Applicability**

An applicant seeking a Unique Structure designation shall submit the request on forms specified by the PBC official responsible for reviewing the application, pursuant to Art. 5.C.1.F, Application Requirements.

c. **Review Process**

The Unique Structure shall be reviewed pursuant to Section 5.C.1.E, Review Process and Art. 2.B.2.C, Standards for Unique Structure. Staff shall review the request and prepare a Staff Report for approval, approval with conditions or denial to the Zoning Commission. The Zoning Commission will make a finding and recommendation to the BCC that the request is consistent with the required standards of Art. 2.B.2.C. The BCC shall make the final decision to approve, approve with conditions or deny the designation of Unique Structure.

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

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- ~~a. Consistency with the Plan~~
The proposed architectural composition is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities. **[Relocated to Art. 2.B.2.C. Standards for Unique Structure]**
- ~~b. Complies with Other Standards of Code~~
The proposed architectural composition complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics. **[Relocated to Art. 2.B.2.C, Standards for Unique Structure]**
- ~~c. Compatibility~~
The proposed architectural composition is compatible as defined in this Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. **[Relocated to Art. 2.B.2.C, Standards for Unique Structure]**
- ~~d. Design Minimizes Environmental Impact~~
The proposed architectural composition minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. **[Relocated to Art. 2.B.2.C, Standards for Unique Structure]**
- ~~e. Circumstances~~
Whether and to what extent it can be demonstrated that there are any circumstances that warrant a deviation. **[Relocated to Art. 2.B.2.C. Standards for Unique Structure]**

3. Peer Review Green Architecture
 The applicant may select an architect licensed in the State of Florida to certify to PZB that the proposed project or building is in compliance with this Chapter. PZB shall provide a Peer Review Certification Form (PRCF) for this purpose. Certification shall substitute for a staff determination of consistency with this Chapter.

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

b. Applicability
 An applicant proposing to utilize the Green Building Architecture waiver provisions for the construction of new or structurally renovated buildings shall be required to comply with the following:

- 1) Submit an application as required in Section 5.C.1.F, Application Requirements
- 2) Comply with the review process outlined below in Section 5.C.1.E.3.c,
- 3) Comply with the requirements outlined in Table 5.C.1.E-1, Green Architecture Designation Rating Program.

c. Review Process
 The Green Architecture designation application shall be reviewed and approved, approved with conditions, or denied in conjunction with one of the review processes outlined in Art. 5.C.1.E, Review Process. If the application is denied the applicant can appeal the decision to the Zoning Commission with within 30 days of the decision date on a form prepared by the Zoning Director. The registered architect shall complete the required Zoning application, which will require compliance with the Green Architecture Designation Rating Program, Table 5.C.1.E.

1) Calculating Points
 The registered architect shall be responsible for calculating the total points obtained for requirements listed in Table 5.C.1.E-1. Any requirement that does not have specific qualitative and or quantitative measurements the registered architect shall refer to the USGBC Green Building Council rating system to determine acceptable national measurements. In order for the Zoning Director to grant the Green Architecture designation, the applicant shall obtain a minimum of 30 out of a total of 50 points from Table 5.C.1.E-1. The applicant may choose one or any combination of these categories to achieve the minimum 30 point requirement. If a minimum of 30 points cannot be achieved, then the architecture shall comply with Art. 5.C.1.H. The registered architect of the building shall be required to monitor the building construction until final Certificate of Occupancy to ensure compliance with the Green Architecture approval.

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

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Table 5.C.1.E-1 – Green Architecture Designation Rating Program

Requirements	Allocated Points	Total Points
Roof Configuration		12
<ul style="list-style-type: none"> Flat planted green roof for cooling and storm water management on a minimum of 50% of the roof area 30% of the gross area of the roof surface is planted with vegetative plants Roof that incorporates clear story glazing, solar tubes and or light wells Roof that incorporates energy strategies (photovoltaic solar panels, solar thermal panels for hot water) and specific slopes related to the suns solar path thru the sky Roof that incorporates thermal chimneys as passive cooling devices Roof that is designed to harvest rain water for non potable uses Roof materials that are highly reflective (light colored standing seam metal; white single membrane for flat roofs and green planted roofs) Roof materials that have a Solar Reflectance Index of 78 for low-sloped roof and 29 for steep-sloped roof for a minimum of 75% of the roof surface (refer to the USGBC for roof type, slope and reflectance/emittance information) 	<p>2</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>2</p> <p>2</p>	
Facade, Exterior Treatment, Fenestration Details, Entries and Color		33
<p>Facade</p> <ul style="list-style-type: none"> The building exterior design treatments vary based on the orientation related to the sun (south facade might have an expanse of glazing and shading devices and light shelves; east and west facade have a limited surface area with a small amount of glazing area; north facade opens to allow the cool north daylight to enter the facility) Building form takes on natural shapes that relate to the solar system 	<p>5</p> <p>5</p>	
<p>Exterior Treatment</p> <ul style="list-style-type: none"> The building shape, form and orientation take advantage of the suns path across the sky (innovative building forms inspired by nature, building forms are shaped to harvest daylight, building forms are shaped to harvest solar energy from photovoltaic panels for the generation of electric and heat energy for solar water systems) The following typical architectural features or details such as: windows, awnings, covered arcades, sills, shutters, relief's trims, columns, pilasters, quoins, reveals, cornices, horizontal banding, arches, decorative vents, and/or accent tile, shall be integrated into the facade to avoid blank walls. 	<p>5</p> <p>N/A</p>	
<p>Fenestration Details</p> <ul style="list-style-type: none"> Achieve a minimum glazing factor of 2% in a minimum of 75% of all regularly occupied areas The building has an expanse of glazing and permanent shading devices and light shelves to harvest daylight The use of high performance glazing and/or automatic photocell-based controls 	<p>4</p> <p>4</p> <p>4</p>	
<p>Entries</p> <ul style="list-style-type: none"> All public entries are easily identifiable and integrated into the building architecture Each freestanding principal structure does have a minimum of one clearly defined primary public entrance feature and does incorporate a minimum of one primary entry feature design element such as: canopies, porte-cochere, or porticos; wall recess or projection a minimum of 12 inches in depth; covered arcades, a minimum of eight feet clear in width; peaked roof forms; arches, columns or pilasters A minimum of one secondary decorative treatment has been provided such as: overhangs, cornices, and eaves; decorative moldings or trims around windows and doors; covered public outdoor patio or plaza incorporated with entry area which are not part of a tenant space; special pavers, bricks, decorative concrete, or other similar pavement treatment; architectural details, such as tile work or moldings. 	<p>N/A</p> <p>N/A</p> <p>N/A</p>	
<p>Color</p> <ul style="list-style-type: none"> Specialty coatings such as: radiation control and anti-corrosive paint The use of light colored reflective paint 	<p>3</p> <p>3</p>	
Recycled Materials		5
<ul style="list-style-type: none"> Minimum of 50% of non-hazardous building construction materials, components and demolition debris is reused, recycled or salvaged Minimum of 5% of the sum, based on cost of the total value of building materials with recycled content are used and permanently installed. Mechanical, electrical and plumbing components and specialty items such as elevators and equipment shall not be included 	<p>2.5</p> <p>2.5</p>	
<p>Key: N/A No points are allocated for these requirements. If the registered architect can demonstrate these Code requirements, if applied would conflict with Green Architecture, waivers may be granted.</p>		

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Reason for amendment: [Zoning] Amend to allow DRO to review amendments to architectural elevations reviewed by ZC and BCC.

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

4. **Administrative ~~Changes~~ Amendments by DRO**

Minor ~~changes~~ amendments to BCC or ZC approved architectural elevations pursuant to Review Types I and II may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following:

....

Part 6 **ULDC, Art.5.C.1.F, Application Contents [Related to Architectural Guidelines] (page 30 of 75), is hereby amended as follows:**

Reason for amendment: [Zoning and Industry] Amend language to reference application for Architecture, Unique Structure and Green Architecture. Application contents will be located in the application, not the ULDC.

F. **Application ~~Contents~~ Requirements**

The application form and requirements for Architecture Review, including Unique Structure and Green Architecture shall be submitted on forms specified by the PBC official responsible for reviewing the application. All application documents shall be consistent with the Technical Manual. Applicable PZB applications shall be supplemented with the following requirements:

- ~~1. color elevations, including all architectural features and building height;~~
- ~~2. screening for mechanical, air conditioning, electrical, and satellite dish equipment;~~
- ~~3. architectural finishes (e.g. manufacturer or material specifications for roof, color chips or paint samples, etc.);~~
- ~~4. types of building materials;~~
- ~~5. roof types, pitch, and material;~~
- ~~6. details of all public entries;~~
- ~~7. screening of loading bays, garage doors, overhead doors, outdoor storage, dumpster, garbage disposal, and recycling areas;~~
- ~~8. detail and orientation of all facade-mounted and site lighting fixtures;~~
- ~~9. structural/architectural focal point details (e.g. fountains, gazebos, porte-cochere, etc.); and~~
- ~~10. details of all sign types, including color elevations, architectural finishes, building material, illumination tint, letter size, letter height, logos, amplification, address, and sign area calculations~~

Part 7. **ULDC, Art. 5.C.1.H.1, Nonresidential Design Elements [Related to architectural composition and treatment] (page 33 of 75), is hereby amended as follows:**

Reason for amendment: [Zoning and Industry] Clarify application of Code requirements.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

....

a. General

- 1) Similar architectural composition and treatment shall be provided on all sides of each building contiguous to or visible from a public street or residential zoning district.

....

~~dc.~~ **Facade**

[ReNUMBER accordingly.]

Reason for amendment: [Zoning] Clarify application of Code requirement applicable to color.

~~fe.~~ **Color**

Color shall be ~~used~~ considered to achieve architectural compatibility with architecture in the surrounding area and to complement ~~the project~~ structures within a development.

Reason for amendment: [Zoning] Relocate provisions to other appropriate Articles; Article 3, Overlays and Zoning Districts, PDD Section and Article 6, Parking.

g. Pedestrian Amenities

Notes:

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EXHIBIT L

ARCHITECTURAL GUIDELINES
SUMMARY OF AMENDMENTS
(Updated 7/08/09)

~~For PDD only, a minimum of one pedestrian amenity for each 100,000 square feet of GFA or fraction thereof shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:~~
1) public art;
2) clock tower;
3) water feature/fountain;
4) outdoor patio, courtyard or plaza; and
5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e. restaurant) or outdoor furniture. [Relocated to Art. 3.E.1.C.1.Design Objectives]

h. Walkways

~~A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following: [Relocated to Art. 6.A.1.D.14.b.2 Pedestrian Circulation]~~

- ~~1) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees; [Relocated to Art. 6.A.1.D.14.b.2 Pedestrian Circulation]~~
- ~~2) one bench every 200 feet between the public sidewalk and building; and [Relocated to Art. 6.A.1.D.14.b.2 Pedestrian Circulation]~~
- ~~3) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment. [Relocated to Art. 6.A.1.D.14.b.2 Pedestrian Circulation]~~

[Renumber accordingly.]

Part 8. ULDC, Art. 5.C.1.H.2, Multi-Family Design Elements (page 36 of 75), is hereby amended as follows:

Reason for amendment: [Zoning] Revise exemptions for residential projects to comply with BCC Architecture Workshop directive given on March 30, 2009.

2. Multi-Family Design Elements

In addition to the guidelines for non-residential projects, multi-family projects buildings for Workforce Housing (WFH); Transfer Development Rights (TDR's); and Congregate Living Facilities (CLF's) shall adhere to the following guidelines:

....

Part 9. ULDC, Art. 6.A.1.D.14.b.2) Pedestrian Circulation [Related to design and construction standards for pedestrian circulation] (page 23 of 37), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to relocate pedestrian walkway requirement found in Art. 5.C.1.H.1.h. Walkways to Art. 6.A.1.D.14.b.2) Pedestrian Circulation in parking Code.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

14. Design and Construction Standards

b. Construction

2) Pedestrian Circulation

....

- d) A continuous internal pedestrian walkway shall be provided from each adjacent perimeter public sidewalk to all customer entrances. The design of the walkway shall include all of the following: [Relocated from Art. 5.C.1.H.1.h, Walkways]
 - (1) one native canopy tree for each 25 linear feet with a maximum spacing of 50 feet between trees; [Relocated from Art. 5.C.1.H.1.h, Walkways]
 - (2) one bench every 200 feet between the public sidewalk and building; and [Relocated from Art. 5.C.1.H.1.h, Walkways]
 - (3) walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment. [Relocated from Art. 5.C.1.H.1.h, Walkways]

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Notes:

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Exhibit M

AFFORDABLE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(Updated 06/16/09)

Part 1. ULDC, Art. 1.1.2.A, Definitions (page 29 of 109), is hereby amended as follows:

Reason for amendment: [Planning] Amend to define the Affordable Housing Program.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 DEFINITIONS

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

....
33. Affordable Housing Program – a voluntary program used by an applicant seeking additional density for an affordable housing development.
....

Part 2. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 105 of 109), is hereby amended as follows:

Reason for amendment: [Planning] Amend to add acronym (AHP) for Affordable Housing Program.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

....
AHP Affordable Housing Program
....

Part 3. ULDC, Art. 5.G, Density Bonus Program [Related to Affordable Housing Program] (page 60 of 75), is hereby amended as follows:

Reason for amendment: [Planning] Amend Art. 5.G to add a new section entitled Affordable Housing Program. & [BCC] Amend to delete the requirement for the submittal of annual reports to the BCC. Staff followed up on the request by memo to the BCC dated 9/5/08 confirming their support to eliminate the requirement for certain annual reports.

CHAPTER G DENSITY BONUS PROGRAMS

The WHP or the TDR Program are the required methods for increasing density above the maximum density permitted by a property’s FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments. [Ord. 2008-003]

Section 2 Affordable Housing Program (AHP)

A. Purpose and Intent

The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an AHP. The AHP is a voluntary program used by an applicant seeking additional density for an affordable housing development. An AHP applicant elects to provide at a minimum 65% of the total number of dwelling units targeted to households at incomes of 60% of Area Median Income (AMI) and below. In any proposal a maximum of 20% of all units will target incomes of 30% and below AMI. The program ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable.

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The AHP shall apply to developments with a residential component of 10 or more dwelling units with all units being built on site. This shall include the expansion of existing projects that add 10 or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.2.B-17, Affordable Housing Program.

1. Exemptions

All eCongregate living facilities (CLFs); and, nursing or convalescent facilities.

Notes:

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2. Limitation on Restrictions

AHP units shall not be subject to restrictions beyond income qualifications except those restrictions imposed by a governmental agency providing affordable housing financing.

3. When WHP and AHP Units are Proposed (WHP and AHP Units Proposed by the Applicant)

Consideration may be given to developments requesting both WHP and AHP units within their proposal with the final determination to be made by by the Planning Director or designee.

Table 5.G.2.B-17 - Affordable Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S
	FLU (1)	LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
LR-1 thru LR-3		0 – 30% ³
MR-5 thru HR-18 (2)		0 – 100% ³
Notes:		
1. <u>Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development.</u>		
2. <u>A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.2.E, Additional Requirements for >30% Density Bonus.</u>		
3. <u>Percentages shall be rounded up to the nearest whole number.</u>		
Affordability: A minimum of 65% of all units at 60% of AMI or below and a 20% maximum of all units at 30% and below AMI.		

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C. Design Requirements

1. Design

1. AHP units shall be designed to be compatible with the overall project, as follows:

a.1. All AHP units shall be constructed on site;

b.2. All units shall be designed to a compatible exterior standard as other units within the development or pod; and

c. AHP units may be clustered or dispersed throughout the project.

D. AHP Incentives

All projects with 10 or more residential units shall be eligible for AHP Incentives.

1. Density Bonus

Table 5.G.2.B-17 - Affordable Housing Program, delineates the ranges of density bonus allowed for the AHP by land use category. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or, the maximum density allowed by the Plan, where developed as a PDD, TDD or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the AHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus shall be subject to the requirements of Table 5.G.2.D-18, Review Process, and Art. 5.G.2.E. Additional Requirements for Density Bonus.

Table 5.G.2.D-18 - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use
<u>Standard District >30% - 50%</u>	<u>X</u>		
<u>Standard District >50% - 100%</u>		<u>X</u>	
<u>PDD or TDD >30% 100%</u>			<u>X</u>

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2. Traffic Performance Standards Mitigation

a. AHP Special Methodologies

TPS mitigation shall be permitted for AHP projects in accordance with Art. 12.H.6, Affordable Housing.

b. AHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for an AHP Traffic Concurrency Hall Pass separate from a development order application. The AHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The AHP Traffic Concurrency Hall Pass is described further in Art. 2.F.

3. Expedited Review

The following expedited review processes may apply to a proposed AHP development:

a. Design Review

Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application.

b. Platting

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- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation.
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat.
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.

4. Density Bonus Development Options

a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost effective development of AHP units. These provisions are not intended to supersede deviations that are normally addressed through the variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis.

b. Applicability

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the AHP may utilize the Development Options listed herein.

c. Justification Report

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following:

- 1) The regulations that are proposed to be modified.
- 2) The amounts and specifics of the requested deviation(s).
- 3) The areas within the development that the deviation(s) will be applied to.
- 4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and AHP with emphasis on open space, privacy, maintenance, and public health, safety and welfare.

d. Site Plan Approval

All projects requesting Density Bonus Development Options shall submit an application and site plan to the DRO for certification where applicable, and for final site plan approval for all others. The site plan shall indicate in the tabular data all Development Options requested and where feasible, a regulating plan shall be included to provide typical examples. Approval shall be granted only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing agencies have been met.

e. Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues.

f. Option 1 - AR, and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.

1) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation.

2) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR-2 or LR-3 FLU designation may be in accordance with Table 5.G.1.D-19, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent.

Table 5.G.2.D-19 - RT Deviations for AHP ⁽¹⁾

<u>Zoning District</u>	<u>Applicability</u>	<u>FLU</u>	<u>Lot Dimensions</u>				<u>Setbacks</u>	
			<u>Size</u>	<u>Width and Frontage</u>	<u>Building Coverage</u>	<u>Depth</u>	<u>Side</u>	<u>Rear</u>
<u>RT</u>	<u>Infill, TDR</u>	<u>LR-1</u>	<u>14,000 sf</u>	<u>ND</u>	<u>ND</u>	<u>ND</u>	<u>ND</u>	<u>ND</u>
<u>RT</u>	<u>Infill, TDR, WHP AHP</u>	<u>LR 2</u>	<u>12,000 sf</u>	<u>85'</u>	<u>35%</u>	<u>100'</u>	<u>ND</u>	<u>ND</u>
<u>RT</u>	<u>Infill, TDR, WHP AHP</u>	<u>LR 3</u>	<u>9,000 sf</u>	<u>65'</u>	<u>40%</u>	<u>80'</u>	<u>1st Floor 10'</u>	<u>1st floor – 15'</u>

Notes:
ND No deviation.
1. Eligible projects must qualify for maximum density in accordance with Table 2.-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use.

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- g. Option 2 - TND Regulations**
Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.E-52, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.E.5, Residential Uses and the following limitations:
 - 1) U/S Tier Only;
 - 2) Project does not qualify to be a TND or use Option 1 or 3;
 - 3) If the subject site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD;
- h. Option 3 - Flexible Regulations**
Projects with MR-5, HR-8, HR-12, HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A.-17, Property Development Regulations, or Table 3.D.2.B-19, ZLL Property Development Regulations, as follows:
 - 1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks.
 - 2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDR's: building coverage; and front and side street setbacks.
 - 3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages.
- i. Option 4 - PDD Open Space Reduction**
Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C-27, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1, Usable Open Space for AHP.
- j. Option 5 – Internal Incompatibility Buffers**
Required incompatibility buffers between SFD and MF units within an AHP development shall not be required.
- k. Option 6 – Relocation of Units to Civic Tracts**
Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project:
 - 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; or,
 - 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted.

E. Additional Requirements for Density Bonus

Projects requesting a density bonus shall comply with the following:

1. Sector Analysis

AHP projects shall be equitably distributed so that there is no undue concentration of very-low and low income housing throughout the County. Table 5.G.1.F-20, AHP Density Bonus Guide indicates the Step 1 density bonus permitted. The concentration of very-low and low income housing within a sector will be taken into consideration when determining the Step 1 density bonus permitted. Additional density may be added in accordance with Table 5.G.2.F-20, AHP Density Bonus Multipliers (Step 2). This Step 2 analysis considers the proposed development and its location to neighborhood amenities; a public transit option; employment and shopping opportunities; grocery store (excluding convenience store); public school; medical facilities; social services; and, public recreation facilities. Prior to submittal of an AHP pre-application, the applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted. The boundaries of the sector shall be approved by the Planning Director or designee. The maximum AHP density bonus, total Step 1 plus Step 2, not to exceed a 100% bonus as recommended by the Planning Director or designee.

Table 5.G.2.F-20 - AHP Density Bonus Guide (Step 1)

<u>% of Very Low & Low Income Housing (60% of AMI & below) in Sector</u>	<u>> 40%</u>	<u>40-30%</u>	<u>30-20%</u>	<u>20-0%</u>
<u>Step 1 Density Bonus</u>	<u>up to 30%</u>	<u>up to 50%</u>	<u>up to 80%</u>	<u>up to 100%</u>

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Table 5.G.2.F-21 - AHP Density Bonus Multipliers (Step 2)

<u>Proximity to Proposed Development</u>	<u>Public Transit Option</u>	<u>Employment & Shopping Opportunities</u> <u>150,000 sf. guide</u> <u>(Office, Industrial, Business, Govt., Community/Regional Commercial, Retail Center)</u>	<u>Grocery Store</u> <u>(excluding Convenience Store)</u>	<u>Public School</u> <u>(Elementary, Middle, High School or Community College)</u>	<u>Medical Facilities</u> <u>(Hospital, Health Care, Urgent Care, Medical Offices)</u>	<u>Social Services</u> <u>(Daycare, Full-Service Community Centers, Public Library)</u>	<u>Public Recreation Facilities Off-Site</u> <u>(Public Parks, Ballfields, etc.)</u>	<u>Maximum AHP Density Bonus</u>
<u>> 0 up to ¼ Mile *</u>	20%	20%	20%	20%	20%	10%	10%	100%
<u>> ¼ up to ½ Mile *</u>	15%	15%	15%	15%	15%	5%	5%	
<u>> ½ up to 1 Mile *</u>	0	10%	10%	10%	10%	2.5%	2.5%	
<u>> 1 up to 2 Miles *</u>	0	5%	5%	5%	5%	0%	0%	

Notes:
* For each multiplier column, only one of the four options (the closest amenity) may apply.

- a. The sector shall be proportional to the size and character of the proposed development. At a minimum, the sector shall consist of one or more neighborhoods that include features such as schools, shopping areas, an integrated network of residential and collector streets bounded by arterial roads, civic uses, localized shopping, and employment opportunities. For data and analysis purposes, the sector shall be adjusted to accommodate census tracts or census block groups but shall not extend beyond important physical boundaries that may include a major arterial roadway or a wildlife refuge.
- b. Housing characteristics, (such as household family incomes &—and affordable housing stock data) for the sector shall be derived from the most current available census data. The analysis of housing and demographic data within the sector shall be in a manner and form approved by the Planning Director.

2. Pre-Application

An application for density bonus shall require the submittal of a pre-application prior to submittal of a Zoning or Building permit application for purposes of establishing a density bonus determination.

a. Contents

The pre-application shall be in a form established by the Planning Director, and made available to the public.

b. Sufficiency Review

The pre-application shall be subject to the provisions of Art. 2.A.1.G.3, Sufficiency Review.

c. Compliance

The density bonus shall not be granted until the project is found in compliance with Policy HE 1.5.h. in the Plan.

d. Density Determination

The Planning Director or designee shall provide a written density determination letter within ten working days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request.

F. Affordability Requirements

1. Sales and Rental Prices of AHP Units

All AHP units shall be offered for sale or rent at an attainable housing cost for the targeted AHP income range (60% of AMI or below). The sale and rent prices will be based on the ~~Area Median Income~~ (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD and based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures.

2. Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which

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1 identifies each AHP unit. In the event the project is not subject to final DRO approval, the
2 applicant must submit a recorded copy of the Covenant to Building Division prior to issuance
3 of the first building permit. The Covenant shall include, but not be limited to, restrictions
4 requiring: that all identified AHP units shall be sold, resold, or rented only to very low or low
5 income qualified households at an attainable housing cost for the targeted income range; that
6 these restrictions remain in effect for 25 years from the date of the certificate of occupancy of
7 each unit; and that in the event a unit is resold before the 25-year period conclude, a new 25-
8 year period shall take effect on the date of resale. The Covenant shall further provide
9 monitoring and compliance requirements including but not limited those set forth below to
10 ensure compliance with the AHP. Every deed for sale of an AHP housing unit shall
11 incorporate by reference the controlling Covenant.

12 **3. Monitoring and Compliance**

13 At the time of sale, resale, or rent of any AHP unit established pursuant to this program, the
14 seller shall provide the County Administrator, or designee, documentation sufficient to
15 demonstrate compliance with the AHP. Such documentation shall include but not be limited
16 to information regarding the identity and income of all occupants of the AHP unit. The owner
17 or lessee of the AHP unit shall submit to the County Administrator, or designee, on a form
18 provided by the County, an annual report containing information and documentation to
19 demonstrate continued compliance with the AHP and a copy of any monitoring information
20 provided to and received from the appropriate funding agency/source. The County may
21 conduct site visits at reasonable times, or perform other independent investigation to verify
22 continued compliance with the AHP.

23 **4. Enforcement**

24 The County may enforce the requirements of the AHP through any cause of action available
25 at law or equity, including but not limited to seeking specific performance, injunctive relief,
26 rescission of any unauthorized sale or lease, and tolling of the 25-year term of the AHP, or
27 the term required by the funding agency/source if more restrictive.

28 **6. Compatibility**

29 The resulting development shall be compatible with surrounding residential land uses, as
30 described herein.

31 **H. Annual Report**

32 The Executive Director of PZB shall submit an annual report to the BCC indicating the status of
33 the AHP.

34 **Section 23 Transfer of Development of Rights (TDRs) – Special Density Program**

35 **A. Purpose and Intent**

36 The purpose of this Chapter is to provide for a TDR Program, including the establishment of a
37 TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of
38 agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC.
39 This is accomplished by allowing development rights to be severed from environmentally
40 sensitive lands and lands designated as AGR and transferred to sites where additional
41 development can be accommodated. The TDR program is designed to redistribute population
42 densities, or development potential, to encourage the most appropriate and efficient use of
43 resources, services and facilities.

44 Further, it is the purpose and intent of this Chapter to provide an alternative to the development of
45 environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a
46 mechanism to seek economic relief from the limitation of development imposed on these lands.
47 TDR can mitigate inequities in the valuation of land by providing a means of compensating
48 landowners whose property is restricted, by permitting the sale of development rights, and
49 making landowners in more intensively developed areas pay for the right to develop beyond the
50 existing density, by purchasing development rights.

51 The TDR Program allows a property owner to achieve a density bonus by purchasing the
52 increase in density from the PBC TDR Bank, or from a property owner with land in a designated
53 sending area, without going through the land use amendment process. In order to increase
54 density, the site must meet the requirements to become a designated receiving area and follow
55 the procedures as described in this Chapter. After development rights have been transferred from
56 the sending area to the receiving area, an appropriate conservation easement or an agricultural
57 conservation easement shall be attached to the sending area and recorded in the public records
58 of PBC, restricting future development potential. [Ord. 2005 – 002] [Ord. 2008-003]

59 **B. Authority**

60 The BCC has the authority to adopt this pursuant to Article VIII, Sec. 1, Fla. Const., the PBC
61 Charter, F.S. §125.01, et seq. and F.S. §163.3161, et seq.

62 **C. Applicability**

63 This Chapter shall apply to property in unincorporated PBC which is located within designated
64 sending areas, as defined in Article 5.G.2.F, Sending Areas. Development rights may be
65 transferred from sending areas pursuant to the procedures contained in this Chapter, to property
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1 which meets the qualifications to receive such density according to Article 5.G, Density Bonus
2 Programs, and the standards contained herein.

3 The use of TDR shall be allowed in all residential zoning districts within the U/S Tier and shall be
4 approved pursuant to this Chapter. TDR units may be utilized for all housing types. Additionally,
5 TDR units may be converted to CLF beds subject to the provisions of Article 4.B.1.A.34,
6 Congregate Living Facility, whereby the total approved density, including TDR units, is utilized
7 when calculating permissible CLF occupants per Table 4.B.1.A-4, Maximum Permissible
8 Occupancy in Type 3 Congregate Living Facilities.

9 **D. Previous Approvals**

10 All previously approved transfers of development rights, as long as they remain in force, shall
11 remain valid and shall not be affected nor changed by subsequent revisions to the TDR Program.

12 **E. Administration**

13 **1. General**

14 Except as otherwise specified, the TDR Program shall be administered by the Executive
15 Director of PZB.

16 **2. Responsibilities**

17 The Executive Director of PZB shall be responsible for:

- 18 a. Establishing, administering and promoting PBCs TDR Program;
- 19 b. Establishing and administering the TDR Bank;
- 20 c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- 21 d. Ensuring the contracts for sale and purchase of development rights are executed and all
22 deeds and conservation easements are filed in the public records of PBC;
- 23 e. Ensuring that the Property Appraisers Office is notified of all TDRs;
- 24 f. Ensuring that the densities approved through the TDR Program are placed on the FLUA
25 as notations following approval of the TDR receiving area; and, [Ord. 2008-003]
- 26 g. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to
27 reflect an appropriate land use designation for land acquired by PBC whose units are
28 placed in the TDR bank. [Ord. 2008-003]

29 **F. Sending Areas**

30 **1. General**

31 Sending areas represent those areas of PBC that are designated by the BCC to warrant
32 protection. The owner of property in a designated sending area may transfer the development
33 rights to a parcel of land in a designated receiving area, subject to the provisions of this
34 Chapter.

35 **2. Eligible Sending Areas**

- 36 a. Lands designated RR-20 on the FLUA;
- 37 b. Lands designated as priority acquisition sites by the Environmentally Sensitive Lands
38 Acquisition Selection Committee (ESLASC) or the Conservation Land Acquisition
39 Selection Committee (CLASC) that meet the criteria listed below:
40 1) Rarity in PBC of native ecosystems present on the environmentally sensitive lands
41 site;
- 42 2) Diversity of the native ecosystems present on the environmentally sensitive lands
43 site; or
- 44 3) Presence of species listed as endangered, threatened, rare or of special concern by
45 the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation
46 Commission, the Florida Committee on Rare and Endangered Plants and Animals, or
47 the Florida Department of Agriculture.
- 48 c. Lands designated AGR on the FLUA;
- 49 d. Privately owned lands designated CON on the FLUA; and
- 50 e. Other sites determined by the BCC to be worthy of protection, provided that the sites:
51 1) Further the purpose of the TDR Program in keeping with the criteria listed above; or
52 2) Further other PBC Goals, Objectives, and Policies. At such a time that the BCC
53 determines that a parcel of land is environmentally sensitive, or preservation of the
54 site is in the public interest, the parcel is eligible to become a sending area. The site
55 shall be designated by resolution of the BCC.

56 **3. Overlap in Sending Areas**

57 In such cases where a parcel of land is both a priority acquisition site and designated RR-20
58 or AGR on the FLUA, all provisions in this Chapter pertaining to the priority acquisition sites
59 shall prevail.

60 **4. Transfer Rate**

61 The owner of land which is designated as a sending area may elect to transfer development
62 rights as provided in this Chapter. Development rights may be transferred from sending areas
63 according to the following schedule. For the purposes of this Subsection, acres means gross
64 acreage.

- 65 a. Development rights may be transferred from property designated RR-20 on the FLUA at
66 the rate of one development right per five acres. The minimum land area eligible for the
67 TDR as a sending area shall be ten acres.

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- 1 b. Development rights may be transferred from property designated AGR on the FLUA at
2 the rate of one development right per one acre. The minimum land area eligible for the
3 transfer of development rights as a sending area shall be 20 acres unless the sending
4 area parcel is located adjacent to other preserved properties, in which case the minimum
5 land area shall be five acres.
- 6 c. Development rights may be transferred from priority acquisitions sites (both residential
7 and non-residential) located outside of the U/S Tier at a transfer rate of one development
8 right per five acres. The minimum land area eligible for the TDR as a sending area shall
9 be five acres.
- 10 d. Development rights may be transferred from privately owned lands designated CON on
11 the FLUA at a rate of one development right per ten acres. The minimum land area
12 eligible for the transfer of development rights as a sending area shall be ten acres.
- 13 e. Development rights may be transferred from all environmentally sensitive sites described
14 in Article 5.G.2.F.2, Eligible Sending Areas, at a rate which equals the maximum density
15 permitted by the future land use designation for the property. The minimum land area
16 eligible for the transfer of development rights as a sending area shall be determined by
17 the BCC, upon a recommendation from PZB and ERM.

5. Computation of Development Rights

The number of development rights assigned to a sending area parcel of land shall be determined by the Executive Director of PZB pursuant to Article 5.G.2.F.2, Eligible Sending Areas, and Article 5.G.2.I, TDR: Sending Area Procedure, as calculated below:

- 22 a. All development rights shall be in whole numbers, no fractions shall be permitted. Any
23 fractional residential unit that may occur during calculations shall be converted upward, if
24 one-half or more of a whole unit, or downward, if less than one-half of a whole unit, to the
25 nearest whole unit.
- 26 b. The amount of development rights assigned to a sending area parcel shall be reduced by
27 one dwelling unit for every conforming residential structure situated on the property at the
28 time of approval.

6. Restriction on Future Use

Upon BCC or DRO approval of the TDR transfer, a conservation easement or agricultural conservation easement shall be recorded in the public records of PBC. The BCC or DRO shall determine which easement is appropriate for the sending area as part of the approval of the TDR transfer. Prior to recordation of the easement, a legally enforceable maintenance plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM. No further development permit or development order for the designated receiving area shall be issued by PBC until the applicable easement is recorded in the public records of PBC. The easement shall restrict the use of the sending area in perpetuity. In particular, a conservation easement shall require that the sending area be maintained in its natural state while an agricultural conservation easement shall restrict the use of the sending area to bona fide agriculture, fallow land, or uses permitted in the Conservation Water Resources Area (WRA) future land use category; all other development rights of the subject property shall be considered transferred in perpetuity.

7. Existing Uses

Conforming residential dwelling units which existed prior to making application to transfer development rights shall be permitted to remain as legal conforming uses. All other existing uses on the sending area shall cease.

8. Remaining Land Area

If all of the development rights assigned to a sending area are not transferred off the site, the remaining land, if proposed for development, shall be developed in accordance with this Code and in a manner which is compatible with the surrounding area. This provision shall not apply to sending areas designated AGR on the FLUA; these parcels are required to transfer all development rights off the site.

If the owner of land in a sending area only transfers a portion of the development rights available for the property, PBC, upon a recommendation from PZB and ERM, reserves the right to determine which portion of the land is subject to the applicable conservation easement. The intent is to link environmentally sensitive land, to link agricultural land, and to link open space areas, when feasible, and allow compatible development to occur on the remainder of such sites.

G. Transfer of Development Rights (TDRs) Bank

1. General

The purpose of this Chapter is to authorize the establishment of a TDR Bank. The TDR Bank is hereby created in order to, among other things, facilitate the purchase and transfer of development rights as hereinafter provided and maintain an inventory of those development rights purchased by PBC.

2. Establishment of Development Rights for the Bank

Development rights for the TDR Bank shall be generated from environmentally sensitive lands purchased by PBC, including the priority acquisition sites meeting the criteria in Article

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Exhibit M

**AFFORDABLE HOUSING PROGRAM
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(Updated 06/16/09)

5.G.2.F.2, Eligible Sending Areas, through August 30, 1999. Priority acquisition sites in the unincorporated area of PBC which are not purchased as part of the acquisition program shall maintain the opportunity to transfer development rights on the private market. The TDR Bank shall be maintained by the Executive Director of PZB and shall be reviewed in accordance with the FLUE of the Plan to determine the need for additional units.

Development rights in the TDR Bank generated under the TDR Program shall remain in the TDR Bank until sold by PBC, the TDR Bank is dissolved, or the units are otherwise disposed of.

3. Transfer Rate From the Purchase of Environmentally Sensitive Lands

a. Land Purchased Inside the U/S Tier

The number of development rights within the bank shall equal the maximum density allowed by the FLU designation as established by the applicable PBC or municipal Comprehensive Plan.

b. Land Purchased Outside the US Tier

The number of development rights severed, or generated for the bank, shall equal the TDR transfer rate established in Article 5.G.2.F, Sending Areas.

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

PBC may sell development rights to property owners who meet the receiving area criteria pursuant to this Chapter.

a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights as part of the application described in Article 5.G.2.J, TDR: Receiving Area Procedure.

b. The value and price of a development right shall be set by the BCC. The BCC may utilize the following to set the price:

1) The current market value; or

2) A recommendation from the LUAB and the Planning Division. The BCC may discount the price of development right as provided in the Plan; or

3) TDR applications not subject to approval by the BCC requesting TDR units from PBC's TDR Bank shall utilize the price set by the BCC.

~~**5. Annual Report**~~

~~The Executive Director of PZB shall present an annual report to the BCC which outlines the number of development rights currently in the bank; the number of rights available for sale; the number of rights sold during the year; the purchase price per development right; recommendations for improving the TDR Program; and any other information deemed relevant.~~

56. Revenue from the Sale of TDRs

The revenue generated from the sale of development rights from the TDR Bank shall be allocated to the Natural Areas Fund administered by ERM for acquisition and management of environmentally sensitive lands and wetlands.

H. TDR Receiving Areas

Development rights shall only be transferred to those parcels which meet the qualifications for designation as receiving areas.

1. Eligible Receiving Areas

a. PDDs and TDDs. The total density of the project, including the TDR units, shall be utilized for calculating the minimum PDD or TDD acreage threshold; and

b. Residential Subdivisions which are not within a PDD or TDD.

2. Qualify as a Receiving Area

a. Be located within the U/S Tier; **[Ord. 2004-040] [Ord. 2008-003]**

b. Be compatible with surrounding land uses and consistent with the Plan;

c. Meet all concurrency requirements;

d. Meet all requirements as outlined in this Code; and

e. Be compatible with adjacent Environmentally Sensitive Lands.

3. Compatibility with Adjacent Environmentally Sensitive Lands

A receiving area shall not degrade adjacent environmentally sensitive lands. Receiving areas, therefore, shall reduce the intensity/density of that portion of the development which is contiguous to any regionally significant natural resource as defined by the Treasure Coast Regional Planning Council, environmentally sensitive land as defined by the ESLASC or CLASC, or sites designated as preserve areas according to Article 14.C, Vegetation Preservation and Protection, so that the development is compatible with, and does not negatively impact the environmentally sensitive area, by providing a buffer zone of native vegetation according to the following table.

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Exhibit M

**AFFORDABLE HOUSING PROGRAM
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(Updated 06/16/09)**

1

Table 5.G.2.H-21 - Required Buffer Zone

Density of Adjacent Pod/ Development Area	Required Buffer Zone of Native Vegetation
Net density less than or equal to three units per acre	50 foot buffer
Net density greater than three and less than or equal to five units per acre	100 foot buffer
Net density greater than five units per acre	200 foot buffer

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4. Applicability TDR Increased Buffer and Setbacks for LR-1, LR-2 and LR-3PDD

The perimeter buffer and building setbacks for a TDR receiving area in a PDD with a LR-1, LR-2 or LR-3 FLU designation shall be upgraded where ZLL, TH, MFD or SFD using RS PDRs are located within 125 feet of any SFD with a lot size of 14,000 feet or greater, or any vacant parcels with a LR-1, LR-2 or LR-3 FLU designation. **[Ord. 2008-037]**

a. Increased Buffer Widths

Where applicable, the perimeter buffer shall be increased by 15 feet for projects having ZLL or SFD units, and 20 feet for TH and MFD units. **[Ord. 2008-037]**

b. Upgraded Landscaping

Where an increased buffer width is required, an additional native palm or tree shall be provided for each 30 linear feet, with a maximum spacing of 90 feet between clusters. **[Ord. 2005 – 002] [Ord. 2008-037]**

c. Increased Setbacks

Where applicable, when a development has a more intense housing classification, an additional ten-foot rear setback shall be required. For the purposes of this Section, housing classification shall be ordered from least intense to most intense, as indicated in Table 5.G.2.H-23, Housing Classification. **[Ord. 2005 – 002] [Ord. 2008-037]**

Table 5.G.2.H-23 – Housing Classification

Intensity by Group	Housing Type
1 - Low	Single-family residential (RT PDRs); or Zero lot line homes.
2 - Medium	Single family residential (RS PDRs): Mobile homes; Townhouses; or Multi-family.
3 - High	Type II or III Congregate Living Facilities.

[Ord. 2005 – 002] [Ord. 2008-037]

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5. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in Article 5.G.2.F.2, Eligible Sending Areas. This shall not apply if the project is providing all of the units at prices attainable by persons making between 30%-120% of AMI. The County shall establish the actual prices for each unit and each unit shall be deed restricted consistent with Art. 5.G.1.G, Affordability Requirements. **[Ord. 2008-003]**

I. TDR Density Bonus Limitations

1. WHP 50 Percent Requirement

In accordance with FLUE Policy 2.6-a.5 of the Plan, 50 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.1.G, Affordability Requirements; and, Art. 5.G.1.C, Design Requirements. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.D.2, TPS Mitigation; Art. 5.G.1.D.3, Expedited Review; and, Art. 5.G.1.D.4, Density Bonus Development Options. **[Ord. 2008-003]**

2. AHP 100 Percent Requirement

When using the voluntary AHP, all TDR density bonus units shall be provided as AHP units. These AHP units shall be constructed on site; comply with the affordability range requirements of Table 5.G.2.B, Affordable Housing Program and Art. 5.G.2.F, Affordability Requirements; and, Art. 5.G.2.C, Design Requirements. The project shall only be eligible to apply for the following AHP incentives: Art. 5.G.2.D.2, TPS Mitigation; Art. 5.G.2.D.3, Expedited Review; and, Art. 5.G.2.D.4, Density Bonus Development Options.

3. WHP and AHP Units

Consideration may be given to developments requesting both WHP and AHP units within the proposal. In this instance, the Planning Director or designee will determine which program's (WHP or AHP) density bonus criteria will be utilized.

24. Permitted Density Ranges

The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Article 5.G.2.H, Receiving Areas, Article 5.G.2.J, TDR: Receiving Area Procedure, and the following: **[Ord. 2008-003]**

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(Updated 06/16/09)

1 a. **Standard Density Bonus**

2 Approved receiving areas may receive a bonus density as follows: [Ord. 2008-003]

- 3 1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two du/acre; or,
4 [Ord. 2008-003]
5 2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide
6 Community Revitalization Team (CCRT) revitalization and redevelopment area: up to
7 three du/acre; or, [Ord. 2008-003]
8 3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre.
9 [Ord. 2008-003]
10 4) The bonus density may be less than the total bonus density indicated in 1, 2 and 3
11 above when an additional WHP or AHP density bonus has also been utilized. (See
12 item d. below)

13 b. **Additional Density Bonus**

14 Receiving areas meeting one or both of the following criteria shall be eligible for an
15 additional one du/acre density bonus above the aforementioned density bonus ranges.
16 [Ord. 2008-003]

- 17 1) Receiving areas within ¼ mile radius of a public park (~~not a~~ excluding golf courses),
18 community commercial facility or mass transit facility within the U/S Tier; and [Ord.
19 2008-003]
20 2) Receiving areas within ¼ mile radius of a regional commercial facility or a major
21 industrial facility within the U/S Tier. [Ord. 2008-003]

22 In order to be eligible for the additional one du/acre density bonus, at least 25 percent of
23 the receiving area must be located within the required radius. The density bonus shall
24 apply to the entire receiving area. [Ord. 2008-003]

25 c. **LR-1, 2 and 3 FLU Density Limitation**

26 To mitigate any potential adverse impacts in low-density residential neighborhoods (as
27 determined by residential FLU designation), the maximum TDR density bonus in the LR-
28 1, LR-2 and LR-3 FLU designations shall not exceed 100 percent of the standard or
29 maximum density, exclusive of any other density bonus allowed on the subject site.
30 Exceptions shall be permitted for any project that is located in the URA or entirely
31 surrounded by one or more of the following: [Ord. 2008-037]

- 32 1) Parcels with an MR-5 or higher FLU designation; or [Ord. 2008-037]
33 2) Parcels with a non-residential FLU designation or use; or [Ord. 2008-037]
34 3) Open space 100 feet in width or greater; or [Ord. 2008-037]
35 4) A major street. [Ord. 2008-037]

- 36 d. A development's WHP or AHP density bonus increase will be given consideration when
37 assigning the number of TDR units recommended to the development. Other factors to
38 be considered include: the location of the proposed development and it's relationship to
39 the study area; the housing type(s) proposed; if the development site is located within ¼
40 mile radius of a public park (neighborhood or regional park, not a golf course); civic uses
41 (schools/libraries); a mass transit facility; child care facilities; medical facilities; a super
42 market; a community commercial facility; employment opportunities; and within ½ mile
43 radius of social services; a regional commercial facility; an industrial facility; additional
44 civic uses and employment opportunities.

45 J. **TDR: Sending Area Procedure**

46 1. **Sending Parcel Application**

47 The property owner of lands which are designated sending areas as defined under Article
48 5.G.2.F.2, Eligible Sending Areas, must make application to PZB for an administrative
49 determination in order to be formally designated as a sending area. The purpose of this
50 administrative determination is to ascertain the exact number of development rights the
51 property owner is entitled to. The application shall include, at a minimum:

- 52 a. Proof of ownership;
53 b. A legal description of the property; and,
54 c. Contract, or option, for the purchase and sale of development rights (unless requesting a
55 TDR Certificate, as outlined in Article 5.G.2.I.6, Development Rights Certificates. The
56 application shall be submitted to the Executive Director of PZB. Applications for a
57 sending area designation may be accepted for review and processing at any time.

58 2. **Review Process**

59 a. **Environmentally Sensitive Lands and Lands Designated RR-20 or CON on the**
60 **FLUA**

61 Prior to the first scheduled DRO meeting to consider the TDR application, the Executive
62 Director of PZB shall review the sending area application and make a determination
63 regarding the number of units associated with the parcel. As part of review of the
64 application, the Executive Director of PZB shall notify ERM of the application and request
65 that a site check be conducted.

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(Updated 06/16/09)

ERM shall complete a site check to ensure that the site has not been altered and the site meets the criteria provided in Article 5.G.2.F.2, Eligible Sending Areas, ERM shall complete a written recommendation to the Executive Director of PZB regarding the site.

b. Land Designated AGR on the FLUA

Prior to the first scheduled DRO meeting to consider the TDR application, the Executive Director of PZB shall review the sending area application and make a determination regarding the number of units associated with the parcel. As part of review of the application, the Executive Director of PZB shall complete a site check to ensure that the site is suitable for bona fide agricultural or other open space purposes consistent with the AGR provisions in the Plan.

Sending area applications which are not submitted in conjunction with a receiving area application shall be reviewed and acted upon within 25 days.

3. Written Determination

The property owner shall receive a written determination from the Executive Director of PZB indicating how many development rights can be transferred from the property. The number of development rights for the site shall be documented and be kept on file in the PZB Department.

The written document shall be valid for a period of 12 months. If any modifications or alterations are made to the property during the 12 month period, the property owner shall not be permitted to participate in the TDR Program.

4. Easement Agreement/Restriction

Prior to site plan certification, the applicable conservation easement, in a form and content acceptable to the County Attorney shall be recorded in the public records of PBC. The easement shall restrict future use of the land consistent with the requirements in Article 5.G.2.F.6, Restriction on Future Use. Prior to recordation of the easement, a legally enforceable Maintenance Plan providing for perpetual maintenance of the sending area shall be established by the property owner and approved by ERM.

5. Re-Submittal of Application

The owner of a sending parcel may re-apply until all development rights have been severed from the property.

6. Development Rights Certificates

Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA must be deeded to, and accepted by PBC, subject to the discretion of the BCC, before the Certificate can be issued. Environmentally sensitive lands and lands designated as CON or RR-20 on the FLUA deeded to, and accepted by PBC, shall be managed by PBC or its designee. AGR lands shall be managed by the property owner in perpetuity as provided in the Maintenance Plan.

a. Eligibility

Development Rights Certificates shall only be issued to property owners of ESL or RR-20 land that deed without compensation environmentally sensitive land to PBC or property owners of AGR land that record an agricultural conservation easement, and follow the procedures in this Chapter. The development rights certificate shall require that restrictions be placed on the sending area prior to the sale of those development rights. A minimum transfer of five acres is required.

b. Issuance of the Certificate

Upon completion of the application process, and recordation of the deed transferring ownership of the property to PBC, or recordation of the agricultural conservation easement and approval by ERM of a legally enforceable maintenance plan providing for perpetual maintenance of the sending area, the property owner shall be issued a Development Rights Certificate. The Certificate shall indicate the exact number of development rights which can be sold, transferred, or traded, by the holder of such Certificate. The Certificate shall remain in effect until applied to a TDR receiving area in accordance with provisions of this Chapter.

c. Unused Certificates

A property owner of AGR land, with an agricultural conservation easement recorded, may reassociate development rights to the original sending parcel provided that no development rights have been sold. A written request to reassociate the development rights shall be submitted to the Executive Director of PZB along with proof of ownership and a legal description of the property. Prior to approval of a request to the reassociate development rights, the applicant must petition and receive BCC approval to release the easement recorded against the sending area parcel.

7. Limitations

The amount of development rights assigned to a sending area parcel, or indicated on a certificate, shall be reduced by one for every conforming residential structure situated on the property at the time of application.

K. TDR: Receiving Area Procedure

1. General

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(Updated 06/16/09)

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision, except for the SCO PIPD, which shall be approved by the DRO. The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005 – 002]

2. Preapplication Conference

Prior to submittal of an application requesting a receiving area density bonus, the applicant must attend a preapplication conference with the appropriate PZB staff, pursuant to Article 2.A, General, to review the proposed development, and the requirements and procedures of the TDR Program.

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed.

- a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Article 2.D.1.C, Review Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;
- b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of Article 2.B, Public Hearing Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDDs PDRs contained in Article 3.E, Planned Development Districts (PDDS), or contained in Article 3.F, Traditional Development Districts (TDDS);
- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs), except for SCO PIPD, which shall be approved by the DRO. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. [Ord. 2005 – 002]
- d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR programs that exceeds two units per acre. [Ord. 2005-041]

4. Contents of Application

In conjunction with the general application for a residential subdivision, a rezoning to a PDD or TDD, or an amendment to a previously approved PDD, TDD or residential subdivision submitted to the Zoning Division pursuant to Article 2, Development Review Process, or Article 2.D.1, Development Review Officer, as applicable, an applicant for receiving area status and a density bonus must submit a supplemental TDR Application.

The application shall be submitted in a form established by the Executive Director of PZB and made available to the public. A site plan which shows the location of roadways, parking areas, buffer areas, recreation and open space areas, and building areas shall be a part of the application. Additionally, the applicant shall include typical building footprints and elevations as a part of the application.

5. Standards

In addition to fulfilling the requirements of Article 5.G.2.H, Receiving Areas, to qualify as a receiving area and be eligible for an increase in density, all applications requesting receiving area designation shall comply with these standards:

- a. The transfer of development rights is by deed, and the deed shall be recorded before final site plan approval;
- b. The transfer is to a parcel of land which meets all the requirements of this Code and within which the transferred densities have been included and amended;
- c. The proposed development meets all concurrency requirements at the level of impact calculated to include the TDR density;
- d. If the transfer is between two private parties, at the time the transfer is approved, the sending area from which the transfer will occur shall be subject to a conservation easement and shall be identified on the Zoning Map. Pending recording of the conservation easement, no development approvals or development permits will be issued for the sending area or receiving area;
- e. If the transfer of rights is from the PBC TDR Bank, all rights have been accounted for and there are enough development rights in the bank to cover the project;
- f. The proposed development and density are compatible with the surrounding area and land use; and
- g. The proposed development and density do not negatively impact adjacent environmentally sensitive lands.

6. Contract for Sale and Purchase of Development Rights

A contract for sale and purchase of development rights, an escrow agreement and a deed of TDR shall be required as part of the approval of a TDR transfer. The contract shall be recorded prior to certification of the site plan for a TDR receiving area. Prior to issuance of

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AFFORDABLE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(Updated 06/16/09)

the first building permit, the funds from the escrow agreement shall be released to PBC or evidence of payment to a private party shall be provided, the deed shall be recorded and a copy of the recorded deed shall be provided to PZB. Building permits for sales models and/or temporary real estate sales and management offices permitted pursuant to this Code shall be exempted from this requirement regarding the release of escrow funds.

L. Notification to Property Appraisers Office

Upon recordation of the deed of transfer, the Executive Director of PZB shall notify, within 20 days, the Property Appraiser's Office in writing that development rights have been transferred from the sending area or TDR Bank to the receiving area in perpetuity.

M. County Initiated Land Use Amendment

Following recording of the deed, the Planning Division, upon direction from the BCC, shall initiate a Site Specific Plan Amendment to designate the property with a CON designation or place a notation which reflects the use of the property as an Agricultural Reserve Preservation Area (AGR/P). Densities obtained through the TDR Program shall be placed on the FLUA as notations following approval of the TDR receiving area.

N. Overall Accounting System for TDR Density

PZB shall maintain an overall accounting system for monitoring density availability and density transfers in the TDR Program. The accounting system shall include both private development rights and development rights in PBC's TDR Bank.

Density needed for the TDR Program may be derived from different sources including, but not limited to:

1. Density Reduction

Approved Site Specific Plan Amendments since 1990 which resulted in a density reduction; and,

2. PUD Unused Density

At such a time that the TDR Program, any subsequent density bonus programs, or amendments to the Plan requesting an increase in density, deplete the number of units available from previous amendments, PZB shall begin to monitor the PUD units which have been approved through the zoning process, but which have remained unused. The later units may at that time be considered as a source for density for the TDR Program.

Section 34 Property Development Regulations (PDRs) for Density Bonus Program Development

A. Purpose and Intent

The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to provide greater opportunity for cost effective development for housing approved in conjunction with a density bonus program. The regulations represent the minimum regulations acceptable without compromising minimum health and safety standards.

B. Applicability

The provisions of this Chapter may be applied to all residential development which receives a density bonus for workforce housing, as defined in the Plan.

C. Threshold

100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total number of units in the project, whichever is greater, shall be set aside for workforce housing in accordance with the applicable density bonus program in the Plan.

1. Lot Dimensions

The lot dimensions in all residential districts for all housing types may be reduced by 20 percent.

2. Building Intensity

The maximum building coverage and floor area ratio for all residential districts for all housing types may be increased by 20 percent.

3. Setbacks

The minimum building setbacks/separations for all residential districts for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.

[Renumber accordingly]

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EXHIBIT N

WORKFORCE HOUSING PROGRAM
SUMMARY OF AMENDMENTS
(Updated 06/29/09)

Part 1. ULDC, Art. 5.G.1, Workforce Housing Program (page 54 of 75), is hereby amended as follows:

Reason for amendment: [Planning] The BCC directed staff to work with industry and modify the existing WHP as a result of changing conditions in the housing market.

CHAPTER G DENSITY BONUS PROGRAMS

The WHP, AHP or the TDR Program are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments. [Ord. 2008-003]

Section 1 Workforce Housing Program (WHP)

A. Purpose and Intent

The WHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an Inclusionary WHP. The program mandates or encourages the development and equitable geographic distribution of workforce housing units for low, moderate 1 and Moderate 2, and middle-income households, ensures a minimum affordability period, and provides for a density bonus and other incentives. The program is intended to increase the supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to make the community viable. [Ord. 2006-055]

B. Applicability

In cases of conflict between this Chapter and other Articles of this Code, the provisions of this Chapter shall apply. The WHP shall apply to all new developments with a residential component of 10 or more dwelling units. This shall include the expansion of existing projects that add in existing developments with an expansion of 10 or more dwelling units, where the program shall apply to those units being added. Requirements and limitations are further defined in Table 5.G.1.B-17, Workforce Housing Program. [Ord. 2006-055]

1. Exemptions

a. Projects that target the development of units primarily limited to households having incomes that are less than or equal to 60 percent AMI, and use federal, state or local funding sources. An exemption may require the submittal of documentation indicating how income restrictions and affordability periods will be guaranteed. These projects may elect to utilize the WHP program, but any density bonus shall be subject to the requirements of Art. 5.G.1.F.1, Sector Analysis. [Ord. 2006-055]

b. All congregate living facilities (CLFs); and, nursing or convalescent facilities. [Ord. 2006-055]

52. Limitation on Restrictions

WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need. [Ord. 2006-055] [Relocated from Art. 5.G.1.G.5, below.]

3. Flexibility - Workforce Unit Price Ranges

There are four targeted income range categories in the WHP: Low (60% to 80% of AMI), Moderate 1 (>80% to 100%), Moderate 2 (>100 to 120%), and Middle (>120% to 140%). Applicants shall not be required to provide units in a category when the category price is greater than the median sales price for the County. These units would be eligible for the In-Lieu payment (Article 5.G.1.G.4.) or distributed equally among the remaining targeted income ranges.

C. Workforce Development Alternatives

Applicants of developments with density of 10 dwelling units or more will choose one of the following development options.

1. No Incentives

A proposal will request no WHP incentives (e.g., additional WHP density bonus; TDR units; WHP - TPS special methodology mitigation; WHP expedited review; WHP site plan regulation options; or any additional WHP incentive). All dwelling units proposed will be required to target households with incomes from 60 percent to 140 percent of AMI. To be eligible for this alternative, at least 10 percent of the total units will need to target incomes below 100 percent of AMI and will be required to be income restricted for a period of 10 years. All other WHP units will be required to be income restricted for a period of five years.

2. Limited Density Bonus

A proposal requesting a density bonus of between 0-15 percent (projects with LR-1 thru LR-3 land use categories) and 0-50 percent (projects with MR-5 thru HR-18 land use categories). Fifty percent of the required WHP units shall be set aside for low income

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1 households (households that earn between 60 percent and 80 percent of the County's
2 median income) and 50 percent of the required WHP units shall be set aside for moderate 1
3 income households (households that earn between 80 percent and 100 percent of the
4 County's median income). The WHP - TPS special methodology mitigation, the WHP
5 expedited review, the WHP site plan regulation options and any additional WHP incentive will
6 be available if requested. At least 10 per cent of the total dwelling units will be provided to
7 households with incomes from 60 percent to 100 percent of AMI (Low and Moderate 1
8 categories). All WHP units will be required to be income restricted for a period of 25 years
9 (recurring). Each WHP unit shall be sold, resold, or rented only to Low or Moderate 1 income
10 qualified households and the WHP restrictions remain in effect for 25 years from the date
11 each unit is first purchased or rented. In the event a unit is resold before the 25-year period
12 concludes, a new 25-year period shall take effect on the date of resale.

13 **3. All WHP Incentives**

14 A proposal will request consideration for all available WHP incentives, as indicated in the
15 following Table 5.G.1.B-17, and following text.
16

Table 5.G.1.B-17 - Workforce Housing Program

Applicability		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus Incentive		
RR-20 LR-1 thru LR-3		0— up to 30%
MR-5 thru HR-18 (2)		0— up to 100% (Pre-App required for > 30%)
Required % of Affordable WHP Units (3)		
Standard Density		6%
Maximum Density		20%
WHP Density Bonus		40%
Required Affordability WHP Ranges (4) (5)		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (>100-120%)		25%
Middle (>120- or ≤150 140%)		25%
Provision of Units		
On-site (6)		Minimum 25% of Required Workforce Units
Off site		Maximum 75% of any combination of options
	Option 1	Construct units off site
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict.
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost.
	Option 4	In-lieu Payment —50% of unit maximum
[Ord. 2006-055] [Ord. 2007-013]		
Notes:		
1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]		
2. A density bonus of >30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]		
3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]		
4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [>120-< or =150 140%]; the 2 nd Moderate 2 [>100-120%]; and, the 3 rd Moderate 1 [>80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055] [Ord. 2007-013]		
5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges. [Ord. 2007-013]		
6. a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055]		
b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]		
Note: This provision does not reduce the requirement to provide WHP units, and all units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing units. [Ord. 2006-055]		

17 **GD. Design Requirements**

18 **1. Design**

19 WHP units shall be designed to be compatible with the overall project, as follows: [Ord.
20 2006-055]

- 21 a. All WHP units shall be constructed on site, unless approved otherwise in accordance with
22 Art. 5.G.1.E, WHP Off Site Options; [Ord. 2006-055]
- 23 b. All affordable units shall be designed to a compatible exterior standard as other units
24 within the development or pod/phase; and [Ord. 2006-055]
- 25 c. Required WHP units may be clustered or dispersed throughout the project. [Ord. 2006-
26 055]

27 **Notes:**

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DE. WHP Incentives

All projects with 10 or more residential units shall be eligible for WHP Incentives. [Ord. 2006-055]

1. Density Bonus

Table 5.G.1.B-17, Workforce Housing Program, delineates the ranges of density bonus allowed for the WHP. For the purposes of this Section, permitted density shall be the number of units allowed by the standard density allowed by the Plan; or, the maximum density allowed by the Plan, where developed as a PDD, TDD or other density provision of the Plan. TDR units or any other density bonus shall not be included as part of the permitted density for purposes of calculating the WHP density bonus. To ensure compliance with the compatibility requirement of HE Objective 1.5 of the Plan, projects requesting a density bonus greater than 30 percent shall be subject to the requirements of Table 5.G.1.D-18, Review Process, and Art. 5.G.1.F, Additional Requirements for >30% Density Bonus. [Ord. 2006-055]

Table 5.G.1.D-18 - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use
Standard District >30% - 50%	X		
Standard District >50% - 100%		X	
PDD or TDD >30% - 100%			X
[Ord. 2006-055]			

2. Traffic Performance Standards Mitigation

a. WHP Special Methodologies

TPS mitigation shall be permitted for WHP projects in accordance with Art. 12.H.6, Workforce Housing. [Ord. 2006-055]

b. WHP Traffic Concurrency Hall Pass

TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a development order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F. [Ord. 2006-055]

3. Expedited Review

The following expedited review processes may apply to a proposed WHP development: [Ord. 2006-055]

a. Design Review

Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application. [Ord. 2006-055]

b. Platting

- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation. [Ord. 2006-055]
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat. [Ord. 2006-055]
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat. [Ord. 2006-055]

4. Density Bonus Development Options

a. Purpose and Intent

To provide flexibility from property development and other related regulations in order to provide greater opportunity for cost effective development of WHP units. These provisions are not intended to supersede deviations that are normally addressed through the variance process. These options shall only be granted at the time of approval for the entire project, and shall not be granted on a lot-by-lot basis. [Ord. 2006-055]

b. Applicability

Projects with ten or more units that utilize a density bonus incentive and are subject to the requirements of the WHP may utilize the Development Options listed herein. [Ord. 2006-055]

c. Justification Report

Use of Density Bonus Development Options shall not be granted by right, and shall require submittal of a justification report that demonstrates that deviations are the minimum needed to allow for the use of density bonus incentives. The report shall include the following: [Ord. 2006-055]

- 1) The regulations that are proposed to be modified. [Ord. 2006-055]
- 2) The amounts and specifics of the requested deviation(s). [Ord. 2006-055]
- 3) The areas within the development that the deviation(s) will be applied to. [Ord. 2006-055]

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4) Graphic representations such as, but not limited to, site plans, elevations, perspectives, and typical examples, showing how the deviations will meet the intent of the district and WHP with emphasis on open space, privacy, maintenance, and public health, safety and welfare. [Ord. 2006-055]

d. Site Plan Approval

All projects requesting Density Bonus Development Options, shall submit an application and site plan to the DRO for certification where applicable, and for final site plan approval for all others. The site plan shall indicate in the tabular data all Development Options requested and where feasible, a regulating plan shall be included to provide typical examples. Approval shall be granted only for the minimum deviations needed to allow for the use of density bonus incentives and where the requirements of all applicable reviewing agencies have been met. [Ord. 2006-055]

e. Drainage

Any reduction in lot size or open space area, or increase in building coverage shall be subject to approval of a drainage study demonstrating that reduced pervious surface area will not create adverse drainage issues. [Ord. 2006-055]

f. Option 1 - AR, ~~RE~~ and RT Districts

The zoning for parcels electing to use this option must be in compliance with Table 3.C.1.A, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. [Ord. 2008-037]

~~1) AR and RE Minimum Lot Size in RR FLU Designation~~

~~Minimum required lot size may be reduced by dividing gross acreage by the total number of permitted units to include the highest standard density permitted and any bonus units. [Ord. 2006-055]~~

21) AR FAR Calculations

New SFD lots in the AR district shall be permitted to calculate FAR based on the acreage of the FLU designation. [Ord. 2006-055]

32) RT PDR Deviations

Deviations from the minimum PDRs for the RT district with a LR 2 or LR 3 FLU designation may be in accordance with Table 5.G.1.D-19, RT Deviations for WHP, only for those projects that qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and utilize a minimum density bonus of 20 percent. [Ord. 2006-055]

Table 5.G.1.D-19 - RT Deviations for WHP ⁽¹⁾

Zoning District	Applicability	FLU	Lot Dimensions				Setbacks	
			Size	Width and Frontage	Building Coverage	Depth	Side	Rear
RT	Infill, TDR	LR-1	14,000 sf	ND	ND	ND	ND	ND
RT	Infill, TDR, WHP	LR 2	12,000 sf	85'	35%	100'	ND	ND
RT	Infill, TDR, WHP	LR 3	9,000 sf	65'	40%	80'	1 st Floor 10'	1 st floor - 15'
[Ord. 2006-055]								
Notes:								
ND No deviation.								
1. Eligible projects must qualify for maximum density in accordance with Table 2.1-1, Residential Categories and Allowed Densities, of the FLU Element of the Plan, and use. [Ord. 2006-055]								

g. Option 2 - TND Regulations

Projects eligible for this option shall be permitted to utilize the PDRs of Table 3.F.3.E-52, TND Residential Lot Size and Setback Regulations, subject to meeting the requirements of Art. 3.F.3.E.5, Residential Uses and the following limitations: [Ord. 2006-055]

- 1) U/S Tier Only; [Ord. 2006-055]
- 2) Project does not qualify to be a TND or use Option 1 or 3; [Ord. 2006-055]
- 3) If the subject site has a LR-1, LR-2, LR-3 or MR-5 FLU designation, the project shall meet all requirements for and be approved as a PDD; [Ord. 2006-055]

h. Option 3 - Flexible Regulations

Projects with MR-5, HR-8, HR-12, HR-18 FLU designations, or if approved as a PDD or TDD, may deviate from the residential requirements of Table 3.D.1.A.-17, Property Development Regulations, or Table 3.D.2.B-19, ZLL Property Development Regulations, as follows: [Ord. 2006-055]

- 1) SFD units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks. [Ord. 2006-055]
- 2) SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDR's: building coverage; and front and side street setbacks. [Ord. 2006-055]
- 3) ZLL lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. [Ord. 2006-055]

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i. Option 4 - PDD Open Space Reduction

Projects which elect to utilize a density bonus of not less than 15 percent, may reduce the 40 percent open space requirement of Table 3.E.2.C-27, PUD Land Use Mix, to not less than 30 percent open space, provided the project incorporates common usable open space areas as defined in Article 1, Usable Open Space for WHP. [Ord. 2006-055]

j. Option 5 – Internal Incompatibility Buffers

Required incompatibility buffers between SFD and MF units within a WHP development shall not be required. [Ord. 2006-055]

k. Option 6 – Relocation of Units to Civic Tracts

Residential units may be permitted in a civic pod subject to PREM approval. This may include collocating residential units with civic uses. The DRO shall have the following authority where PREM approval is obtained after BCC approval of the overall project: [Ord. 2006-055]

- 1) In the case of a civic site cash out, the deletion of the civic pod and increase in residential pod area; ~~and~~ or, [Ord. 2006-055]
- 2) The relocation of residential units to a civic pod, or the relocation of residential units where the civic pod is deleted. [Ord. 2006-055]

F. WHP On-site Construction

WHP units may be located on-site using the options listed below and in accordance with the provisions of Article 5.G.1.C, Workforce Development Alternatives; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the applicant shall identify the construction timing of the WHP units within the development (pod/phase, if applicable). In no instance shall all of the WHP units be constructed in the last stage of development (pod/phase, if applicable).

EG. WHP Off-site Options

WHP units may be located off-site using the options listed below and in accordance with the provisions of Table 5.G.1.B-17, Workforce Housing Program; however, under no circumstances shall any site be permitted to develop at a density greater than that permitted by the Plan. Prior to issuance of a building permit, or final DRO approval if applicable, all contracts or related agreements for any off-site option shall be approved by the County Administrator, or designee. Off-site options may be accommodated in municipalities located within Palm Beach County. [Ord. 2006-055]

1. Option 1 – Off-site Construction

Building permits shall be issued for a minimum of ~~50-~~ 25 percent of the required WHP units to be constructed off-site prior to the issuance of no more than 10 percent of the ~~first~~ first CO's in the subject development. All off-site WHP units must receive CO prior to issuance of no more than ~~75-~~ 85 percent of the CO's in the subject development. [Ord. 2006-0455]

a. **WCRAO** – Off-site construction of the required WHP units within the low income range shall be limited to ten percent. [Ord. 2008-037]

2. Option 2 – Purchase Market Rate Units

Purchase of an equivalent number of existing market rate units to be deeded to the County or sold to eligible households and deed restricted. The developer may retain the title to off site units subject to recordation of a deed restriction that meets the intent of this provision. A minimum of 50-percent of the units must be purchased and deeded to the County or deed restricted prior to the issuance of no more than 10 percent of the ~~first~~ first CO's in the subject development. All market rate units shall be purchased and deeded to the County or deed restricted prior to issuance of no more than ~~75-~~ 85 percent of the CO's in the subject development. [Ord. 2006-055]

3. Option 3 – Donate Buildable Land

Donation of developable land acceptable to the County in an amount equal to the buyout costs of the affected units. Donated land must be deeded to the County prior to issuance of the first building permit in the subject development. [Ord. 2006-055]

4. Option 4 – In-lieu Payment

The in-lieu payment shall be \$81,500 per single-family unit and \$50,000 per multi-family unit. The payment shall be deposited in escrow at final DRO and the funds shall be transferred to the County and placed in a WHP Trust Fund maintained by the PBC Department of HCD upon issuance of the first building permit for the subject development ~~a WHP Trust Fund maintained by the PBC Department of HCD~~. [Ord. 2006-055]

FH. Additional Requirements for >30% Density Bonus

Projects requesting a density bonus greater than 30 percent shall comply with the following: [Ord. 2006-055]

1. Sector Analysis

WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very-low and low income households housing. Table 5.G.1.F-20, WHP Density Bonus Guide indicates the maximum density bonus permitted and the concentration of very-low and low income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted. Other factors to be

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1 considered include: the location of the proposed development and it's relationship to the
 2 study area; the housing type(s) proposed; if the development site is located within one fourth
 3 mile radius of a public park (neighborhood or regional park, not a golf course); civic uses
 4 (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super
 5 market; a community commercial facility; employment opportunities; and within one half mile
 6 radius of social services; a regional commercial facility; an industrial facility; additional civic
 7 uses and employment opportunities. Prior to submittal of a WHP pre-application, the
 8 applicant shall meet with the Planning Director or designee to establish the sector within
 9 which the distribution analysis shall be conducted. The boundaries of the sector shall be
 10 approved by the Planning Director or designee. The maximum density bonus permitted or a
 11 bonus in excess of the maximum shall be recommended by the Planning Director or
 12 designee. [Ord. 2006-055]
 13

Table 5.G.1.F-20 - WHP Density Bonus Guide

<u>% of Affordable Housing Very Low & Low Income Households in Sector</u>	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus ⁽¹⁾	<u>up to 40%</u>	<u>up to 60%</u>	<u>up to 80%</u>	<u>up to 100%</u>
[Ord. 2006-055]				
Notes:				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]				

- 14
- 15 a. The sector shall be proportional to the size and character of the proposed development.
 16 At a minimum, the sector shall consist of one or more neighborhoods that include
 17 features such as schools, shopping areas, an integrated network of residential and
 18 collector streets bounded by arterial roads, civic uses, localized shopping, and
 19 employment opportunities. For data and analysis purposes, the sector shall be adjusted
 20 to accommodate census tracts or census block groups but shall not extend beyond
 21 important physical boundaries that may include a major arterial roadway or a wildlife
 22 refuge. [Ord. 2006-055]
- 23 b. Household income characteristics for the sector shall be derived from the most current
 24 available census data. The income level of a "family of four" shall be used for the
 25 determination of households within the low, moderate and middle income household
 26 categories. The analysis of housing and demographic data within the sector shall be in a
 27 manner and form approved by the Planning Director. [Ord. 2006-055]

28 **2. Pre-Application**

29 An application for density bonus greater than 30 percent shall require the submittal of a pre-
 30 application prior to submittal of a Zoning or Building permit application for purposes of
 31 establishing a density bonus determination. [Ord. 2006-055]

32 **a. Contents**

33 The pre-application shall be in a form established by the Planning Director, and made
 34 available to the public. [Ord. 2006-055]

35 **b. Sufficiency Review**

36 The pre-application shall be subject to the provisions of Art. 2.A.1.G.3, Sufficiency
 37 Review. [Ord. 2006-055]

38 **c. Compliance**

39 The density bonus shall not be granted until the project is found in compliance with HE
 40 1.5.h. in the Plan. [Ord. 2006-055]

41 **d. Density Determination**

42 The Planning Director shall provide a written density determination letter within ten days
 43 of determining the pre-application is sufficient. The determination shall be based on the
 44 sector analysis, size, location and development characteristics of the project with
 45 consideration given towards affordability, accessibility, proximity to mass transit or
 46 employment centers, compatibility, quality of design, pedestrian and vehicular circulation,
 47 open space, and resource protection. The Planning Director shall prepare a report for
 48 the applicant, DRO, ZC, or BCC, whichever is appropriate, making a determination of
 49 compliance with this chapter, consistency with the Plan and recommend approval,
 50 approval with conditions, or denial of the request. [Ord. 2006-055]

51 **GH.Affordability Requirements**

52 Where applicable, the required percentage, affordability ranges and provision of units, shall be in
 53 accordance with Table 5.G.1.B-17, Workforce Housing Program. [Ord. 2006-055]

54 **1. Sales and Rental Prices of WHP Units**

55 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
 56 of the targeted income ranges. The sale and rent prices may shall be updated annually by
 57 the County Administrator, or designee, with the sale prices based on the Area Median
 58 Income (AMI), and the household income limits for PBC (West Palm Beach/Boca Raton
 59 metropolitan statistical area) as published annually by HUD (sale price: household income

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figure multiplied by 3), and rental prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures. A chart with the sales and rent prices will be maintained and updated annually. [Ord. 2006-055]

2. Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided for by the County, which identifies each required WHP unit. In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the Covenant to Building Division prior to issuance of the first building permit. The Covenant shall include but not be limited to restrictions requiring: that all identified WHP units shall be sold, resold, or rented only to low, moderate 1, moderate 2, or middle-income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for 25 years from the date of the certificate of occupancy for each unit ~~is first purchased or designated as WHP rental unit~~; and that in the event a unit is resold before the 25 year period conclude, a new 25 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited those set forth below to ensure compliance with the WHP. Every deed for sale of a WHP housing unit shall incorporate by reference the controlling Covenant. [Ord. 2006-055]

3. Monitoring and Compliance

Prior to the sale, resale, or at the time of rent of any WHP unit established pursuant to this program, the seller shall provide the County Administrator, or designee, documentation sufficient to demonstrate compliance with the WHP. Such documentation shall include but not be limited to information regarding the identity and income of all occupants of the WHP unit. The owner or lessee of the WHP unit shall submit to the County Administrator, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The County may conduct site visits at reasonable times, or perform other independent investigation to verify continued compliance with the WHP. [Ord. 2006-055]

4. Enforcement

The County may enforce the requirements of the WHP through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, and tolling of the 25-year term of the WHP. [Ord. 2006-055]

5. Limitation on Restrictions

~~WHP units shall not be subject to restrictions beyond income qualifications. The limitation on restrictions may be waived by the ZC, BCC, or Planning Director, only to ensure housing for a specific target group (e.g. disabled populations) where there is a demonstrated need. [Ord. 2006-055] [Relocated above.]~~

6.5. Compatibility

The resulting development shall be compatible with surrounding residential land uses, as described herein. [Ord. 2005 – 002]

6. Release of Obligation to Construct WHP Units

It is intended that all WHP units will be marketed in the same manner as the market-rate units within a development. In the event a WHP unit eligible for contract: (i) has been available for purchase for a period not less than one hundred and eighty (180) days and no contract has been executed during the 180 day period; or (ii) is located within a development pod/phase in which not less than 80 percent of the for sale market rate units (i.e. non WHP units) have binding purchase contracts; then upon the later of the two aforementioned requirements having been met, that specific WHP unit is eligible to be released from the WHP obligations inclusive of release from the Covenant. When a WHP unit is not purchased in accordance with (i) or (ii) above, an In-Lieu cash payment \$40,750 per single-family unit and \$25,000 per multi-family unit must be made to the County prior to the unit being released from the WHP price requirement. Units which are not required to be constructed pursuant to 5.G.1.B.3 are not eligible for this reduced in-lieu payment. These units must provide in-lieu payment consistent with 5.G.1.G.4. The County shall utilize cash payments for the express purpose of providing down payment assistance to eligible households seeking to purchase WHP units. To the greatest extent possible, the down payment assistance provided by the County shall be utilized for the purchase of WHP units from the project from which the cash payment was provided. The payment shall be deposited in a WHP Trust Fund maintained by the PBC Department of HCD.

7. Available for purchase shall mean:

a. written notice is provided to the Palm Beach County Department of Planning, Zoning and Building and the Department of Housing and Community Development that developer has a project approved which requires the construction of WHP units and the developer is ready to commence sales of the required WHP unit within the development. In addition this notice shall be provided to the Realtors Association of Palm Beach County and the

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EXHIBIT O

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 1. ULDC, Art. 1.1.2.A.102, Auction (page 36 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify definition for types of auctions.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

- A. Terms defined herein or referenced in this Article shall have the following meanings:
102. **Auction** - for the purposes of Art. 4, an establishment engaged in the public sale of goods merchandise to the highest bidder in an enclosed building or outdoor.
a. **Auction, Enclosed** – an auction with all of the activity, display and sale of merchandise occurring within an enclosed building.
b. **Auction, Outdoor** – an auction with all or a portion of the activity, display and sale of merchandise occurring outdoors.

Part 2. ULDC, Art. 1.1.2.C, Definitions, [Related to Commercial Communication Towers] (page 65 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add definition for Communication Tower Users List as related to Shared Use/Collocation in Article 4.C.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

- C. Terms defined herein or referenced Article shall have the following meanings:
....
43. **Communication Tower Users List** – an official list of commercial communication tower service providers, maintained by the Development Review Officer, to assist new users to locate existing sites to encourage collocation, pursuant to Art. 4.C.6.D, Shared Use/Collocation.
[ReNUMBER accordingly]

Part 3. ULDC, Art. 1.1.2, Definitions (page 68 and 97 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add definitions related to Plans and define Technical Manual.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 DEFINITIONS

- M. Terms defined herein or referenced Article shall have the following meanings:
....
21. **Master Plan or Site Plan** - For the purposes of Art. 2 and 3, a Master Plan or a Site Plan means a graphic and informational representation of a specific design solution for a development phase or entirety, meeting the requirements and conditions of this Code. The Master Plan or a Site Plan shows an overall development concept including present property uses as well as proposed land development uses, and layout of design and infrastructure components. Various stages of refinement and government approval qualify the Master Plan or the Site Plan to be certified as the proposed Master Plan or Site Plan. For the purposes of Art. 12, a Master Plan or Site Plan shows how parcels and uses in a mixed-use development will integrate with one another. The Master or Site Plan plan dictates access, and mitigation strategies, and dictates the build-out timeframe and any associated conditions and shall be the controlling document for a mixed-use development. All development, access, density, and intensity in the project shall be consistent with the plan. All site plans, subdivisions and plats shall be consistent with the plan. In cases of conflict between plans, the most recent approved Master Plan or Site Plan shall control to the extent of the conflict. Approval of a Master Plan or Site Plan shall be binding upon the landowners subject to the Development Order, their successors and assigns, and shall constitute development regulations for the land. Development of the land shall be limited to the uses, intensities, access, configuration,

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EXHIBIT O

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

mitigation strategies, and all other elements and conditions set forth in the Master Plan or Site Plan. Requirements for the submittal of a preliminary master or site plan and a final master or site plan to the Zoning Division are indicated in Art. 2 pursuant to the type of zoning application being submitted. [Ord. 2006-036]

[Renumber accordingly.]

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

....
17. Technical Manual – a manual maintained by the Zoning Division that outlines the minimum technical requirements for preparing applications for zoning review. The Manual shall be posted on the Zoning web page.

[Renumber accordingly.]

Part 4. ULDC, Art. 1.1.2.H.22, Definitions (page 59 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to delete the phrase “such as gun dealers” under Home Occupation (pursuant to State Statutes).

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 DEFINITIONS

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

22. **Home Occupation** - a business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, ~~such as gun dealers.~~

Part 5. ULDC, Art. 1.1.2.I.21, Definitions (page 60 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify Integration.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 DEFINITIONS

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

21. **Integration** – For the purposes of Art. 3.B., ~~Overlays 15.E.1, Mixed Use~~ and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the horizontal or vertical combination of residential and non-residential uses that forms a single project providing for pedestrian and built form connectivity between uses, parking areas and public spaces. [Ord. 2006-004] [Ord. 2006-036]

Part 6. ULDC, Art. 1.1.2.V, Definitions (page 102 of 109), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add new definition for vehicle rental facility.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 DEFINITIONS

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

....
11. Vehicle Rental Facility, Neighborhood - a rental facility that is limited to a maximum of six vehicles stored on site.

....
[Renumber accordingly.]

Part 7. ULDC, Art. 1.1.3, Acronyms (page 106, 107, and 108 of 109), is hereby amended as follows:

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EXHIBIT O

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Reason for amendment: [Zoning] Amend to add various acronyms pertaining to plans of development and types of sign plans.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

-
- FMP** Final Master Plan
-
- FMSP** Final Master Sign Plan
- FRP** Final Regulating Plan
- FSBP** Final Subdivision Plan
- FSP** Final Site Plan
-
- LDM** Land Development Design Standards Manual
-
- MSP** Master Sign ~~Program~~ Plan
-
- PDP** Preliminary Development Plan
-
- PMP** Preliminary Master Plan
- PMSP** Preliminary Master Sign Plan
-
- PRP** Preliminary Regulating Plan
- PSBP** Preliminary Subdivision Plan
- PSP** Preliminary Site Plan
-

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1
2 Part 1. ULDC, Art. 2.A.1.G, Applications Requirements (page 8 of 53), is hereby amended as
3 follows:
4

5 Reason for amendment: [Zoning] Amend to clarify for an applicant what type of plan(s) requirements
6 are needed when submitting an application, and reference the Zoning Technical Manual for submittal and
7 graphic standards. Further clarify that the type of plan is based upon the type of request.

8
9 CHAPTER A GENERAL

10 Section 1 Applicability

11 G. Application Procedures

12

13 2. Application Requirements

14 The application form and requirements for a development order, approved through the
15 legislative or the administrative process, shall be submitted on forms as specified by the PBC
16 official responsible for reviewing the application. [Ord. 2005-041] Additional application
17 requirements specific to a zoning district, use, or process are referenced in the applicable
18 sections of the ULDC. The general requirements for all applications are outlined in the
19 Technical Manual, which is published and periodically updated by the Zoning Division.

20 3. Plan Requirements

21 All applications or applicants submitting for a legislative or an administrative approval process
22 shall submit a plan to the DRO. The type of plan shall be based upon the type of application
23 request(s), and shall be prepared to include graphics and tabular data consistent with the
24 Technical Manual requirements and standards. The plan shall provide sufficient information
25 for County Agencies to review in order to render DRO comments on the project for
26 compliance with applicable standards of the Code pursuant to Art.2.B.1.B, Standards, Art.
27 2.B.2.B, Standards, or Art. 2.D.1.D, Standards. In addition, the plan shall be prepared in
28 compliance with the following:

- 29 1) The Land Development Design Standards Manual (LDM) published and maintained by
30 the Land Development Division;
- 31 2) All applicable objectives, standards and requirements in this Code; and,
- 32 3) Plan labeling standards as follows:
 - 33 a) Plans requiring DRO certification for Public Hearing shall be labeled "Preliminary";
 - 34 b) Plans requiring DRO approval shall be labeled "Final".

35 a. Master Plan

36 The master plan shall be the controlling document for a PDD listed below. All
37 development site elements including, but not limited to: ingress/egress, density, and
38 intensity in the PDD shall be consistent with the master plan. All subdivisions and plats
39 shall be consistent with the master plan. In cases of conflict between plans, the most
40 recently approved BCC plan or DRO final plan, where applicable, shall prevail.

41 1) Preliminary Master Plan (PMP) for Legislative Approval

42 The BCC shall approve a PMP for the following PDDs: PUD, RVPD, MHPD, PIPD,
43 and PDDs with a MLU or EDC future land use designation.

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

45 For a PUD application with no proposed subdivision, the applicant may submit a
46 PSP prior to certification for public hearing process, which includes but not
47 limited to: layout of lots and buildings, ingress/egress, recreation areas,
48 exemplary design standards, if applicable, etc. for the purpose of a BCC review
49 at the hearing. For a PUD application proposing to subdivide, the applicant may
50 submit a PSBP pursuant to Preliminary Subdivision Plan.

51 2) Final Master Plan (FMP) for Legislative Approval

52 For applications with a PMP, the applicant shall submit a FMP for final review and
53 approval by the DRO. The FMP shall be prepared consistent with the BCC approved
54 PMP, and all modifications shall be approved by the BCC unless the proposed
55 changes are required to meet conditions of approval or are in accordance with the
56 ULDC, whichever is more restrictive.

57 b. Site Plan

58 The site plan shall be the controlling plan for conditional uses, requested uses or PDDs
59 listed below. All development site elements including, but not limited to: ingress/egress,
60 density, and intensity in the proposed project shall be consistent with the site plan. All
61 plats shall be consistent with the site plan. In cases of conflict between plans, the most
62 recently approved BCC plan or DRO final site plan, as applicable, shall prevail.

63 1) Preliminary Site Plan (PSP)

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

The BCC shall approve a PSP for the following applications: CA Conditional Use, Requested Use, MXP, MUPD and equivalent previously approved planned developments. The ZC shall approve a PSP for a CB Conditional Use request.

2) Final Site Plan (FSP) with Legislative Approval (Off-The-Board)

After a PSP is approved by the BCC or ZC, the applicant shall submit a FSP to the DRO for final review and approval. The DRO shall review the FSP for consistency with the PSP, applicable code requirements, BCC or ZC conditions of approval. All modifications to the PSP that are shown on the FSP must be approved by the BCC or ZC unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, whichever is more restrictive.

3) Final Site Plan (FSP) for Administrative Approval

The DRO shall approve a Final Site Plan for:

- a) Any requests for uses that have a “D” in Table 4.A.3.A-1, Use Matrix; or,
- b) Any requests subject to Table 4.A.3.A – Thresholds for Project Requiring DRO Approval.

c. Subdivision Plan

The subdivision plan shall be the controlling plan for conditional uses, requested uses or PDDs that are subject to the subdivision process. All development site elements including, but not limited to: ingress/egress, density, and intensity in the proposed project shall be consistent with the subdivision plan. All plats shall be consistent with the subdivision plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final subdivision plan, as applicable, shall prevail.

1) Preliminary Subdivision Plan (PSBP) for Legislative Approval

The DRO shall review and certify a PSBP for any applications that are subject to the submittal requirement of a PMP pursuant to Art.2.A.1.G.3.a, Master Plan, and which involves in the subdivision of land to be platted. The applicant may submit a PSBP prior to certification for public hearing process, which includes but not limited to: layout of lots, exemplary design standards, ingress/egress, density, etc. for the purpose of a BCC review.

2) Final Subdivision Plan (FSBP) for Legislative Approval

After a PSBP is approved by the BCC or ZC, the applicant shall submit a FSBP for parcels of land that are subject to subdivision to the DRO for final review and approval. The FSBP shall be reviewed and approved prior to submission of an application for a plat or other approval required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

3) Final Site Plan (FSP) for Administrative Approval

The DRO shall approve a Final Site Plan for:

- a) Any requests for uses that have a “D” in Table 4.A.3.A-1, Use Matrix; or,
- b) Any requests subject to Table 4.A.3.A – Thresholds for Project Requiring DRO Approval; or
- c) Any subdivision of individual single-family lots in a PUD or a combination of lots that has been determined by the Zoning Director that does not require the Legislative Approval Process.

4) Exception

A minor subdivision may be exempt from this Section subject to the approval of a Plat Waiver pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

d. Regulating Plans

The regulating plan shall reflect the necessary tabular and graphic information required in the Technical Manual, which provides a comprehensive graphic and written description of the project and shall include but not be limited to: lot layout for housing type, street cross sections, design details of site elements, etc. Each element of the regulating plan shall be drawn to scale or labeled with notes, specifications and dimensions.

1) Preliminary Regulating Plan (PRP) for Legislative Approval

The DRO shall review and certify a PRP for all requests that are subject to the legislative approval process. The BCC shall approve a PRP for: Conditional Uses, Requested Uses, rezoning to a PDD, the affected area of modifications to previously approved PDDs, and shall include, at a minimum, the following elements:

- a) Focal points;
- b) Exemplary features;
- c) Public amenities; and,
- d) Preliminary Master Sign Plan or Program.

2) Final Regulating Plan (FRP) for Legislative Approval or Administrative Approval

After a PRP is approved by the BCC or ZC, the applicant shall submit a FRP to the DRO for final review and approval. The FRP shall be consistent with the BCC or ZC approved PRP. All modifications to the plan must be approved by the

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

- 1 BCC or ZC unless the proposed changes are required to meet conditions of
- 2 approval, are not in conflict with the BCC or ZC approval or are in accordance
- 3 with the ULDC.
- 4 b) The DRO shall review and approve a FRP for any requests for uses that have a
- 5 “D” in Table 4.A.3.A-1, Use Matrix; or any requests subject to Table 4.A.3.A –
- 6 Thresholds for Project Requiring DRO Approval.
- 7 c) In addition to the requirements indicated in Art. 2.A.1.G.3.d,1, Preliminary
- 8 Regulating Plan (PRP) for Legislative Approval, the following items shall be
- 9 shown on the FRP, as applicable:
- 10 (1) Street cross sections, including sidewalks, bike lanes, street trees, on street
- 11 parking and lighting;
- 12 (2) Typical lot layouts for each housing type, including building envelope, screen
- 13 enclosure/pool setbacks, and driveway access;
- 14 (3) Landscape buffer details (plan view and cross section);
- 15 (4) Median landscape detail;
- 16 (5) Master Sign Plan;
- 17 (6) Elevations, if submitted pursuant to Art. 5.C, Design Standards;
- 18 (7) Pedestrian circulation plan in accordance with Art. 3.E, Planned
- 19 Development Districts (PDDS);
- 20 (8) Phasing plan in accordance with Art. 2.D.1, Development Review Officer;
- 21 (9) Screening details;
- 22 (10) Neighborhood parks; and,
- 23 (11) Alternative Landscape Plan (ALP) or Alternative Sign Plan (ASP).
- 24 **3) Design Standards (DS) Alternative**
- 25 An applicant may submit Design Standards in lieu of a Regulating Plan, provided that
- 26 approval is granted by the Zoning Director at DRO. The DS shall contain text,
- 27 graphics and pictures to illustrate prevailing design theme and concept applicable to
- 28 the project. Requirements for Design Standards review and approval process shall
- 29 be in compliance with Art.2.A.1.G.3.d,1) and d.2), Preliminary and Final Regulating
- 30 Plans. [Ord. 2004-040]
- 31 **e. Other Types of Plans**
- 32 **1) Landscape Plans**
- 33 Article 7 identifies three types of landscape plans: Planting, Landscape, and
- 34 Alternative Landscape. Application requirements, labeling of Plans, and approval
- 35 procedures for Landscape Plans or Alternative Landscape Plans shall be consistent
- 36 with Art.2.A.1.G.3, Plan Requirements and Art.2.A.1.G.3.d,1) and d.2), Regulating
- 37 Plan, and Art.7.
- 38 **2) Sign Plans**
- 39 Article 8 identifies three types of sign plans: Master Sign Program, Master Sign Plan,
- 40 and Alternative Sign Plans. Application requirements, labeling of Plans, certification
- 41 and approval procedures of Master Sign Programs, Master Sign Plans or Alternative
- 42 Master Sign Plan shall be consistent with Art.2.A.1.G.3, Plan Requirements,
- 43 Art.2.A.1.G.3.d,1) and d.2), Regulating Plan and Art.8.

[ReNUMBER accordingly.]

Part 2. **ULDC, Art. 2.A.1.H.1, Small Scale, TMD and MLU Amendments (page 9 of 53), is hereby amended as follows:**

Reason for amendment: [Planning] Amend to delete TMD & MLU under the consolidated Planning Land Use Amendment and Zoning applications. Not all TMD projects should be required to move forward with the rezoning concurrently.

CHAPTER A GENERAL

Section 1 Applicability

H. Consolidated Application

1. Small Scale, ~~TMD and MLU~~ Amendments

If a land use amendment requires a rezoning, conditional use, requested use, development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. An application for a Type II variance may be submitted concurrently or separately. Applications that are contingent upon the approval of variances must be submitted separately. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within ~~45~~ 90 days of receipt of the land use amendment application.

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036]

Part 3. ULDC, Art. 2.A.1.Q.3, Implemented Development Order (page 14 of 53), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add Zoning Commission (ZC) to Legislative Abandonment development orders for Class B Conditional Use.

CHAPTER A GENERAL

Section 1 Applicability

Q. Development Order Abandonment

3. Implemented Development Orders

Certain implemented development orders qualify for administrative abandonment. Other implemented development orders require legislative abandonment by the BCC Board that approved the development order (BCC or ZC).

....

b. Legislative Abandonment

A development order, which was used, implemented or benefited from, may be abandoned simultaneously with the issuance of a subsequent development order issued by the BCC or ZC, as applicable. ~~or~~ The property owner also has the option may elect to petition the BCC or the ZC to abandon the development order through expedited application review process, pursuant to Article 2.B.2.G ~~F~~.2, Expedited Application Consideration (EAC).

....

Part 4. ULDC, Art. 2.A.1.T, Outstanding Liens or Fines (page 15 of 53), is hereby amended as follows:

Reason for amendment: [Zoning/County Attorney] Amend to remove the reference to voluntary commitment for payment of outstanding liens and fines since all liens and fines must be paid to the County prior to the approval board taking final action on the application.

CHAPTER A GENERAL

Section 1 Applicability

T. Outstanding Liens or Fines

1. General

Development order applications for properties that have outstanding liens or fines owed to PBC shall be restricted as follows:

a. Rezoning, Conditional Use, Development Order Amendment and Variances

The approving body shall impose a condition of approval ~~or voluntary commitment~~ requiring the payment of any outstanding liens or fines by a date certain or prior to a specific event;

Part 5. ULDC, Art. 2.B.1.B.9, Mobile Home Parks (page 16 of 56), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to relocate Art. 2.B.2.B.9, Mobile Home Parks to Art.3.E.6.MHPD since this requirement was erroneously placed in the Standards of Rezoning, and should be relocated under the Mobile Homes Section of the code since this requirements specific to a Mobile Home only.

CHAPTER B PUBLIC HEARING PROCEDURES LEGISLATIVE PROCESS

Section 1 Official Zoning Map Amendment (Rezoning)

B. Standards

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1 – 8 indicated below. In addition the standards indicated in section 2.B of this chapter shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver.

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001]

9. Mobile Home Parks

~~Any rezoning of property having an existing mobile home park shall comply with the requirements of F.S. Chapter 723.083, Governmental Action Affecting Removal of Mobile Home Owners. [Ord. 2007-013] [Relocated to Art. 3.E.6, MHPD]~~

Part 6. ULDC, Art. 2.B.1.D, Development Order Amendment to a PDD, TDD or COZ (page 16 of 53), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify that a COZ can be placed on rezoning to a standard district. This will codify COZ an overlay and not a zoning district.

CHAPTER B PUBLIC HEARING PROCEDURES LEGISLATIVE PROCESS

Section 1 Official Zoning Map Amendment (Rezoning)

D. Development Order Amendment to a PDD, TDD or a Standard Zoning District with a COZ

A development order for a PDD, TDD or a standard zoning district with a COZ may be amended, extended, varied or altered either pursuant to the conditions established with its original approval, or as otherwise set forth in this Code. Prior to any PDD, TDD or COZ being amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC must find that a change of circumstances or conditions has occurred which make it necessary or reasonable to amend, extend, vary or alter the PDD, TDD or COZ. [Ord. 2005-041]

Part 7. ULDC, Art. 2.C.1, General [Related to FLU Plan Amendments] (page 20 of 53), is hereby amended as follows:

Reason for amendment: [Planning] Amend to reflect procedural changes to the Future Land Use Atlas amendment process that were adopted during the last two years and to make additional changes to remove or update references and procedures that are unnecessary or outdated.

CHAPTER C FLU PLAN AMENDMENTS

Section 1 General

A. Purpose

The purpose of this section is to provide a means for changing the boundaries or designations of the FLU by means of site specific amendments to the Palm Beach County Comprehensive Plan. ~~It is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the BCC shall consider, in addition to the factors set forth in this section, the consistency of the proposed amendment with the intent of the Plan, Treasure Coast Regional Policy Plan, State of Florida Comprehensive Growth Management Plan, F.S. Chapter 163, and Rules 9J-5 and 9J-11, F.A.C.~~

B. Authority

The BCC may amend the boundaries or designations of the FLU of the Plan upon compliance with the provisions of this Section.

C. Initiation

Site Specific Aamendments may be proposed by the BCC, the Local Planning Agency (LPA), or the owner of the land to be affected by a proposed amendment.

D. Procedure

1. Pre-Application Conference

~~A potential applicant for a site specific amendment may request in writing an optional pre-application conference with the Planning Director. Prior to the optional pre-application conference, the applicant shall provide to the Planning Director a description of the character, location and magnitude of the proposed amendment and any other information the potential applicant deems relevant. The purpose of the pre-application conference is to acquaint the potential applicant with the requirements for a site specific amendment. The substance of the optional pre-application conference shall be recorded in a summary prepared by the Planning Director. The letter shall be mailed to the applicant by the Planning Director within seven working days after the optional pre-application conference. The letter shall set forth the subjects discussed at the pre-application conference and PBC's position in regard to the subject matters discussed as well as the review procedures and timelines that generally apply to the proposed development.~~

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

21. **Timing**

An application by a property owner for a site specific amendment shall be accepted for review and processing if determined sufficient, up to two times per year~~twice each year~~. That date shall be announced ~~four months~~ in advance by the Planning Director BCC. ~~There shall be two~~ Exceptions to this timing requirement are provided for in F.S. §163.3187. ~~An amendment shall be considered at any time if it is directly related to a DRI, including a substantial deviation for a DRI.~~ Small scale amendments may be processed up to four times per year as scheduled by the Planning Director ~~will be processed on a quarterly basis with the closing deadlines in February, May, August, and October. Nothing in this Section shall be deemed to require favorable consideration of the amendment solely because it is related to a DRI or because it is a small scale development amendment.~~

32. **Submission of Application**

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

a. **Small Scale Amendments**

If a small scale land use amendment requires a rezoning, conditional use, development order amendment or abandonment application(s), the two applications shall be reviewed and considered by the BCC concurrently. The applicant shall submit a site plan or conceptual site plan as part of the zoning application(s). The complete zoning application must be submitted at a scheduled zoning application intake within 45 90 calendar days of receipt of the small scale land use amendment application. If a complete zoning application is not submitted, the small scale land use amendment shall be administratively withdrawn immediately.

43. **Contents of Application**

a. **General**

The application shall be submitted in a form established by the Planning Director. ~~The application must contain justification for the proposed amendment citing at least one of the standards contained in Article 2.C.1.D.10, Standards, and a demonstration of need.~~ The application must contain applicable data and analysis to substantiate any claims made within the application. Failure of an applicant to disclose relevant information shall serve as grounds for postponement by the board holding the public hearing.

b. **Amendments to the Application**

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

54. **Determination of Sufficiency**

The Planning Director shall determine whether the application is sufficient and includes data necessary to evaluate the application. The determination of sufficiency shall apply to the submission and shall be based upon whether or not the application responds to all the requested information and meets minimum application criteria, as provided by the Planning Director in the application instructions checklist.

- a. If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies within ten working days of the receipt of the application. The Planning Director shall take no further action on the application until the deficiencies are remedied. If the deficiencies are not remedied within ten working days of the notice of insufficiency, the application shall be considered withdrawn.
- b. If or when the application is determined sufficient, the Planning Director will proceed to review the application pursuant to the procedures ~~and standards~~ of this Section.

65. **Review, Report and Recommendation by Planning Director**

When the application is determined sufficient, the Planning Director shall review the application, consult with other agencies, prepare a staff report (which incorporates the comments of the other agencies), and make a recommendation of approval, approval with conditions, or ~~disapproval denial~~ based on applicable data and analysis and consistency with the Palm Beach County Comprehensive Plan, F.S. Chapter 163, and Rules 9J-5 and 9J-11, F.A.C. the standards in Article 2.C.1.D.10, Standards. The Planning Director shall send a copy of the staff report to the applicant by mail on the day the staff report is completed which shall be at least five working days prior to the LUAB LPA public hearing, along with written notification of the time and place the application will be considered by the LUAB LPA.

76. **Notice**

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

a. **Advertisement**

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

Notes:

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

b. **Courtesy Notice Mailing**

A courtesy "notice" of a proposed plan amendment shall be mailed sent to all owners of real property located within 500 feet of the periphery of the land to be affected by the requested change, whose names and addresses are known by reference to the latest published ad valorem tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real property owners living within 500 feet. If the area within 500 feet is owned by the applicant or partner in interest, the 500 foot notification boundary shall be extended from these parcels. Such property notice shall be given approximately 15 to 30 calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change. All POA's and cooperatives within the area as well as all counties and municipalities within one mile of the area shall be notified. Areas that a municipality has identified as a future annexation area shall also give notice to the municipality. Such notice shall also be sent approximately 15 to 30 calendar days prior to the date set for the first public hearing. ~~The All notices shall state the substance of the proposal and shall set a date, time and place for the public hearing. The notice shall contain a location map clearly indicating the area covered by the proposal including major streets, and a statement that interested parties may appear at the public hearing and be heard regarding transmittal or adoption of the amendment. Such notice shall be given approximately 15 to 30 calendar days prior to the date set for the first public hearing by depositing such notice in the mail by certified or first class mail, properly addressed and postage prepaid, to each owner as the ownership appears on the last approved tax roll. A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. If the property is undergoing a simultaneous land use change and rezoning, the notice for the rezoning may be included in the notice required for the land use change.~~

....
d. **Other Courtesy Notice**

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

e. **Exceptions to Mailing and Posting**

The mailing and posting notice requirements shall not apply to actions by the BCC initiating any of the following:

- 1) ~~A site specific land use change subsequent to a land use action resulting from Art. 5.G.1, Workforce Housing Program (WHP) or Art. 5.G.2, Transfer of Development Rights-Special Density Program; [Ord. 2005 – 002]~~

[Renumber accordingly.]

87. Action by the LUAB Planning Commission ~~s~~ Sitting as the Local Planning Agency (LPA)

The LPA public hearing shall be advertised in a newspaper of general circulation in accordance with requirements set forth in F.S. §163.3164(18), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Article 2.C.1.D.11, Conduct of Hearing, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the staff report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions or denial) ~~and findings based on the standards Article 2.C.1.D.10, Standards.~~

98. Action by BCC

a. **Transmittal Public Hearing**

The transmittal public hearing shall be held on a weekday at least seven calendar days after notice is published pursuant to F.S. §163.3184(15)(b) 1, as amended from time to time. Prior to transmittal to DCA, the BCC shall conduct one transmittal public hearing on the application pursuant to the procedures in Article 2.C.1.D.11, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, ~~and based on the standards in Article 2.C.1.D.10, Standards,~~ and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny ~~for the~~ transmittal of the application. Failure of the BCC to approve the transmittal of an application for a site-specific amendment shall be deemed a denial of the proposed site-specific amendment.

b. **Adoption Public Hearing**

Notes:

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

The adoption public hearing shall be on a weekday at least five calendar days after the day the notice for the public hearing is published pursuant to F.S. §163.3184(15)(b)(2), as amended. Pursuant to the time frames in F.S. §163.3184(15)(b)(2) the BCC shall conduct at least one adoption public hearing on the application pursuant to the procedures in Article 2.C.1.D.11, Conduct of Hearing. At the public hearing, the BCC shall consider the application, the staff report, the relevant support materials, the DCA comments, and the public testimony given at the public hearing, ~~and based on the standards in Article 2.C.1.D.10, Standards~~, vote to adopt, adopt with conditions, or not to adopt an ordinance making a site specific amendment. A decision to adopt an ordinance making a site specific amendment shall require a majority vote of the members of the BCC present at the hearing.

....

10. Standards

~~The adoption of an Ordinance to make a site specific amendment shall be based on one or more of the following factors, and a demonstrated need to amend the FLUA, as long as the Plan maintains its internal consistency. A demonstration of need may be based upon market conditions indicating that there is a demand for the proposed land use designation or a demonstration that the current land use designation is no longer appropriate. Appropriate data and analysis to demonstrate a need for the amendment must be provided within the application. Additionally, all amendments shall be reviewed at the maximum intensity or density permitted under the requested future land use designation. Data and analysis must be provided within the application to substantiate at least one of the following:~~

- ~~a. Changed projections (e.g., regarding public service needs) in the Plan, including but not limited to amendments that would ensure provision of public facilities;~~
- ~~b. Changed assumptions (e.g., regarding demographic trends or land availability) in the Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;~~
- ~~c. Data errors, including errors in mapping, vegetative types and natural features in the Plan;~~
- ~~d. New issues that have risen since adoption of the Plan;~~
- ~~e. Recognition of a need for additional detail or comprehensiveness in the Plan; or~~
- ~~f. Data updates.~~

119. Conduct of Hearing

b. Due Order of Proceedings

The order of the proceedings shall be as follows:

- 1) ~~The Planning Director shall present a narrative and graphic description of the application, a written and oral recommendation, and the staff report. The recommendation shall address each factor required to be considered by this Code prior to approval of the application for a site specific Plan amendment. The recommendation of the Planning Director shall be made available to the applicant at least five working days prior to the public hearing, unless extended by mutual agreement;~~

....

- 5) ~~The applicant may respond to any testimony or evidence presented by PBC staff or the public. The LPA may ask questions to PBC staff, the applicant, or members of the public.~~

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

1) Entitlement Continuances

An applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 working days prior to the hearing. Additionally, an applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 working days prior to the hearing ~~and is submitted along with an additional set of the required 500 foot public notice envelopes Art. 2.C.1.D.7.b, Courtesy Mailing~~. The Planning Division will honor entitlement continuances administratively.

2) Non-Entitlement Continuances

The body conducting the public hearing may by ~~on~~ its own motion, or at the request of any applicant or the Planning Director, continue the public hearing or meeting to a fixed date, time and place. All non-entitlement continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. The applicant shall be subject to a fee as established by the BCC upon the second non-entitlement continuance. ~~The applicant shall be required to provide an additional set of the required 500-foot public notice envelopes.~~

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

3) Concurrent Rezoning Petitions

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

d. Continuance or Postponement of Large Scale Amendments

1) Entitlement Continuances

An applicant shall have the right to request and be granted one entitlement continuance, to subsequent amendment round and will be subject to a fee as established by the BCC; provided that the request is made in writing at least 20 working days prior to the LPA public hearing. In order to provide most current data, the applicant of an amendment postponed to the next round shall be required to submit an updated revised application including a with new traffic and market analysis upon the next window closing date.

2) Non-entitlement Continuances

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

3) Administrative Withdrawal

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

e. Withdrawal of Applications

An applicant shall have the right to withdraw an application for a site specific amendment at any time prior to the advertised adoption public hearing by the BCC. Applicants shall not be entitled to the return of application fees. Additionally, applicants shall not be entitled to the return of application materials.

Part 8. ULDC, Art. 2.D.1. Development Review Officer, (page 25 of 53), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to 1) establish consistency to clarify current processes; 2) establish correct terminology, citing and labeling requirements for plans of development; 3) clarify DRO process and relocate Art.2.D.1.A.1.D, Application Requirements under Art.2.A.1.G, which is a general section for all types of Zoning applications; 4) be consistent with changes in Comp Plan text amendments adopted during the last two years per BCC direction. Neighborhood Plans are adopted by resolution and not ordinance; therefore, the word "shall" is deleted; 5) increase Administrative Review thresholds; 6) to allow additions or relocations to be placed closer to compatible adjacent parcels; 7) clarify the term "substantial" when related to increases in impact.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

A. Purpose

The purpose of this Section is to establish a review process for all developments requiring certification or approval by the DRO. Certification, approval, approval with conditions or denial of an application shall be based upon comments and recommendations from appropriate PBC departments, PBC divisions, and other local government agencies to the DRO. This Section also establish standards for review; standards for certification, approval or denial for both legislative or administrative processes; to set limits on the administrative authority of the DRO to modify BCC or ZC approvals; and an the appeal process. The DRO shall perform the following functions:

1. Legislative Process

Review and determine certification of applications for BCC or ZC public hearing process. After the BCC or ZC hearing and approval of the application, the DRO shall review the approved development order for consistency with the BCC or ZC approved plan and conditions of approval, as applicable, under the Final DRO approval process; and.

2. Administrative Process

Review and approval of applications for uses that have a "D" in Table 4.A.3.A-1, Use Matrix or Table 4.A.3.A, Thresholds for projects requiring DRO Approvals.

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

B. Application Types

1. The following types of development shall require approval of a master plan, site plan, ~~or~~ subdivision, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO;

....
e. All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A-2; Threshold for Project Requiring DRO Approval;

C. Review Procedures

1. Staff Review

At least five days prior to the DRO review date, each applicant shall be provided a list of issues, if any, which must be addressed prior to approval of the application. ~~..~~ [Ord. 2007-001] [Ord. 2008-003]

~~D.2.~~ Application Requirements

~~Refer applications requirements to Art. 2.A.1.G.3, Plan Requirements. All applications to the DRO shall contain a plan of development, which graphically and in tabular form provides sufficient information for a decision to be rendered in accordance with the standards in Section.~~

~~1. Plan Requirements~~

~~At a minimum, all site plans and subdivision plans submitted to the DRO shall:
a. Comply with the Technical Manual Requirements published by the Zoning Division;
b. Comply with the Land Design Manual published by the Land Development Division; and
c. Comply with all applicable requirements in this Code.~~

~~2. Subdivision Plan~~

~~All subdivision of land shall receive approval of a subdivision plan by the DRO prior to submission of a plat or other approval required by Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.~~

~~a. Exception~~

~~A minor subdivision may be exempt from this Section subject to the approval of a Plat Waiver pursuant to Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.~~

~~23.~~ Action by the DRO

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive certification, approval, approval with conditions or denial. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues. Within seven working days after the review date, the DRO shall certify, approve, approve with conditions, ~~not approve~~, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not certify or approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and if applicable, conditions of approval. [Ord. 2008-003]

[Renumber accordingly.]

~~3D.~~ Effect of an Administrative Development Order Approved Approval by the DRO

A development order approved by the DRO shall have the following effect and authority:
a. Any permitted uses may occur in conjunction with or in place of the approval use;
b. A development order for a site plan or a subdivision plan shall apply to only the land legally described in the application submitted to, and found sufficient by, the DRO and shall run with the land for the life of the development order;
c. A development order for a site plan or subdivision plan shall authorize only the particular site configuration, layout, design, level of impacts, and intensity/density which were approved by the DRO pursuant to the standards of this Code; and
d. A development order for a site plan or subdivision may only be amended pursuant to the procedures and standards in this Section.

E. Standards for Administrative Approval

Prior to approval by the DRO, a site plan or subdivision plan shall comply with the following standards:

....
2. Consistency with Neighborhood Plans

The plan of development ~~shall~~ may be consistent with applicable neighborhood plans.

....
F. Conditions

1. DRO Authority

The DRO shall have the authority to recommend conditions of approval for legislative development orders requiring BCC or ZC approval and impose conditions of approval for ~~on~~

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

- 1 ~~a administrative development orders, which:~~ Conditions of approval may be recommended
- 2 or imposed to:
- 3 **a. Code Compliance**
- 4 Ensure compliance with Code requirements;
- 5 **b. Minimize Impacts**
- 6 Ensure compatibility of the proposed development or use with surrounding land uses,
- 7 address the location of uses on the site to minimize potential adverse off-site impacts,
- 8 and ensure on-site safety;
- 9 **c. Legal Documents**
- 10 Require the execution of a unity of title, unity of control, shared parking and other legal
- 11 documentation necessary to satisfy requirements of this Code;
- 12 **d. Traffic Performance Standards**
- 13 Require road construction necessary for the project to meet TPS including drainage, turn
- 14 lanes, sidewalks, and signalization;
- 15 **e. Agricultural Uses in the Urban Services Area (USA)**
- 16 Reduce negative impacts from agricultural uses in the urban services area on
- 17 surrounding properties including but not limited to: controlling objectionable odors,
- 18 fencing, sound limitations, inspections, reporting or monitoring preservation areas,
- 19 mitigation, and / or limits of operation; and
- 20 **f. Waiver**
- 21 Allows specific requirements of the Code to be waived, provided the proposed
- 22 development meets the ~~specific requirements criteria~~ for granting the waiver.

....

G. Administrative Review

The DRO may approve minor amendments to site plans, alternative landscape plans and subdivision plans, and approve new site plans, in accordance with the following procedures.

[Ord. 2007-001] [Ord. 2008-003]

1. Amendments to BCC/ZC Approvals

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

- a. The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
 - 1) Relocated square footage shall not be used to create additional freestanding buildings or structures; ~~and~~
- b. An increase of no more than five percent in the total floor area of any building or structure, or outdoor area considered as square footage, provided that the increase does not exceed ~~4,000~~ 5,000 square feet whichever is less; [Ord. 2008-003]
- ~~2)c. Additions to or relocations of B~~ buildings and structures shall not be ~~relocated~~ constructed closer to perimeter property lines than shown on the plan approved by the BCC or ZC, unless the FLU designation, zoning district, or existing use of the adjacent parcel is compatible, pursuant to Art 1.1.2.C.55.
- ~~ed.~~ An overall increase of not more than ten percent of the height of any structure;
- ~~de.~~ Relocation of access points; and addition or deletion of internal access points; [Ord. 2008-003]
- ~~ef.~~ Relocation of open space or recreation areas, provided that the request does not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC; [Ord. 2008-003]
- ~~fg.~~ The redesignation of phasing provided the request meets the intent of the development order; [Ord. 2008-003]
- ~~gh.~~ The modification shall not substantially change or increase the impacts reviewed in the original development order; The applicant shall demonstrate compliance with Article 2.F, Concurrency (Adequate Public Facilities) for any increase in density or intensity beyond the original development order; [Ord. 2008-003]
- ~~hi.~~ The modification shall not result in any substantial increase in traffic or access, as determined by PBC The applicant shall demonstrate compliance with Article 12, Traffic Performance Standards without additional conditions of approval to ensure compliance, as determined by the County Engineer for any increase in traffic impact beyond what was reviewed and approved in the original development order; and [Ord. 2008-003]
- ~~ij.~~ Requested uses shall remain in the location approved by the BCC, unless a condition of approval allows relocation. [Ord. 2008-003]

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

1 Part 9. ULDC, Art. 2.D.2.C, Procedure (page 30 of 53), is hereby amended as follows:

2
3 Reason for amendment: [Zoning] Amend title from Procedure to Application Requirements to be
4 consistent with other Sections of this Article. Delete redundancy and establish consistency in format of
5 Code as the application form is already referenced in Art.2.A.1.G, Application Procedures, which specifies
6 the forms and requirements for all zoning applications.

7
8 CHAPTER D ADMINISTRATIVE PROCESS

9 Section 2 Special Permit

10 C. Procedure-Application Requirements

11 1. Contents of Application

12 The application shall be submitted in a form established by the Zoning Director ~~and made~~
13 ~~available to the public.~~ The applicant shall provide proof of a A business tax receipt ~~must be~~
14 ~~obtained~~ and all permits must be posted on the site prior to commencement of operation. If a
15 survey is required, the applicant shall comply with any requirements pursuant to the survey
16 ~~shall indicate: the Technical Manual for application requirements.~~ [Ord. 2007-013]

- 17 a. ~~Location of existing and proposed signage;~~
- 18 b. ~~Square footage of the designated area;~~
- 19 c. ~~Location, setback, and footprint of tent, if applicable;~~
- 20 d. ~~Required setbacks for products (trees, etc); and~~
- 21 e. ~~Location where permit will be posted.~~

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EXHIBIT P

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

1
2
3 Part 10. ULDC, Table. 2.E.3.B, Time Limitation of Development Order for Each Phase (page 42
4 of 53), is hereby amended as follows:
5

6 Reason for amendment: [Zoning/ Industry] Industry requested this amendment to allow two phases for
7 an AGR- TMD. Proposed language would allow the commercial portion of an AGR TMD to be constructed
8 and allow the residential portion to be constructed within 2 years.
9

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION	
....						
REZONING <u>TO</u> - NONRESIDENTIAL- <u>STANDARD ZONING</u> <u>DISTRICT</u> Non-PDD or TDD (Including any associated variance(s))	2	Commence development ¹	Three years ^{2,7}	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein	
CONDITIONAL USES <u>CLASS A AND CLASS B</u> , REQUESTED USES <u>INCLUDING THOSE IN PDDs, and TDDs</u> (Including any associated variance(s))	2 ⁵	Commence development or utilize Conditional Use or Requested Use if no construction is required ¹	Three years ^{2,7}	Twenty-four months	Pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein: Class A - BCC review; Class B - Zoning Commission review	
<u>NONRESIDENTIAL PDD: NON-PLANNED UNIT DEV. (PUD)</u>	4	Commence development ¹	Three years ^{2,7}	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Art.2.E.2.D herein	
PDD: PUD; TDD: <u>TRADITIONAL NEIGHBORHOOD DEV.</u> (TND) (Including any associated variance(s))	no maximum	Record plat ^{6,8}	Three years ^{2,7}	Twelve Months ⁹	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein	
TDD (Including any associated variance(s))	TMD IN THE AGR TIER	<u>4</u> ^{2,10}	Commence development ¹	Twenty-four months	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein	
	TMD IN THE U/S TIER	4	Commence development ¹			Three years ^{2,7} Or, for a TTD, as may be recommended by DRI or local government conditions of approval
	TMD IN ALL OTHER TIERS AND TDD	No maximum	Commence development ¹			Three years ^{2,7} Or, for a TTD, as may be recommended by DRI or local government conditions of approval

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Notes:

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EXHIBIT P

**ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)**

1

Table 2.E.3.B - Time Limitation of Development Order for Each Phase Con't

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH
					TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION DRO REVIEW AND APPROVAL ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER THAT WHICH IS SUBJECT TO THE REQUIREMENTS OF Art. 2.E (THOSE LISTED ABOVE):	SITE PLAN	2	Commence development ¹	Four years ^{3,7}	Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan.
	FINAL SUB-DIVISION PLAN: NON-RESIDENTIAL	2	Commence development ¹	Four years ^{3,7}	
	FINAL SUB-DIVISION PLAN: RESIDENTIAL	no maximum	Record plat	three years ^{3,7}	
NON CONCURRENT VARIANCES	N/A	Commence Development	One Year	24 months	Variance becomes null & void if applicable

Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037]

Notes:

1. Commencement of development shall consist of:
 - a. Receipt of a building permit and first inspection approval of first component of the primary structure(s) for a) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or b) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan herein; or
 - b. The installation of significant site improvements such that the improvements would only permit the development of the approved project, and any other pattern of development would require extensive changes to the installed improvements
 Commencement of development shall not consist of:
 - a. The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recordation of a plat or plat waiver; or
 - b. Demolition of a structure; or
 - c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
 - d. Clearing of land
2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type III excavation shall be established by a condition of approval.
3. From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.
4. All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB. Time extensions for Type IA and IB administrative variances, and Type II non-concurrent variances are to be approved by the Zoning Director. **[Ord. 2007-01]**
5. The maximum number of phases and duration of each phase for a Type III excavation shall be established by a condition of approval.
6. The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement
7. An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the 90 days, the requirements of Art. 2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with Art. 12.C.2, Conditions. **[Ord. 2005-002]**
8. For projects with less than 1,500 residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 10 percent of the total number of residential units. **[Ord. 2008-003]**
 For projects of 1,500 or more residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 150 residential units. This requirement shall apply to all complete applications for plat approval filed on or after (the date to be added being six months after the adoption date of the ULDC amendment). **[Ord. 2008-003]**
 Plat applications filed prior to (the date to be added being six months after the adoption date of the ULDC amendment) shall 1) result in the plat(s) being recorded by (the date to be added being seven months after the adoption date of the ULDC amendment), or comply with this footnote; and 2) provide for residential dwelling units. **[Ord. 2008-003]**
9. No traffic study shall be required if the existing development order has a project buildout date condition for a date later than the twelve month administrative time extension. **[Ord. 2008-037]**
10. All Certificates of Occupancy for the second phase shall be issued no later than two years from the date of issuance of the first CO for the first phase.

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U:\Zoning\CODEREV\2009\LDRAB\Meetings\07-22\4 LDRC\Exhibit P - Article 2.docx

Notes:

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

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2 Part 1. ULDC, Figure. 3.B.15.F.4, WCRAO Sub-area Building Configurations and Lot
3 Placement (page 44 of 155), is hereby amended as follows:
4

5 **Reason for amendment:** [WCRA] Amend to delete requirement for 60% Building Frontage for parcels
6 with industrial uses, pending submittal of Phase II of WCRAO ULDC Amendment. See also table
7 3.B.15.F, WCRAO Sub-area PDRs, where 60% building frontage requirement only applies to commercial
8 uses only.
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Figure 3.B.15.F.4 - WCRAO Sub-area Building Configurations and Lot Placements

Sub-area	Maximum Height, Number of Floors, and Uses by Floor	PDRs - Setbacks, Building Area, and Maximum Building Coverage
UG		
UH		
UI		

KEY for allowable usage by floor:*

R= Residential O= Office
C= Commercial I= Industrial
Cv= Civic Rc= Recreational
All= R, O, C, I, Cv, Rc

Key for setbacks:

f= front setback ss= side setback
s= side setback r= Rear Setback
ZD= Regulations of Applicable Zoning District

Building coverage
 Buildable Area

* Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-5, WCRAO Mixed Use.

[Ord. 2006-004]

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EXHIBIT Q

**ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)**

Part 2. ULDC, Table 3.B.15.G, WCRAO Supplementary Standards by Sub-area (page 45 of 155), is hereby amended as follows:

Reason for amendment: [WCRAO] Amendments submitted by WCRA staff, to chain link and storage shed prohibitions for residential properties. The original intent of the WCRA was to address the slum and blighted conditions of the area and requires new commercial, mixed-use, and multi-family developments within the WCRAO to have an upgraded appearance. The prohibition of the chain link fence was also an attempt to eliminate the institutional appearance. There are limited alternative materials available for fencing and storage sheds in the Florida market. The preferred choices of aluminum picket or stucco clad sheds and asphalt roofing are too cost prohibitive for the residents even with the grant programs available through the CRA. The proposed modifications will allow unsightly yard equipment and tools to be properly enclosed and provide more flexibility without compromising the original design objective of improving the community's streetscape.

Table 3.B.15.G – WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Dwelling	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
Fences and Walls:							
Prohibited Materials²	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features:							
Arcades and Galleries ¹	-	-	-	Required - Westgate Avenue	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 st Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 ²	-	-	-
Windows and Doors:							
Minimum Glazing of Frontage ³	-	³	³	³	-	-	-
Porches, Balconies and Entryways							
Front Setback Maximum Encroachment	8'	6'	6'	-	-	-	-
Min/Max Porch Depth ⁴	6'/10'						
Min/Max Porch Length ⁴	8'/50% of building facade						
Min/Max Balcony Depth	3'/3'						
Min/Max Balcony Length	6'/50% total of building facade						
Parking:							
Location of Surface Parking	-	Rear	Rear	Rear	-	-	-
Driveways ⁵	-	Rear	Rear	Rear	-	-	-
Location of Accessory Dwellings and Garages:							
Detached	Location	Back of rear facade of primary structures.		-	-	-	-
	Setbacks	5' side or rear ⁶		-	-	-	-
Attached	Location	Setback a min. of 20' from front facade		-	-	-	-
Landscaping:							
See Article 7, Landscaping for provisions allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
Key							
-	Subject to the supplementary standards of the lot's zoning district						
[Ord. 2006-004]							
Notes:							
1. See Art. 3.B.15.G.3.d, Arcades and Galleries, Figure 3.B.15.G-4, WCRAO Arcade and Gallery Standards.							
2. Required second floor shall meet minimum frontage and depth requirements.							
3. See Art. 3.B.15.G.3.c, Fenestration Details – Windows and Doors.							
4. Excludes stoops.							
5. Access from the front or side may be permitted for lots with no rear street frontage.							
6. Minimum 20 foot setback shall be required for garages fronting on a street or alley.							
7. <u>Chain link fences may be installed for the following:</u>							
a. <u>Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W.</u>							
b. <u>Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated.</u>							

(This space intentionally left blank.)

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 3. ULDC, Art. 3.B.15.G.1.a, Accessory Structures (page 45 of 155), is hereby amended as follows:

Reason for amendment: [WCRAO] Amend to allow single-family home owners to be exempt from architectural requirements for storage sheds, due to excessive cost of compliance and inability to use common storage sheds such as "Teds Sheds" or other affordable storage structure typically permitted elsewhere, subject to Building Code compliance.

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

G. Supplementary Standards

1. Accessory and Prohibited Uses

a. Accessory Structures

Accessory structures shall be architecturally compatible with the principal building, with exception to accessory structures such as small sheds associated with single-family residences (excluding garages), when less than 150 square feet in size and ten feet in height, and completely screened from all public right-of-ways.

Part 4. ULDC, Art. 3.D.2.C, ZLL Design Standards, (page 66 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify standards on height limitation of structures for lots with ZLL sides that abuts or is separated from a rear property line of an adjacent lot and to add illustration.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 2 PDRs for Specific Housing Types

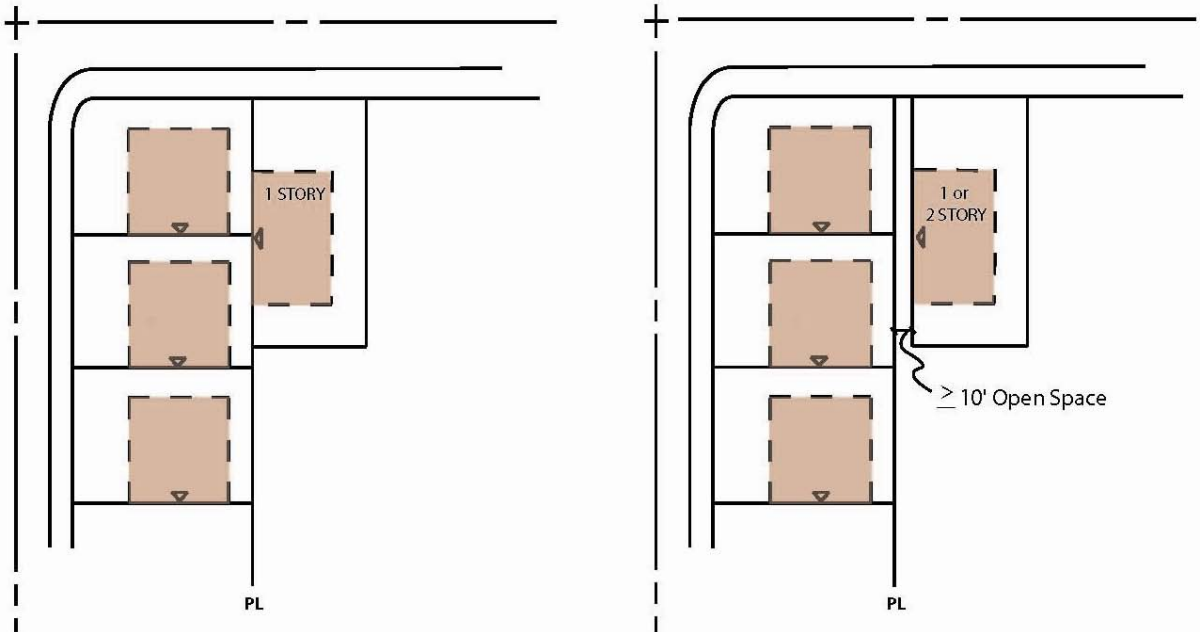
C. ZLL Design Standards

....
3. Height Limitation

Buildings or structures shall not exceed 35 feet in height. Lots with a ZLL side that abuts or is separated from the rear property line of an adjacent lot by less than 10 feet shall be limited to one story in height.

[ReNUMBER accordingly.]

Figure 3.D.2.C-8, ZLL Height Limitations Based on Separation



Part 5. ULDC, Art. 3.D.3.A.2.a, Hours of Operation, (page 69 of 155), is hereby amended as follows:

Notes:

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Reason for amendment: [Zoning] Amend clarify language for Hours of Operation as it applies to application and enforcement.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 3 District Specific Regulations

A. District Specific Regulations

Additional PDRs shall apply in certain districts as follows:

2. All ~~Standard Commercial, Public and Civic Uses Districts, PDDs and TDDs~~

a. Hours of Operation

Commercial, and Public and Civic uses located within 250 feet of adjacent to a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use.

1) Existing Uses

Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent development order.

2) Exemptions

Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards.

Part 6. ULDC, Art. 3.E.1.A, General [Related to PDD’s] (pages 70-72 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Minor revisions and glitch corrections 1) Clarify applicability to previous approvals that are now subject to PDD standards; 2) Amend prior approvals rezoning requirement to delete unusable automatic rezoning language, and add language outlining when a rezoning is required; and, 3) delete redundant provisions outlined otherwise in Art. 1, 2 or other PDD standards.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

A. General

1. Purpose and Intent

The purpose of (PDDs) is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts, and allow for the creative use of land, ~~and which result in quality development~~. The types of development addressed in this Chapter include those encouraged by the Managed Growth Tier System (MGTS) in the Plan. The intent of this Chapter is to encourage ingenuity, and imagination on the part of, architects, landscape architects, engineers, planners, developers, and builders to create development that promotes sustainable living, addresses traffic impacts, encourages alternative modes of transportation, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides housing choices, provides services to the community, encourages economic growth, encourages infill development and redevelopment, and minimizes impacts on surrounding areas through the use of flexible and innovative land development techniques.

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

a. Previous Approvals

Previously approved planned developments with a valid development order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E, Prior Approvals. Nonconforming uses shall comply with 1.F, Nonconformities, and any other applicable requirements, unless stated otherwise herein. [Relocated from below, previously Nonconforming Standards.]

1. Development Order Amendment

Notes:

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Any DOA to a prior approval, including but not limited to additional requested uses, changes exceeding the thresholds for DRO amendments, rezoning, or any other Zoning process requiring BCC approval, shall be required to rezone to a PDD. An exception shall be permitted where the affected area of the request does not include all property owners and consent cannot be obtained.

2. Additional Requested Uses

Previously approved “Additional Requested Uses” shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 – 002]
[Relocated from below, previously Nonconforming Standards]

b. Government Facilities

A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013] **[Relocated from below, previously Thresholds/Government Facilities.]**

3. Conflicts

If a conflict exists between this Chapter and other Articles in this Code, the provisions of this Chapter shall apply to the extent of the conflict.

~~4. Nonconforming Standards~~

~~Previously approved planned developments with a valid development order that does not conform to provisions in this Code shall be considered conforming. Nonconforming uses shall comply with Article 1.E, PRIOR APPROVALS, and any other applicable requirements. [Relocated above to Previous Approvals.]~~

~~a. Additional Requested Uses~~

~~Previously approved “Additional Requested Uses” shall remain conforming uses, and may be modified or expanded, subject to a DOA Approval. [Ord. 2005 – 002]~~
[Relocated above to Previous Approvals]

~~5. Thresholds~~

~~PDDs approved after the effective date of this Code shall meet or exceed the minimum threshold requirements of the applicable PDD. The minimum thresholds shall not apply to previously approved planned developments.~~

~~a. Government Facilities~~

~~A parcel of land in any FLU category that supports government facilities shall be exempt from the PDD threshold provisions. [Ord. 2007-013]~~ **[Relocated above to Applicability.]**

~~6. Development Order~~

~~Issuance of a development order for a PDD shall be deemed to authorize an amendment to the Official Zoning Map.~~

~~a. Zoning Map Amendment~~

~~Before any land is designated as a PDD on the Official Zoning Map, it shall receive approval pursuant to the standards and procedures in Article 2.B.1, Official Zoning Map Amendment (Rezoning).~~

~~1) Exception~~

~~Previously approved special exceptions for planned developments are hereby zoned to the corresponding PDD. The Official Zoning Map shall be administratively amended to reflect the corresponding PDD designation on land with previously approved special exceptions for planned developments. In cases of uncertainty, the Zoning Director shall decide which PDD designation to apply.~~

~~b. Conditions~~

~~The BCC may impose conditions of approval in a development order for a PDD to protect the public health, welfare, and safety; to ensure compliance with the Plan and the requirements of this Code; to ensure off-site road improvements are provided to address the traffic impacts associated with the project; to ensure compatibility between land uses; to prevent or minimize any potential for adverse impacts on the public, adjacent properties, and surrounding communities; and to ensure quality development. The property owner shall be responsible for compliance with conditions of approval imposed by the BCC.~~

~~c. Successive Owners~~

~~Conditions imposed by the BCC shall run with the land and shall be binding on all successors with interest in the DRO approval property.~~

~~d. Development Permits~~

~~A development permit shall not be issued for any land development in a PDD, nor shall any land development activity commence within a PDD, prior to approval of a site plan or subdivision by the DRO for the affected area.~~

~~e. Property Development Regulations (PDRs)~~

~~Land development shall be governed by the PDRs in this Code, the development order, and the regulations indicated on the most recent approved master plan, site plan, or subdivision plan.~~

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 7. ULDC, Art. 3.E.1.B, Future Land Uses and Density (page 72 of 155), is hereby amended as follows:

Reason for amendment: [Zoning/Planning] 1) Change title of section to better reflect contents; 2) amend title of FLU/Zoning table to be consistent with that used for Standard Districts; 3) Amend Table 3.E.1.B, PDD Corresponding Land Use to delete CL and CLO MXPDP, as such is not permitted by the Plan; 4) Re-order contents of section to cluster all FLU related items together, and to allow uses to be located immediately prior to Use Matrices; 5) Amend split land use provisions to recognize projects with multiple FLU designations (i.e. amend to further incentivize consolidation of parcels and use of PDDs, recognizing need to limit any transfer of intensity so as to respect FAR limits, while retaining density transfer provisions in accordance with density transfer language located within the Implementation section of the FLU Element); 6) Delete incorrect density reference "...unless otherwise indicated..."; and, 7) Reference Section of Plan which allows for HR 25% minimum density requirement waiver.

B. ~~Future Land Uses and~~ FLU Consistency, FAR, Density, and Use Standards

1. Future Land Use (FLU) Designation

The FLU designation which correspond to each PDD are indicated in Table 3.E.1.B-24, FLU Designation and PDD Corresponding Planned Development Districts Land-Use.

Table 3.E.1.B – FLU Designation and PDD Corresponding Land-Use Planned Development Districts

	AGR ²	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	x	x	x	x	x	x	x	x	x	x	
MHPD		x	x	x	x	x	x	x	x		

	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			x	x	x	x	x	x	x	x	x
MXPDP			x	x	x	x				x	x
PIPD							x			x	x
RVPD		x							x		

Notes:[Ord. 2008-037]
1. Check (x) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]

2. PDDs Split by FLU Designations

a. ~~Residential~~

Uses allowed, PDRs, ~~and~~ density and intensity shall be determined by the land use designation on the affected area. In the U/S Tier, density Density may be transferred from one portion of the project to another based on the gross acreage of the project.

b. ~~Nonresidential~~

~~Uses allowed, PDRs, and intensity for the entire PDD shall be governed by the less intense land use designation.~~

3. Density

a. Computation

Density shall be based on the gross acreage of the planned development. Fractions shall be rounded down to the nearest whole number. [Relocated from below.]

b. Minimum Density

The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B-23, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent, per the FLUE minimum density exemption Section of the Plan. [Relocated from below.]

Table 3.E.1.B-23 - PUD Density

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)	1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	12 du/ac	18 du/ac

[Ord. 2006-004]
Notes:
1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5acres.
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 - 1 unit/2.5acres.

[Relocated from below.]

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

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- c. **Maximum Density**
The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B-23, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed. **[Relocated from below.]**
 - 1) **Density Bonus Programs**
A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.2, Transfer of Development Rights, or other density bonus program allowed by the Plan. **[Ord. 2005 – 002]**
[Relocated from below.]
- d. **MXPD/PIPD**
Density in a MXPD or PIPD shall be determined by the underlying residential FLU designation and correspond to Table 3.E.1.B-23, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan. **[Relocated from below.]**
- e. **MLU**
Density in a MLU land use designation shall be determined by the underlying residential FLU designation(s) and correspond to Table 3.E.1.B-23, PUD Density. Land without an underlying residential land use designation(s) shall be assigned a compatible residential density by the Planning Director in accordance with FLUE Policy 4.4.2-b of the Plan.
[Relocated from below.]

43. Uses Allowed

....

54. Use Regulations

....

5. Density

a. Computation

~~Density shall be based on the gross acreage of the planned development, unless otherwise indicated. Fractions shall be rounded down to the nearest whole number.~~
[Relocated above]

b. Minimum Density

~~The minimum density which may be imposed by the BCC in a PUD is indicated in Table 3.E.1.B-23, PUD Density. An applicant may voluntarily agree to a lesser density. The Planning Director may waive the minimum density requirement in the HR FLU designations by up to 25 percent.~~ **[Relocated above]**

Table 3.E.1.B-23 – PUD Density

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5-du/ac	(1)	0.5-du/ac	1-du/ac	2-du/ac	3-du/ac	5-du/ac	5-du/ac	5-du/ac
MAX	1-du/ac	(2)	1-du/ac	2-du/ac	3-du/ac	5-du/ac	8-du/ac	12-du/ac	18-du/ac

[Ord. 2006-004]

Notes:

- ~~The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 – 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5 acres.~~
- ~~The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres.~~

[Relocated above]

- c. **Maximum Density**
The maximum density shall only be awarded to a PUD meeting the goals, policies and objectives in the Plan. The maximum density allowed in a PUD is indicated in Table 3.E.1.B-23, PUD Density. The actual density granted by the BCC to a planned development may be less than the maximum density allowed. **[Relocated above]**
 - 1) **Density Bonus Programs**
A PDD may qualify for additional units over the maximum density pursuant to Art. 5.G.1, Workforce Housing Program (WHP), Art. 5.G.2, Transfer of Development Rights, or other density bonus program allowed by the Plan. **[Ord. 2005 – 002]**
[Relocated above]
- d. **MXPD/PIPD**
Density in a MXPD or PIPD shall be determined by the underlying FLU designation and correspond to Table 3.E.1.B-23, PUD Density. Land with a commercial or industrial land use designation without an underlying residential land use designation shall be assigned a compatible residential density by the Planning Director in accordance with the Plan.
[Relocated above]
- e. **MLU**

Notes:

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1
2

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD				PIPD											
	Pods					Land Use Designations						Land Use Designations				Use Zone											
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C O	C O	I R	I N	I D	I S	T	C L	C H	C L	C O	I N	C O	I N	M H D	R V P D	N O T E	
Commercial Uses																											
Adult Entertainment																											2
Auction, Enclosed		R					P				P	<u>R</u>											S	S			16
Auction, Outdoor							R				R	R											P	P	P		16
Auto Paint Or Body Shop		R					R				R												P	P	P		17
Auto Service Station		R				R	R				R					<u>R</u>	R						P	P	P		18
Bed And Breakfast	D	D				S	S	S	S	S						<u>S</u>	S	<u>S</u>	S				S				20
Broadcast Studio		R				R	P	R	P	P	P					<u>R</u>	R	<u>R</u>	R				P	P			21
Building Supplies		R					R										R						P				22
Butcher Shop, Wholesale							R				P						R						P	P	P		23
Car Wash		R					R				P						R						P	P	P		25
Catering Service																											26
Contractor Storage Yard											P												P	P			35
Convenience Store		P				P	P									<u>P</u>	P	<u>P</u>	P				P		P	P	36
Convenience Store With Gas Sales							R				R						R						R	P			37
Day Labor Employment Service		R					R				R												P				41
Dispatching Office							R										R						P	P	P		42
Dog Day Care							R										R						P	R			43
Financial Institution		R				R	P	R	P							<u>R</u>	P	<u>R</u>	P				P				55
Flea Market, Enclosed		P					R										R						P				57
Flea Market, Open							R																R				58
Funeral Home or Crematory		P				R	R				R						R						P				59
Green Market																											64
Hotel, Motel, SRO, Rooming And Boarding							R			R	R						R						P				72
Kennel, Type II (Commercial)		R					R										R										74-1
Kennel, Type III (Commercial - Enclosed)		R				R	R									<u>R</u>	R										74-2
Kiosk						P	P	P	P	P						<u>P</u>	P	<u>P</u>	P				P	P	P		75
Landscape Service		R					R				P						R						P	P	P		77
Laundry Services		R				P	P	P	P							<u>P</u>	P	<u>P</u>	P				P	P		P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037]																											
Notes:																											
<p>P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.</p>																											

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1

Table 3.E.1.B – PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N
	Pods					Land Use Designations						Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	P	P	T
S	M	C	V	R			O	O		D	S			O	O	D	M	D	D	D	E
				P												L		G			
Public and Civic Uses																					
Airport, Helipad & Landing Strip									R	R						R		R			10
Assembly, Nonprofit Institutional		R		R		R	R			R	R	R	R	R	R		R				14
Assembly, Nonprofit Membership				R		R	R	R	R	R		R	R	R	R	R		R			15
Cemetery				R																	27
Place Of Worship		R		R		R	R	R	R	R		R	R	R	R	R		R		R	29
College Or University				R		R	R	R	R	R	R	R	R				R				30
Day Camp			P	P			R			P	P		R								39
Day Care, General		R		R		R	R	R	R	R		R	R	R	R	R	R	R	R	R	40
Day Care, Limited		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	40
Government Services		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Hospital Or Medical Center		R				R	R		R			R	R	R		R		R			71
Kennel, Type IV (Animal Shelter)						R	R				R	R	R								74-3
School, Elementary Or Secondary				R		R	R	R	R		D	R	R		R		R				118
Recreation Uses																					
Arena, Auditorium Or Stadium		R					R			R			R								12
Campground										P										P	24
Entertainment, Indoor		R				R	R			P		R	R				P				45
Entertainment, Outdoor		R				R	R			P	D	R	R				P				46
Fitness Center		R	P	R		R	R			R	P	R	P		P		P				56
Golf Course			R			R	R	R	R	R		R	R	R	R	P		P	P	R	62
Gun Club, Enclosed							R			R	R					P	R	P			67
Gun Club, Open										R											67
Gun Range, Private																P	R	P			68
Marine Facility		R	R				R			R			R		R		P				82
Park, Passive	P	P	P	P	R	P	P	P	P	P		P	P	P	P	P	P	P	P	P	93
Park, Public			P	P		R	P			P	P	R	P	R	P		P		R	R	94
Special Event		S	S	S		S	S			S	S	S	S	S			S	S			124
Zoo							R			R											143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037]																					
Notes:																					
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S Permitted in the district only if approved by Special Permit																					
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1

Table 3.E.1.B-21 - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N
	Pods					Land Use Designations						Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	H	V	O
S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	T
				P							T					L		G	D	D	E
Agricultural Uses																					
Agriculture, Bona Fide				P																	3
Agriculture, Light Manufacturing																					4
Agriculture, Packing Plant																					5
Agriculture, Research/Development					P	P	P	P	P	P	P					P		P			3.1
Agriculture, Sales And Service						P											P				6
Agriculture, Storage																					7
Agriculture, Transshipment										P						P		P			8
Aviculture				P																	19
Community Vegetable Garden																					32
Equestrian Arena, Commercial				R						P											47
Farmers Market						P			P				P			P	P	P			52
Farrier																					53
Groom's Quarters	P			P																	65
Nursery, Retail		P		P		P							P				P				88
Nursery, Wholesale				P												P		P			89
Potting Soil Manufacturing																					99
Produce Stand																					101
Shadehouse				P																	121
Stable, Commercial				P					P												125
Stable, Private	P			P																	126
Sugar Mill Or Refinery																		P			127
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037]																					
Notes:																					
P Permitted by right																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N
	Pods					Land Use Designations						Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	P	P	T
S	M	C	V	R			O	O		D	S			O		D	M	D	D	D	E
				P							T					L	G				
Industrial Uses																					
Asphalt Or Concrete Plant											R							P			13
Data Information Processing						P	P		P		P	P	P		P			P			38
Film Production Studio							P		P	R	P							P			54
Gas And Fuel, Wholesale											R							P			61
Heavy Industry											R							P			69
Laboratory, Research						R	R	R	R	R	P	R	R	R				P			76
Machine Or Welding Shop											P							P			80
Manufacturing And Processing						R	R	R	R	R	P							P			81
Medical Or Dental Laboratory		P				P	P	P	P									P			84
Salvage Or Junk Yard											R							R			116
Transportation Facility																		P			133
Truck Stop											R							R			131
Warehouse							R				P							P			138
Wholesaling, General											P							P			140
[Ord. 2005-002] [Ord. 2004-040]																					
Notes:																					
P Permitted by rights																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

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Part 9. ULDC, Art. 3.E.1.C.2.h, Parking (page 82 of 155), is hereby amended as follows:

5

Reason for amendment: [Zoning] Amend to modify parking ratios of PDDs to be consistent with standard districts and to address hotels and similar uses. Permitted uses in a PIPD require the application of a more restrictive parking standard based on a min/max parking range. This amendment would give the applicant the option to calculate parking spaces based on (a) Min/Max. parking standards in Art. 3 or (b) Art. 6, Minimum Off-Street Parking and Loading Requirements.

11

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

12

Section 1 General

13

C. Objectives and Standards

14

2. Performance Standards

15

Planned developments shall comply with the following standards:

16

h. Parking

17

1) Residential Uses

18

Parking for residential uses located within a PDD shall comply with Article 6, PARKING. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

19

2) Nonresidential Uses

20

Nonresidential uses located within a PDD may apply the parking standards indicated in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements or the minimum/maximum parking standards below. The site plan shall clearly indicate which parking standards are being utilized for the entire site. Parking for nonresidential uses shall comply with the following requirements:

21

a) Minimum/Maximum Parking Standards

22

(1) Minimum: one space per 250 square feet of GFA (4/1000)

23

(2) Maximum: one space per 166.66 square feet of GFA (6/1000)

24

b) Exceptions

25

~~(1) Requested Uses~~

26

~~Parking for requested uses may comply with Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements. The DRO may require a covenant to be recorded limiting the affected parking area to a specific use or uses.~~

27

~~(2) MLU/EDC~~

28

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1000)

~~(3) Shared Parking~~

~~The minimum number of parking spaces required may be reduced in accordance with Article 6.A.1.D.10, Shared Parking.~~

....

Part 10. ULDC, Art. 3.E.1.D, Application Requirements [Related to PDDs] (page 83 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Clarify what applicants need to provide to ZC/BCC/DRO for plan submittals. At Public hearing stage, applicant shall only show critical details while at Final DRO, all other required details will be shown. Also, the Technical Manual should be referenced for application requirements. Explain the difference between Preliminary and Final Plans. Relocate this Section to Art.3.E.1.A.7. This section specifies general requirements for all PDDs and TDDs.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

D. Application Requirements

~~For a rezoning to a PDD, the applicant shall comply with in addition to~~ the requirements in Article 2.B.1, Official Zoning Map Amendment (Rezoning), Art.2.A.1.G.1, Application Procedure, General and Art.2.A.1.G.2, Plan Requirements ~~the following information~~ for certification and final approval by the DRO.:-

1. Master Plan Site Plan, or Subdivision Plan

~~See Art.2.A.1.G.2, Plan Requirements for preparation of plan(s) and plan labeling requirements. The BCC shall approve a master plan for the following PDDs: PUD, RVPD, MHPD, PIPD, and any planned development or combination of PDDs, in a MLU or EDC. The master plan shall be designed in accordance with the objectives and standards in this Section and the requirements for each PDD.~~

a. General

~~The master plan shall be the controlling document for the PDD. All development, access, density, and intensity in the PDD shall be consistent with the master plan. All site plans, subdivisions and plats shall be consistent with the master plan. In cases of conflict between plans, the most recent approved master plan by the DRO shall control to the extent of the conflict. Preliminary development plans approved in accordance with Ord. 92-7 shall be considered master plans.~~

ba. Effect of BCC Approval on Plans

Approval of a preliminary master plan, site plan or subdivision plan, as applicable, by the BCC shall be binding upon the landowners subject to the development order, their successors and assignees, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, density, intensity, access, configuration, and all other elements and conditions set forth on the master plan(s) and in the Development Order. Administrative modifications to a master or site plan may only be allowed in accordance with Article 2.D.1, Development Review Officer and Art.2.A.1.G.2, Plan Requirements. In granting an approval, the BCC relies on the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be reviewed by the BCC as a DOA.

cb. Pods

All land within the boundaries of a ~~M~~ master P plan shall be designated one of the use types indicated in Table 3.E.1.B-22, PDD Use Matrix.

1) Exceptions

Perimeter landscape buffers, water management tracts not located in pods, canals, primary streets, open space, and similar areas allowed by the DRO.

dc. Tabular Data

Each pod shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire project shall be provided in a form acceptable to the DRO.

e. Site Plan/Subdivision Approval Required

~~All land shown on a master plan shall receive approval of a site plan and/or subdivision plan by the DRO, in accordance with Article 2.D.1, Development Review Officer.~~

~~1) The applicant may submit a conceptual site plan with the application for a PUD. The conceptual site plan may be preliminary in nature and reflect the general layout and design of the PUD. A conceptual site plan is not required to meet the technical~~

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

~~requirements of the DRO and is intended as a graphic representation of the project only for presentation purposes.~~

fd. Density

The number of units shown on a site plan or subdivision plan shall correspond to the master plan.

ge. Intensity

The intensity (e.g. square feet, beds, seats, no. of children/occupants/rooms, etc.) shown on a site plan or subdivision plan shall correspond to the master plan.

2. Site Plan

~~The BCC shall approve a site plan for the following PDDs: MXP, MUP, equivalent previously approved planned developments, Optional Residential pods in a PUD, and requested uses. The site plan shall be designed in accordance with the objectives and standards in this Chapter, the requirements for each planned development, the standards adopted by the DRO, and this Code.~~

a. General

~~The site plan shall be the controlling document for the PDD. All development, access, density, and intensity in the PDD shall be consistent with the site plan. All subdivisions and plats shall be consistent with the site plan.~~

3. Regulating Plan

~~The BCC shall approve a regulating plan for all new PDD's and the affected area of modifications to previously approved PDD's. Regulating plans shall be consistent with the PBC Zoning Division Technical Manual, consisting of a comprehensive graphic and written description of the project. At a minimum, the regulating plan shall consist of the following information, drawn to scale or labeled with dimensions: [Ord. 2005 – 002] [Ord. 2004-040]~~

a. Contents

~~At a minimum, the regulating plan shall consist of the following information, drawn to scale or labeled with dimensions: [Ord. 2004-040]~~

- ~~1) street cross sections, including sidewalks, bike lanes, street trees, on-street parking and lighting;~~
- ~~2) typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access;~~
- ~~3) focal point details;~~
- ~~4) landscape buffer details (plan view and cross section);~~
- ~~5) median landscape detail, if applicable;~~
- ~~6) bus shelter detail, if applicable;~~
- ~~7) master sign program/plan;~~
- ~~8) elevations, if submitted pursuant to Art. 5.C, Design Standards;~~
- ~~9) pedestrian circulation plan in accordance with Art. 3.E, Planned Development Districts (PDDs);~~
- ~~10) phasing plan in accordance with Art. 2.D.1, Development Review Officer;~~
- ~~11) screening details;~~
- ~~12) exemplary features;~~
- ~~13) public amenities;~~
- ~~14) details of entry features; and~~
- ~~15) neighborhood parks.~~

b. Design Standards Alternative

~~Items a.1), a.4), a.5), and a.7) above shall be required to be shown on a Regulating Plan at time of submittal of the application for DRO review (Public Hearing). Items a.2), a.3), a.6), and a.8) through a.15), as may be applicable, shall be indicated in the Design Standards subject to approval by the BCC. [Ord. 2004-040]~~

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art.2.A.1.G.2, Plan Requirements and Article 2.D.1, Development Review Officer.

1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan

In addition to Article 2.D.1, Development Review Officer, the DRO shall have the authority to approve modifications to a master plan, subdivision plan, site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In ~~the~~ case of a conflict with Art.2.A.1.G.2, Plan Requirements and Art. 2, Development Review Procedures, the following standards shall apply. Modifications, which do not comply with these procedures and requirements ~~Art. 2, Review Procedures~~, or this Section shall require approval by the BCC.

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1 corresponding decrease in density, or reduce the amount of land allocated to the
2 preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

3 **b. Pods**

4 The re-designation of a pod from one type to another shall require approval by the BCC.
5 The reconfiguration of pods may be approved by the DRO only if determined to be an
6 improvement to the project and no adverse impact on adjacent properties.

7

8
9
10 **Part 11. ULDC, Art. 3.E.2.A.2. Applicability [Related to PUD] (page 89 of 155), is hereby**
11 **amended as follows:**

12
13 **Reason for amendment:** [Zoning] Add reference to Art. 3.E.1.A.2.a., Previous Approvals (Related to
14 General), to ensure consistent application of rezoning standards and DOA to “previously approved uses.”

15
16 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

17 **Section 2 Planned Unit Development (PUD)**

18 **A. General**

19 **2. Applicability**

20 The requirements of this Section shall apply to all PUDs, modifications to previously
21 approved PUDs, and modifications to previously approved special exceptions for PUDs,
22 unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals for additional
23 requirements.

24
25
26 **Part 12. ULDC, Art. 3.E.3.A.2. Applicability [Related to MUPD] (page 103 of 155), is hereby**
27 **amended as follows:**

28
29 **Reason for amendment:** [Zoning] Consolidate two redundant sections into one. Add reference to Art.
30 3.E.1.A.2.a., Previous Approvals (Related to General), to ensure consistent application of rezoning
31 standards and DOA to “previously approved uses.”

32
33 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

34 **Section 3 Multiple Use Planned Development (MUPD)**

35 **A. General**

36 **2. Applicability**

37 The requirements of this Section shall apply to all MUPDs, modifications to previously
38 approved MUPDs, and *modifications to previously approved special exceptions for large-*
39 *scale community or regional shopping centers (30,000 square feet or 50,000 square feet of*
40 *total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood*
41 *Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs),*
42 *Planned Office Business Parks (POBPs) and Planned Industrial Developments (PIDs),*
43 unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals for additional
44 requirements.

45 **a. Previous Approvals**

46 ~~Modifications to previously approved special exceptions for a PNCD, PCD, PGCD, large-~~
47 ~~scale community or regional shopping center (30,000 square feet or 50,000 square feet~~
48 ~~of total floor area or more), POBP, or PID shall comply with this Section.~~

49
50
51 **Part 13. ULDC, Art. 3.E.5.A.2. Applicability [Related to PIPD] (page 109 of 155), is hereby**
52 **amended as follows:**

53
54 **Reason for amendment:** [Zoning] Add reference to Art. 3.E.1.A.2.a., Previous Approvals (Related to
55 General), to ensure consistent application of rezoning standards and DOA to “previously approved uses.”

56
57 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

58 **Section 5 Planned Industrial Park Development (PIPD)**

59 **A. General**

60 **2. Applicability**

Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previously approved special exceptions for PIPDs, unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals for additional requirements.

Part 14. ULDC, Art. 3.E.6.A.2. Applicability [Related to MHPD] (page 112 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Add reference to Art. 3.E.1.A.2.a., Previous Approvals (Related to General), to ensure consistent application of rezoning standards and DOA to “previously approved uses.”

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 6 Mobile Home Planned Development District (MHPD)

A. General

2. Applicability

The requirements of this Section shall apply to all MHPDs, modifications to previously approved MHPDs, and modifications to previously approved special exceptions for MHPDs, unless otherwise stated. Refer to Art. 3.E.1.A.2.a, Previous Approvals for additional requirements.

Part 15. ULDC, Art. 3.F.2.A.6, Signage [Related to TDDs] (page 133 of 155), is hereby amended as follows:

Reason for amendment: [Zoning / County Administration] Amend to: a) clarify the requirement for compatibility with architecture and site elements; b) clarify wall sign placement; c) allow free-standing signs in an AGR-TMD; and d) clarify the use of A-frame signs.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDD's:

6. Signage

All signs shall be located on site in a manner that ensures consistency within the development; with site, architectural, and landscape plans; site layout; ultimate maturity of vegetation; and, final architectural elevation. When preparing a sign plan the applicant shall consider and give attention to the placement of the sign to provide clear visibility for the tenants. In addition to the regulations in Art. 8, Signage, the following ~~sign regulations shall~~ apply:

a. Building-Mounted Signs

Building-mounted signs, including wall signs, awning and canopy signs, and projecting signs ~~are allowed shall be permitted,~~ subject to the ~~standards of Art. 8, Signage, and the~~ following additional requirements:

1) **Maximum Size**

0.75 square foot of signage, for every linear foot of tenant frontage ~~is shall be~~ permitted, up to a maximum of 64 square feet.

2) **Maximum Height Sign Placement**

~~15 feet high. Signs fronting on an arterial or collector street are not subject to this height limit.~~

a) Signs shall be located between the first and second story of the building. If the second story is non-residential, the signage shall comply with the minimum vertical separation requirements in Table 8.G.1.A-4- Wall Sign Standards.

b) All significant decorative elements on the building shall be considered when locating wall signs to ensure they are in harmony with each other. In addition, the architecture features, elements, or building lines shall not be modified to accommodate the location of the signs.

3) **Maximum Projection**

Sign projection shall not exceed a maximum of 30 inches from any building face.

b. Freestanding Signs

Unless otherwise provided herein, all freestanding signs shall be prohibited.

1) **AGR-TMD Exceptions**

Notes:

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EXHIBIT Q

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

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Freestanding signs shall be permitted in an AGR-TMD pursuant to the following requirements:

a) Maximum Size and Height

Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height.

b) Maximum Number Allowed

One freestanding sign shall be permitted per right-of-way frontage.

2) A-frame Signs

Temporary freestanding A - frame ~~-type~~ signs ~~are~~ shall be allowed ~~in arcades and covered walkways in front of arcades and covered walkways for commercial or mixed-use buildings, provided they do not conflict with pedestrian walkways.~~

U:\Zoning\CODEREV\2009\LDRAB\Meetings\07-22\4 LDRC\Exhibit Q - Article 3.doc

Notes:

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EXHIBIT R

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 1. ULDC, Art. 4.B.1.A.16, Auction (page 33 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to 1) clarify supplementary standards for enclosed auction to be consistent with definition and PDD Use Matrix.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

16. Auction

An establishment engaged in the public sale of goods merchandise to the highest bidder in an enclosed building or outdoor.

a. Temporary

A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.

b. Enclosed

All activities, display and sale of merchandise shall occur within an enclosed building. MUPD

An enclosed auction in a MUPD with IND FLU designation shall be subject to a Requested Use approval process.

bc. Outdoors

An auction with all or a portion of the activity, and display and sale of merchandise occurring outside of an enclosed building outdoor on site shall require approval of a Class A conditional use provided the site meets the non-residential use location criteria of the Plan. [Ord. 2007-001]

ed. TMD District

Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005 – 002]

Part 2. ULDC, Art. 4.B.1.A.34.d, Lot Size [Related to Congregate Living Facility] (page 40 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to codify existing PPM ZO-O-039 to clarify that minimum lot dimension requirements must be met for Type II and Type III CLF. Type I CLFs may be located on a legal non-conforming lot.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

34. Congregate Living Facility

d. Minimum Lot Size Dimensions

The minimum lot dimensions requirements of the district in which a Type II or Type III CLF is located shall apply. , except that in no case shall the lot size be less than The minimum lot size for a Type II CLF shall be 8,000 square feet for a Type 2 CLF, or one acre for a Type 3 CLF.

Part 3. ULDC, Art. 4.B.1.A.46.a.4), CRE District [Related to outdoor entertainment] (page 47 of 155), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] Amend to make all references to the Florida Intrastate Highway System (FIHS) also include references to Florida Strategic Intermodal System (SIS) because the FIHS designation is being phased out by the Florida Department of Transportation (FDOT).

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

46. Entertainment, Outdoor

....
a. CRE District

Notes:

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EXHIBIT R

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

.....
4) Frontage shall be required on a roadway ~~designed on~~ designated as a Florida Intrastate Highway System (FIHS) or Strategic Intermodal System (SIS) facility.
[Ord. 2005 – 002]
.....

Part 4. ULDC Art. 4.B.1.A.55, Financial Institution (page 49 of 155), is hereby amended, as follows:

Reason for amendment: [Zoning] Industry request to amend current CL and CLO PDD prohibitions on financial institutions. Change allows an applicant to apply to the Board of County Commissioners as a Requested Use approval to allow a financial institution with a CL or CLO FLU designation greater than 5,000 square feet or with more than 3 drive through lanes.

55. Financial Institution

.....
a. Development Thresholds and Approval Process

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A-5, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013]

Table 4.B.1.A-5 – Financial Institution Development Threshold and Approval Process

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru ⁽¹⁾	
CN and CLO	5,000 s.f. max	and	Not permitted	DRO
CC; <u>and CHO, and CG</u> ; CL, CH , <u>and CLO and CHO</u> PDDs; COM Pod of PUD; PIPD COM Use Zone; and TDDs	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
CC; and, CL and CLO PDDs, <u>and COM Pod of PUD</u>	5,000 s.f. max	and	≤ 3 drive thru lanes	DRO
CG; CH and CHO PDDs; <u>PIPD COM Use Zone Pod of PIPD</u> ; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted by Right
CC, CHO and CG; <u>CL, CH, CLO</u> and CHO PDDs; <u>COM Pod of PUD; PIPD COM Use Zone</u> ; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use
Ord. 2007-013				
Notes:				
1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.				

.....
Part 5. ULDC Art. 4.B.1.A.70, Home Occupation (page 53 of 155), is hereby amended, as follows:

Reason for amendment: [Zoning] Amend to delete specific references such as gun dealers, since allowed by state law.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, ~~such as gun dealers.~~

Notes:

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EXHIBIT R

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1 Part 6. ULDC, Art. 4.B.1.A.72, Hotel, Motel, SRO, and Rooming and Boarding House (page 55
2 of 155), is hereby amended as follows:
3

4 Reason for amendment: [FDO] Amend to recognize an existing hotel use in the PO District as a
5 conforming use and not subject to the non-conforming provision of Article 1.
6

7 CHAPTER B SUPPLEMENTARY USE STANDARDS

8 Section 1 Uses

9 A. Definitions and Supplementary Standards for Specific Uses

10 72. Hotel, Motel, SRO, and Rooming and Boarding House

11 An establishment requiring a license by the State of Florida used, maintained or advertised
12 as a place where furnished sleeping accommodations are supplied for short term rent to
13 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and
14 rooming and boarding houses. [Ord. 2006-004]

15
16 d. PO District

17 An existing hotel located in the PO district shall be considered a conforming use.
18 [Renumber accordingly.]
19

20
21 Part 7. ULDC, Art. 4.B.1.A.74-1.b, Accessory Residential Use [Related to Type II Commercial
22 Kennel] (page 56 of 155), is hereby amended as follows:
23

24 Reason for amendment: [Zoning] In summary – Type II commercial kennels are not intended to be
25 permitted in any residential districts, other than AGR. Where allowed in a commercial district, existing
26 security caretakers quarters provisions are already permitted.
27

28 CHAPTER B SUPPLEMENTARY USE STANDARDS

29 Section 1 Uses

30 A. Definitions and Supplementary Standards for Specific Uses

31 74.-1. Kennel, Type II (Commercial)

32 b. Accessory Residential Use

33 A Type II commercial kennel may be operated in the AGR district in conjunction with a
34 residence ~~on properties with a residential or underlying residential FLU designation.~~
35 [Ord. 2006-036]
36
37

38 Part 8. ULDC, Art. 4.B.1.A.74-3.b [Related to Type IV Kennel/Animal Shelter] (page 57-58 of
39 155), is hereby amended as follows:
40

41 Reason for amendment: [Zoning] 1) Amend to incorporate changes made to Plan FLUE Policy 2.2.8-b
42 (effective date 10/17/2008) that allows for an Animal Shelter to include a co-located veterinary clinic open
43 to the public without any accessory use limitations; and, 2) Clarify limitations of accessory residential
44 uses.
45

46 CHAPTER B SUPPLEMENTARY USE STANDARDS

47 Section 1 Uses

48 A. Definitions and Supplementary Standards for Specific Uses

49 74-3.Type IV Kennel (Animal Shelter)

50 b. Collocated Uses

51 Any commercial or other use providing services to the general public, inclusive of
52 ~~veterinary~~, training or boarding services, among others, shall only be permitted in
53 accordance with the PDD, TDD or Standard District Use Matrices, stated approval
54 process, and supplemental standards, unless stated otherwise herein. Veterinary clinics
55 operated by a licensed veterinarian for the care of the animals kept in the shelter facility
56 may also offer veterinary services to the public. [Ord. 2008-037]
57
58

59 Part 9. ULDC, Art. 4.B.1.A.109, Type I Restaurant (page 74-75 of 155), is hereby amended as
60 follows:

Notes:

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EXHIBIT R

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Reason for amendment: [Zoning/Industry] Request of Land Design South to allow a Type I Restaurant with a drive through as a requested use in PDD's with a Commercial Low (CL) Future Land Use (FLU) designation located in the Urban/Suburban (U/S), Exurban and Rural Tiers.

Includes minor clarifications to acknowledge expansion from CL TMD's and CC District, to also include CL PDD, by expanding current reference to Major Intersection Criteria to include any applicable tiers (e.g. U/S, Exurban and Rural); and, specific performance standards for the Exurban and Rural Tiers to ensure compliance with the Plan.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

109. Restaurant, Type I

a. Location Criteria

2) Separation Criteria

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

eb. Approval Process Exceptions [Ord. 2006-004]

bc. Major Intersection Criteria for CL FLU U/S Tier

A Type I restaurant with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Art. 4.B.1.A.109.c.1), DRO Approval, Art. 4.B.1.A.109.c.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Art. 4.B.1.A.109.a.3), Exception. [Ord. 2006-004]

d. TMD District

A Type I Restaurant shall not: [Ord. 2005 – 002] [Ord. 2006-004]

- 1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA; [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]

f. Exurban and Rural Tiers

A Type I Restaurant shall comply with the following:

- 1) Shall not be the sole use on the property;
- 2) Shall be located in a MUPD or TDD;
- 3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and,
- 4) Shall comply with the design requirements outlined under Art. 4.B.1.A.109.a.3), Exception.

Part 10. ULDC, Art. 4.B.1.A.135, Vehicle Sales and Rental (page 93 of 155), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] Amend to address limited vehicle rentals in neighborhoods for residents.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

135. Vehicle Sales and Rental

An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and

Notes:

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EXHIBIT R

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental.

....
e. Neighborhood Vehicle Rental Facility

A rental facility that is limited to a maximum of six vehicles stored on site.

1) Development Standards

a) Minimum Lot Size

The lot size shall comply with the minimum required for the applicable zoning district. Legal non-conforming lots of record shall be able to develop a neighborhood vehicle rental facility provided all other minimum site development regulations can be met.

b) Zoning Districts

Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD.

c) Approval Process

This use shall be subject to DRO approval.

d) Parking

The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. Vehicles shall not be parked in required or handicap spaces, driveways, queuing areas, fire lanes, or other vehicular circulation areas.

e) Outdoor Activities

Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on site.

Part 11. ULDC, Art. 4.C.6.D, Review Procedures, [Related to list of communication tower users] (page 125 of 155), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to clarify review procedures pertaining to the Communication Tower Users List and to clarify responsible entity for its maintenance.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 6 Shared Use/Collocation

D. Review Procedures

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

1. List of Tower Users

The ~~Zoning Division DRO~~ shall ~~secure-maintain~~ a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site. ~~of known communication tower users annually by advertisement in a newspaper of general circulation. The Zoning Division may add known communication tower users to this list. This list shall remain valid for one calendar year.~~

2. Notification

All communication tower applicants shall provide notice by certified mail to all users on the Communication Tower Users List. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower; and a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower users to apply for space on the proposed tower.

....

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Notes:

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EXHIBIT S

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

1
2 Part 1. ULDC, Art. 5.B.1.A.2.c, Dangerous Materials, (page 9 of 75), is hereby amended as
3 follows:
4

5 Reason for amendment: [Zoning] Amend to clarify intent that barbed wire is considered a dangerous
6 material and is not allowed in any zoning districts except where permitted by Code.
7

8
9 CHAPTER B ACCESSORY AND TEMPORARY USES

10 Section 1 Supplementary Regulations

11 A. Accessory Uses and Structures

12 2. Fences, Walls and Hedges

13 c. Dangerous Materials

14 1) Fences or walls in, or adjacent to, a residential district, shall not be electrified or
15 contain any substance such as broken glass, spikes, nails, barbed wire, or razors
16 designed to inflict discomfort, pain or injury to a person or animal, except as allowed
17 below.

18 2) Barbed Wire Exceptions

19 The use of barbed wire ~~shall~~ may be permitted limited as follows: [Ord. 2005 – 002]

20 a) In the AP or AGR districts with any bona fide agricultural use; [Ord. 2005 – 002]

21 b) In the AR district with any bona fide agricultural use, other than nurseries,
22 provided it is setback a minimum of 25 feet from any property line; [Ord. 2005 –
23 002]

24 ~~e) In nonresidential districts, barbed wire shall not be permitted within the required
25 setback, and shall not be visible from any residential district or road R-O-W,
26 except as follows: [Ord. 2005 – 002]~~

27 (1)c) Properties with a Conservation FLU designation, for the purposes of protecting
28 publicly owned natural areas, if limited to the top portion of a fence; and, [Ord.
29 2005 – 002]

30 ~~(2)d)~~ In conjunction with a wastewater or water treatment plant, if limited to the top
31 portion of a fence, and located behind any required perimeter buffer hedges and
32 shrubs. [Ord. 2005 – 002]

33 e) Properties where the owner can document a valid building permit was issued
34 pursuant to Zoning and other applicable agency review and approval; and

35 f) In conjunction with jails, prisons and related correctional facilities.
36
37

38 Part 2. ULDC, Art. 5.E.4.E.4.d, Illumination Levels [Related to Outdoor Lighting] (page 48 and
39 48b of 75), is hereby amended as follows:
40

41 Reasons for amendment: [Zoning] Amend table to reinstate illumination levels for outdoor lighting in
42 parking lots that was inadvertently changed in Ordinance 2008-037.
43

44 CHAPTER E PERFORMANCE STANDARDS

45 Section 4 Nuisances

46 E. Outdoor Lighting

47 4. Standards

48 d. Illumination Levels

49 Table 5.E.4.D – 15, Illumination Levels, indicates the minimum and maximum illumination
50 levels for specific site elements, as well as the maximum to minimum, and average to
51 minimum ratios. [Ord. 2005-041]
52

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EXHIBIT S

**ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS**

(Updated 06/30/09)

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Table 5.E.4.D-15 - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
Buildings and Accessory Structures				
a. Pathway Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	3.0 <u>12.0</u>	0.3 <u>1.0</u>	10:1 <u>12:1</u>	3:1
Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	-	10.0	-	-
Property Boundary	Refer to Light Trespass			
Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas	20	1.0	15:1	4:1
[Ord. 2005-041][Ord. 2008-037]				
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaries used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot-candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot-candles.				

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Part 3. ULDC, Art. 5.F.2.A, Easement Encroachment (page 53-54 of 75), is hereby amended as follows:

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9

Reason for amendment: [Zoning/Land Development] Amend to clarify easement encroachment for Type IB variance.

10
11

CHAPTER F LEGAL DOCUMENTS

12

Section 2 Easements

13

A. Easement Encroachment

14

2. Prohibition Major Encroachments

15

~~No portion of any b~~ Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall not be permitted within any easement unless otherwise provided for in this Section.

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5. Additional Requirements for Drainage Easements

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~~a. All construction in a drainage easement shall be subject to approval by the Department of Engineering and Public Works (DEPW).~~

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~~b. If a building permit is required, the applicant shall obtain approval from the DEPW prior to submitting the building permit application to PZB.~~

23

~~c. The applicant shall submit a request to encroach a drainage easement in or on a form established by the DEPW and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate.~~

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~~d. The DEPW may deny, approve, or approve with conditions the construction.~~

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Notes:

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EXHIBIT S

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

- e. ~~No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The DEPW may require that consent be in or on a form established by the DEPW.~~
- f. ~~The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Relocated below.]~~

65. All Other Approvals Required

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76. Accountability

....

87. Modifications

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B. Drainage Easement Encroachments

- 1. All construction in a drainage easement shall be subject to approval by the Department of Engineering and Public Works (DEPW). [Relocated from Art. 5.F.2.A.5.a) above.]
- 2. If a building permit is required, the applicant shall obtain approval from the DEPW prior to submitting the building permit application to PZB. [Relocated from Art. 5.F.2.A.5.b) above.]
- 3. The applicant shall submit a request to encroach a drainage easement in or on a form established by the DEPW and include a copy of the recorded deed to the parcel on which the easement is located; the document creating the easement; a certified sketch of survey of the easement; a sketch or plans showing the proposed construction in relation to the location of existing drainage improvements in the easement; and such other documentation as the DEPW reasonably deems appropriate. [Relocated from Art. 5.F.2.A.5.c) above.]
- 4. The DEPW may deny, approve, or approve with conditions the construction. [Relocated from Art. 5.F.2.A.5.d) above.]
- 5. No approval shall be given before the DEPW has received specific written consent from all easement holders, easement beneficiaries, and governmental entities or agencies having jurisdiction of the drainage easement. The DEPW is hereby authorized to effect consent on behalf of PBC when PBC is the easement holder or beneficiary of a drainage easement. The DEPW may require that consent be in or on a form established by the DEPW. [Relocated from Art. 5.F.2.A.5.e) above.]
- 6. The DEPW shall also have executed in proper form, and shall cause to be recorded against the applicant's land involved, a removal and indemnification declaration (with the necessary consents) on a form approved by County Attorney's Office. Said declaration shall provide that all direct and indirect costs related to removal shall be borne by the property owner, its heirs, successors, assignees, and grantees; that the aforesated person(s) shall indemnify and hold PBC, its officers, employees, contractors, and agents harmless against any and all claims and liabilities of whatever nature (including personal injury and wrongful death) arising from any approval granted hereunder or the construction or installation approved hereunder. The removal declaration shall inure to the benefit of the easement holders and beneficiaries. It shall contain such other terms and covenants as the DEPW or the County Attorney deems appropriate. Proof of the recording of the document shall be furnished to PZB with the application for a building permit. [Relocated from Art. 5.F.2.A.5.f) above.]
- 7. Construction in or overlapping a drainage easement approved by the DEPW shall comply with the provisions of Sections: 2.A.5, 2.A.6, and 2.A.7 of this Chapter.

Part 4. ULDC, Art. 5.G.2.E, Administration [Related to Transfers of Development Rights(TDRs)] (page 62 of 75), is hereby amended as follows:

Reason for amendment: [Zoning/County Attorney] Amend to clarify that the Executive Director of PZB has the authority to execute contracts for the sale of development rights from the County's TDR bank, and that the BCC is required to execute contracts for the purchase of development rights.

Notes:

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EXHIBIT S

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

E. Administration

1. General

Except as otherwise specified, the TDR Program shall be administered by the Executive Director of PZB or designee.

2. Responsibilities

The Executive Director of PZB shall be responsible for:

- a. Establishing, administering and promoting PBCs TDR Program;
- b. Establishing and administering the TDR Bank;
- c. Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
- d. Executing contracts for sale and purchase of TDR units being purchased from the County's TDR Bank, including related escrow or similar bonding agreements, and TDR deeds as part of the DRO approval process;
- ~~de.~~ Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
- ~~ef.~~ Ensuring that the Property Appraisers Office is notified of all TDRs;
- ~~fg.~~ Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area; and, [Ord. 2008-003]
- ~~gh.~~ Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank. [Ord. 2008-003]

Part 5. ULDC, Art. 5.G.2.K.1, General [Related to TDR: Receiving Area Procedure] (page 67 and 68 of 75), is hereby amended as follows:

Reason for amendment: [Zoning] Delete SCO PIPD language adopted by Ord. 2005-002 that was inadvertently left out of Ord.2008-003, Exhibit N, which was intended to delete all prior SCO PIPD language as was originally adopted by Ord. 2004-040.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

K. TDR: Receiving Area Procedure

1. General

Receiving areas shall be approved concurrent with issuance of a Development Order for a PDD, TDD or a residential subdivision, ~~except for the SCO PIPD, which shall be approved by the DRO.~~ The following procedures shall be followed in order to become a receiving area to obtain the density bonus. [Ord. 2005 – 002]

Part 6. ULDC, Art. 5.G.2.K.3.c. [Related to Review Process and TDR: Receiving Area Procedure] (page 68 of 75), is hereby amended as follows:

Reason for amendment: [Zoning] Delete SCO PIPD language adopted by Ord. 2005-002 that was inadvertently left out of Ord.2008-003, Exhibit N, which was intended to delete all prior SCO PIPD language as was originally adopted by Ord. 2004-040.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

K. TDR: Receiving Area Procedure

3. Review Process

- c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs), ~~except for SCO PIPD, which shall be approved by the DRO.~~ A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process. [Ord. 2005 – 002]

Notes:

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EXHIBIT S

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

1 Part 7. ULDC, Art. 5.G.2.K.6, Contract for Sale and Purchase of Development Rights. [Related
2 to TDR: Receiving Area Procedure] (page 68, 68.a and 69 of 75), is hereby amended as
3 follows:
4

5 Reason for amendment: [Zoning] Delete SCO PIPD language adopted by Ord. 2005-002 that was
6 inadvertently left out of Ord.2008-003, Exhibit N, which was intended to delete all prior SCO PIPD
7 language as was originally adopted by Ord. 2004-040.

8
9 CHAPTER G DENSITY BONUS PROGRAMS

10 Section 2 Transfer of Development Rights Program (TDR) – Special Density Program

11 K. TDR: Receiving Area Procedure

12
13 6. Contract for Sale and Purchase of Development Rights

14 ~~A contract for sale and purchase of development rights, an escrow agreement, and a deed of~~
15 ~~TDR shall be required as part of the approval of a TDR transfer. The contract shall be~~
16 ~~recorded prior to certification of the site plan for a TDR receiving area. Prior to issuance of~~
17 ~~the first building permit, the funds from the escrow agreement shall be released to PBC or~~
18 ~~evidence of payment to a private party shall be provided, the deed shall be recorded and a~~
19 ~~copy of the recorded deed shall be provided to PZB. Building permits for sales models or~~
20 ~~temporary real estate sales and management offices permitted pursuant to this Code shall be~~
21 ~~exempted from this requirement regarding the release of escrow funds. A contract for sale~~
22 ~~and purchase of development rights, and an escrow agreement or performance or security~~
23 ~~bond in a manner consistent with Art. 11.B.4.A.6.c. Performance or Security Bond are~~
24 ~~required. A deed of TDR shall also be required as part of the approval of a TDR transfer.~~
25 ~~The contract shall be executed prior to DRO approval of a TDR receiving area. The funds~~
26 ~~from the escrow, or performance or security bond if used, must be received by PBC, or~~
27 ~~evidence of payment to a private party, before PBC releases the deed. The deed must be~~
28 ~~recorded before issuance of the first building permit for a project or a pod designated as a~~
29 ~~receiving area. This paragraph shall not apply to building permits for sales models or~~
30 ~~temporary real estate sales and management offices permitted pursuant to this code.~~
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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1
2 Part 1. ULDC, Art. 7.A.1.B, Landscape Design Principles [Related to Landscape Permit] (page
3 6 of 47), is hereby amended as follows:
4

5 Reason for amendment: [Zoning/Industry] Amend this Section to clarify types of plan as required
6 pursuant to Art.2, Plan Requirements. Landscape Permit is a new process proposed by the Zoning
7 Division in this amendment to clarify responsibility of owner/contractor/landscape architect to full
8 landscape requirements.
9

10 CHAPTER A GENERAL

11 Section 1 Landscape and Buffering

12 B. Landscape Design Principles

13 ~~The This Section establishes standards established in this Article are to be considered the~~
14 ~~minimum requirements~~ for landscape design. It is the intent of this Article to encourage creativity
15 in landscape design while providing general direction and criteria for the evaluation of a specific
16 type of plan: planting, landscape or ALP in order to issue a landscape permit ~~landscape plans,~~
17 ~~planting plans and alternative landscape plans.~~ The following design principles are general
18 standards to be used by County staff and DRO in evaluating whether landscape plans conform to
19 the requirements of this Article:
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21
22 Part 2. ULDC, Art. 7.B, Types of Plans [Related to Landscape Permits] (page 11 of 47), is
23 hereby amended as follows:
24

25 Reason for amendment: [Zoning] Amend to reference a landscape permit is a requirement of the review
26 process, and amend code to clarify procedures.
27

28 CHAPTER B TYPES OF PLANS

29 ~~All A~~ development that requires the issuance review and approval of a building ~~permit~~ or paving permit
30 may also require the review and approval of a Zoning Division Landscape Permit. When landscape
31 review and approval is required, the applicant shall submit ~~submittal and approval of one of the, as~~
32 ~~applicable the appropriate application to the Zoning Division.~~ Plans and applications must shall be
33 submitted in a manner and form established by the Zoning Division, and shall be reviewed for compliance
34 with all applicable provisions of this Code. If approved, a Landscape Permit shall be issued.
35

36
37 Part 3. ULDC, Table 7.C.3.1 – Minimum Tier Requirements [Related to Layers of Shrubs
38 Requirements] (page 14 of 47), is hereby amended as follows:
39

40 Reason for amendment: [Zoning/Industry] 1) Amend Note 2 to refer to Table 7.F.9.A for landscaping
41 requirements for Incompatibility Buffer. 2) Amend Note 4 of Table 7.C.3-1 –Minimum Tier Requirements
42 to clarify layers of shrub planting requirements is for R.O.W. buffer only, also inform applicants to refer to
43 Table 7.F.7.B for requirements for installation size, quantity, spacing and maturity height for shrubs. 3)
44 Amend Note 5 to clarify interior shrub planting requirements. 4) Renumber Notes accordingly. These
45 amendments are providing improved crossed references within Article 7, there are no additional
46 requirements involved.
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Notes:

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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1

Table 7.C.3-1 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers ⁶⁻¹			
....			
Fences/Walls	Optional ²	Optional ²	Optional ^{2, 3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping ⁶⁻²			
....			
Minimum Medium Shrub Quantities – Residential Lot ⁵	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Medium Shrub Quantities – Non-Residential Lot ⁵	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
....			
Plant Standards ⁶⁻³			
....			
Foundation Planting ^{6-6, 7}			
....			
[Ord. 2005-002] [Ord. 2006-004]			
Notes			
1. May be allowed with an approved ALP.			
2. Unless required by Art.7.F.9, Incompatibility Buffer. Landscape requirements (including walls and fences) for Incompatibility buffers, refer to Table 7.F.9.A- Incompatibility Buffer Standards.			
3. Walls and fences shall be built from natural materials , such as, including but not limited to: wood, stone, etc.			
4. Refer to Shrub Hierarchy requirements in Table 7.F.B-6, R-O-W Buffer Shrub Type. This requirement is only for Perimeter R.O.W. Buffers. Applicants shall also reference Table 7.F.7.B-6, R-O-W Buffer Shrub Planting Type Requirements for installation size, quantity, spacing and maturity height for perimeter and interior shrub planting.			
5. Minimum Interior quantities for shrub planting required in addition to perimeter buffer landscape requirements. Shall shall be calculated based on gross lot area, excluding preservation areas and lake tracts.			
6. TDDs are exempt from foundation planting requirements for primary and secondary building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004]			
7. Deviations shall be permitted for PBC owned and operated public parks in accordance with Art. 5.D.2.H, County Park Landscape Standards. [Ord. 2006-004]			

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Part 4. ULDC, Art. 7.E, Installation, Maintenance, Pruning and Irrigation [Related to Landscape Permit Requirements] (page 26 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] Amend to require issuance of a landscape permit that will assist staff, contractor and owner on requirements and obligations related to permit, inspection and maintenance of the landscape materials. Currently, permitting and inspections are done through the Building Permit process, a typical building permit application is routed to Zoning Division for determination whether a landscape review and permit is required prior to the approval of the Building Permit application. The intent of amendments to Chapter E is to tie all the Zoning-landscaping and Building permit processes together.

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CHAPTER E REVIEW, INSTALLATION, AND MAINTENANCE, PRUNING AND IRRIGATION

~~The following standards are the minimum for required installation, maintenance, irrigation, and replacement of trees and landscape material. This Chapter establishes standards for the landscape review, installation and maintenance of trees and landscape material.~~

Section 2 Landscape Permit

~~To ensure compliance with the various requirements associated with a new development permit for installation and maintenance of landscape on site, the applicant shall:~~

- ~~A. Submit an application for a Landscape Review on forms prepared by the Zoning Division;~~
- ~~B. Comply with Code requirements and any conditions of approval;~~
- ~~C. Schedule and receive approval of all required landscape inspections; and,~~
- ~~D. Adhere to long-term landscape maintenance obligations and all material associated with the application.~~

[Renumber accordingly]

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Notes:

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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 5. ULDC, Art. 7.F, Perimeter Buffer Landscape Requirements (page 32 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] Amend to: 1) Amend Table Title. See Part 6 for reasons of amending title of table.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Landscape buffers shall be installed and maintained in accordance with the following standards.

....

Section 2 Trees, Shrubs, and Hedges

Trees, shrubs, and hedges shall be provided in all perimeter buffers in accordance with the following standards:

....

B. Shrubs

Shrubs shall be installed according to Table 7.F.7.B-~~6~~, Shrub Planting Requirements R-O-W Buffer Types.

....

Part 6. ULDC Table 7.F.7.B-6 – R-O-W Buffer Shrub Types (page 35 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] 1) Amend Table Title to indicate that these are shrub planting requirements: installation height, spacing, quantity and maturity height for perimeter and interior planting. 2) Switch existing 2nd, 3rd and 4th columns so that the order of planting shrubs are as follows: size, quantity, spacing. 3) Utilize an easier method of establishing quantity, i.e. using linear feet versus percentage. 4) Delete Note 1 since when this code requirement was established, there was limited availability of medium to large native shrubs, now native shrubs are available in different sizes. 5) Clarify that the hierarchical of small/medium/large shrub materials must be maintained at maturity to achieve the layering effect, and provides visual interest. This is a requirement for all R.O.W. buffers since the primary objective is to create visual interest. For incompatibility buffer, which has a 6-foot high landscape barrier to provide screening effect, the hierarchical visual effect of shrub materials is secondary.

Table 7.F.7.B - ~~6~~ - R-O-W Buffer Shrub Types Planting Requirements

Shrub Type	<u>Minimum Height at Installation (Size)</u>	<u>Minimum Percentage Number of Shrubs Per Linear Foot³ of Buffer Length</u>	<u>Minimum Maximum Spacing at Installation</u>	<u>Minimum Maximum¹ Maintained Height at Maturity</u>
Ground Cover	<i>6 inches</i>	400 percent <u>2 per 1 linear foot</u>	<i>6 inches</i>	n/a
Small Shrubs	<i>18 inches</i>	50 percent <u>1 per 2 linear feet</u>	<i>24 inches</i>	24-36 <u>inches</u>
Medium Shrubs	<i>24 inches</i>	25 percent <u>1 per 4 linear feet</u>	30-48 <u>inches</u>	36-48 <u>inches</u>
Large Shrubs	<i>36 inches</i>	25 percent <u>1 per 4 linear feet</u>	<i>48 inches</i>	48 inches <u>n/a</u>
Notes				
1. May be reduced by six inches for use of native plant material.				
21. Refers to area planted, not including spread of the shrubs. <u>Maximum maintained height is established to maintain the hierarchical visual effect for Perimeter R.O.W. buffer.</u>				

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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 7. ULDC, Figure 7.F.7.B-13 – R-O-W Buffer Required Width and Shrub Hierarchy (page 35 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] 1) Amend to delete Figure below and replace it with a new Figure 7.F.7.B to reflect revised method of calculation shown in Part 6. This Figure is a typical example only and does not reflect all scenarios of buffer requirements. 2) Amend Title to show this is an example to show the hierarchical effect of shrub layers.

~~Figure 7.F.7.B-13 – R-O-W Buffer Required Width and Shrub Hierarchy~~

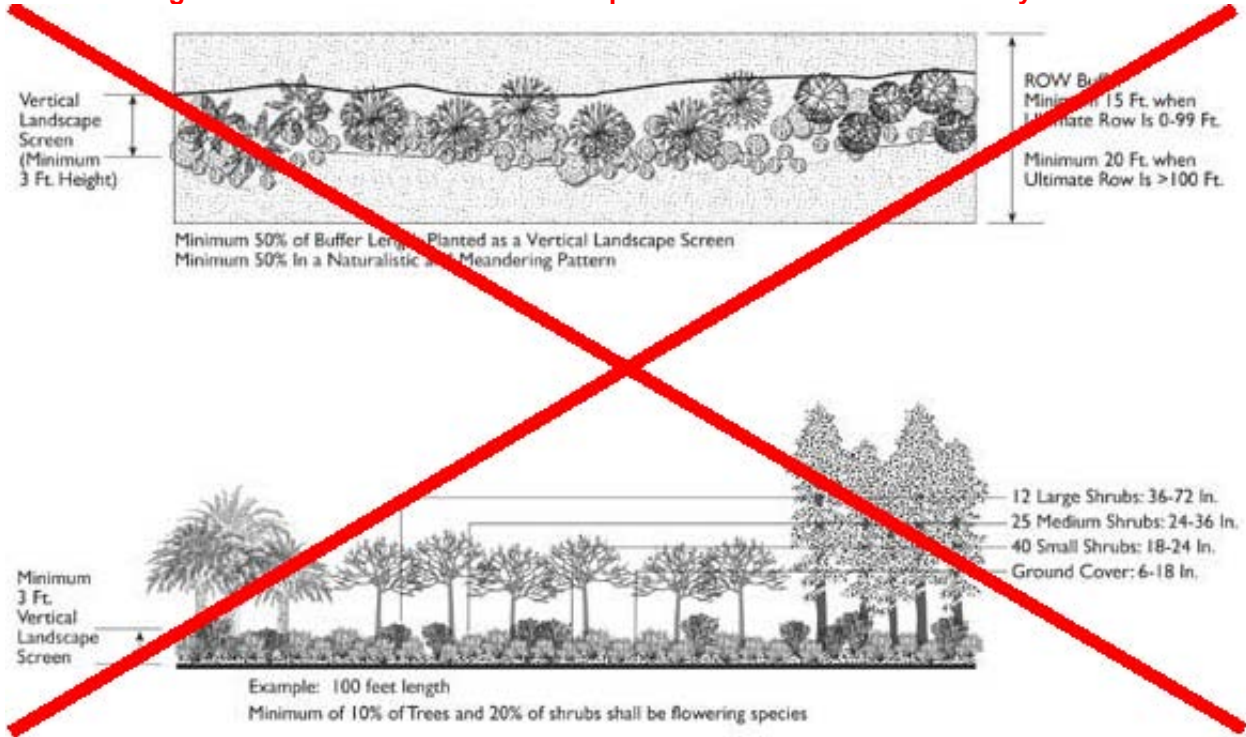
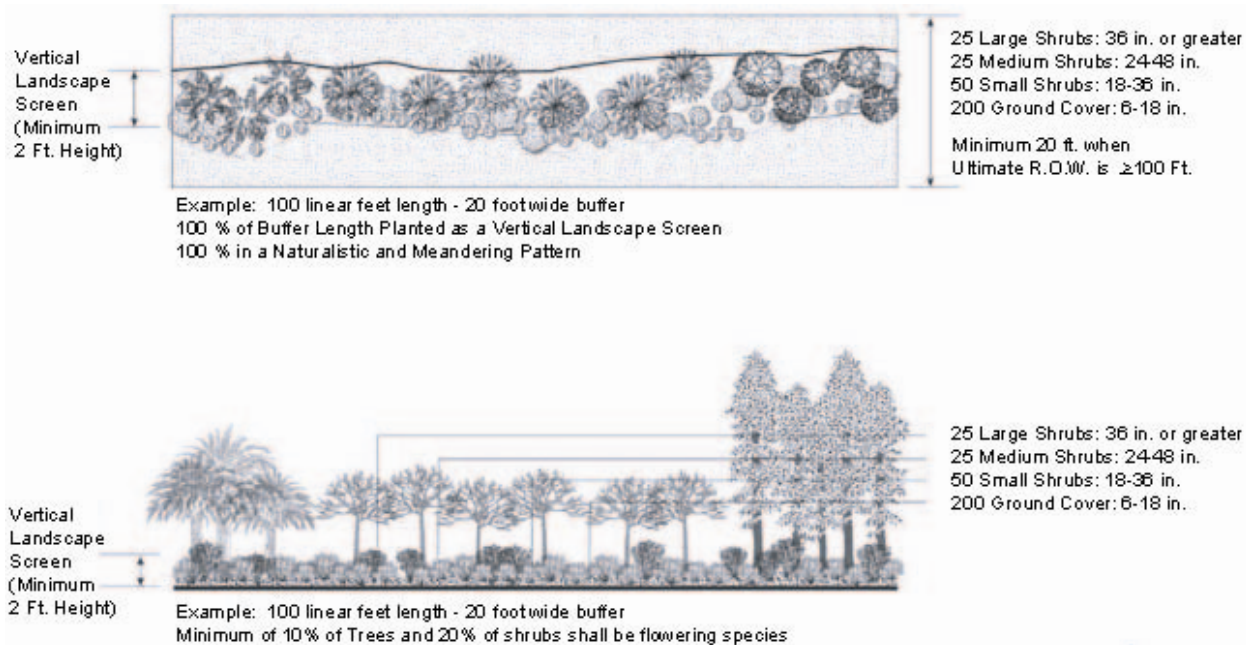


Figure 7.F.7.B - Buffer Width, Trees and Shrub Layers
An Example of Planting Requirements for a Perimeter R-O-W Buffer



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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Part 8. ULDC, Art. 7.F.7.C Planting Pattern (page 35 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] Amend to clarify planting pattern for a perimeter R-O-W buffer.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 7 R-O-W Buffer

C. Planting Pattern for a Perimeter R-O-W Buffer

~~A minimum of 50~~ One hundred percent of the buffer ~~width~~ length shall be composed of a continuous opaque vertical landscape screen at least ~~three-two~~ feet in height, planted in a meandering pattern as illustrated in Figure 7.F.7.B-~~13~~, ~~R-O-W Buffer Required-Width, Trees~~ and Shrub ~~Hierarchy Layers~~, and composed of the shrub types listed in Table 7.F.7.B-~~6~~, ~~R-O-W Buffer Shrub Planting Types Requirements~~. The area of the ~~R-O-W~~ buffer not planted with trees and shrubs shall be landscaped with ground ~~cover~~ treatment.

Part 9. ULDC, Art. 7.F.9, Incompatibility Buffer (page 36 of 47), is hereby amended as follows:

Reason for amendment: [Zoning] Amend Art.7.F.9 1) to clarify landscape requirements for an Incompatibility Buffer and shrub mix. 2) Replace the word "screen" with "landscape barrier", which has a definition in Art.1.I and has been referred in other parts of Art.7. 3) Amend Table 7.F.9.A, Incompatibility Buffer Standards to add a column for shrub quantity. This column is to clarify the number of rows of shrubs for each type of Incompatibility Buffer. The amendments are clarification of current practice/implementation and not an increase in plant quantities. 4) Switch existing 3rd and 4th columns to start with landscape barrier height first, and specify whether a wall is needed to satisfy the landscape barrier requirement.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Landscape buffers shall be installed and maintained in accordance with the following standards.

Section 9 Incompatibility Buffer

An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development, in accordance with the requirements of Table 7.F.9.A-7, Incompatibility Buffer Standards, ~~shall provide a minimum six foot high continuous solid opaque visual screen composed of hedges or shrubs, either alone or in combination with a wall, fence, or berm.~~

A. Type

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B-8 Required Incompatibility Buffer Types.

1. Landscape Requirements

An Incompatibility buffer shall consist of a continuous, opaque landscape barrier. The landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees shall be required in addition to the barrier pursuant to the Table below.

2. Required Shrub Mix

- a. Groundcover is not allowed to substitute for shrubs.
- b. Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs.
- c. Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required rows of shrubs.
- d. Refer to Table 7.F.7.B, Shrub Planting Requirements.

Notes:

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EXHIBIT T

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

Table 7.F.9.A - Incompatibility Buffer Standards

Buffer Type	Width (in feet)	Minimum Screen Landscape Barrier Height (in feet)	Walls Required	Minimum row of Shrubs	Maximum Tree Spacing (in feet, on center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes	3	20

[Ord. 2008-003]

Note:

1. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art.3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]

Part 10. ULDC, Art. 7.H.2, Administration (page 44 of 47), is hereby amended as follows:

Reason for amendment: [Zoning/Industry] Amend to establish provisions for a Landscape Permit and to clarify the various types of inspections currently performed by staff related to landscaping installation, inspections and maintenance.

CHAPTER H ENFORCEMENT

Section 2 Administration

A. Landscape Permit

Landscape Plan applications for review shall be submitted in compliance with the provisions of this Chapter. When all requirements are satisfied, the appropriate staff shall issue a Landscape Permit that shall reference the approved Landscape Plan associated with the permit in addition to any necessary inspections, conditions and maintenance obligations. The Permit shall be maintained on site until the final landscape inspection is signed off by the PBC Inspector. A copy of the landscape permit shall be maintained in the associated official Building Permit record, as well as the Zoning Division file.

AB. Field Inspections

Unless otherwise provided in this Article, all development subject to this Article may be inspected by PZB prior to and after installation of required landscaping. Required landscaping shall be approved by PZB prior to the issuance of a paving permit, CO, or Certificate of Completion, whichever occurs first.

Types of Landscape Inspection

1. Preliminary Inspection - required to verify existing grades, vegetation and necessary site preparation has been completed prior to any plant material being installed on the site to comply with the Landscape Permit;
2. Final Inspection - required as part of the typical building permit process to ensure landscape material, irrigation and conditions of approval on a development order are in compliance prior to final sign off that the landscape is completed and installed in accordance to the Landscape Permit.
3. Annual Inspection – scheduled on the one year anniversary date from the date of the Final Inspection noted on the Landscape Permit. Inspection shall be performed to ensure all landscape and irrigation continually complies with the Landscape Permit. If material or irrigation is missing, dead or damaged the property owner shall be provided with a Notice to Correct, pursuant to Article 10, Code Enforcement.
4. Monitoring Inspection - performed to respond to complaint of missing or damaged plant material or changes to the landscape not approved in accordance with the Landscape Permit.

BC. Certification of Compliance

In addition to ~~initial field~~ Final inspection and certification by PZB, the land owner shall submit a Certificate of Compliance, in a form approved by the Zoning Director, to the County Landscape Section as a condition of issuance of a CO or Certificate of Completion. This certificate shall be prepared and signed by a landscape architect licensed by the State of Florida and demonstrate that all of the provisions of this Article have been met. The certification statement, included in Art. 7, as Appendix 3.C, Certification of Compliance, shall ~~appear on the~~ be made part of the documentation in the official building permit file ~~certification report.~~

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Notes:

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EXHIBIT U

ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 06/26/09)

Part 1. ULDC, Art. 8.E.3. Master Sign Program Plan [Related to Standards for Master Sign Plans], (page 17 and 18 of 40), is hereby amended as follows:

Reason for amendment: [Zoning] Amendment to clarify when a master sign plan is required.

CHAPTER E PROCEDURES FOR SIGNAGE

Section 3 Master Sign Program Plan

....
B. Submittals

1. Preliminary Master Sign Plan (PMSP)

A PMSP shall be submitted to the Zoning Division at the time of initial application, and shall be subject to the same review and approval process as the development itself. The initial PMSP shall include the total number of all proposed signs or sign types, the location of sign types on a site plan and general building elevations, drawings, sketches of generic sign types, a computation of the total allowable sign area for each sign and sign type (the sign budget), the height of each sign, and the proposed location of each sign on a site plan or general building elevations. A PMSP shall also describe proposed public artwork that would be exempt from sign area calculations. Subsequent development orders for Zoning approval or building permits, submitted following the initial approval of a development without a Final Master Sign Plan, shall only be required to submit signage information related to the affected area.

2. Final Master Sign Plan (FMSP)

A FMSP shall be reviewed and approved, approved with conditions, or denied at Final DRO. Concurrent with architectural review submittal and approval, in accordance with Article 5.C, DESIGN STANDARDS, a master sign plan. The specific requirements for the FMSP shall be prepared pursuant to the requirements in the Technical Manual consist of the following, shall be submitted:

- a. Drawings or sketches indicating the exterior surface details such as font, type, size, dimensions, and base planting details for all signs and types;
- b. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, placement and the necessity for PBC review; and
- c. A visual representation of unified color, unified graphics, materials and illumination standards for all sign types.

In addition, the DRO shall make the following determinations:

- a. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
- b. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
- c. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access. [Relocated from 8.E.3.C below.]

C. Approval Process

A MSP shall be subject to, and part of, the same review and approval process as the development itself. In approving a MSP, the DRO, ZC, or BCC, shall find that:

- 1. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site;
- 2. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and
- 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.

Part 2. ULDC, Art. 8.F.3. Building Frontage [Related to Standards for Specific Sign Types], (page 22 of 40), is hereby amended as follows:

Reason for amendment: [Zoning] Amendment to address consistency in how to calculate wall signage for large scale commercial developments and to allow greater recesses and projections for large scale commercial structures. Currently large scale tenants have greater restrictions because of the requirement to incorporate recesses and projections.

CHAPTER F GENERAL PROVISIONS FOR SIGN TYPES

Section 3 Building Frontage

Notes:

Underlined language indicates proposed new language.

Language crossed-out indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

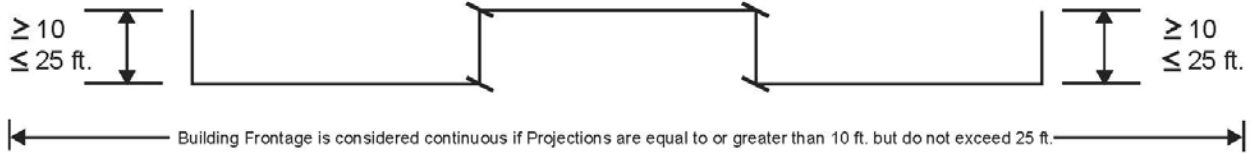
Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT U

**ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 06/26/09)**

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

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



6
7
8 **Part 3. ULDC, Art. 8.G.1.A, Wall signs [Related to Standards for Specific Sign Types], (page 24**
9 **of 40), is hereby amended as follows:**
10

11 **Reason for amendment:** [Zoning] Amend to allow signs on uses that do not face a public R-O-W. Code
12 language was originally intended to only provide signage for tenants that could be seen by customers
13 from streets. However, in MUPDs and commercial pods of PUDs uses do not always face streets and
14 need signage to provide visibility from parking lots. Current language is too restrictive and has resulted
15 in requests for Type II Variances that have typically been supported by the Zoning Commission.

16
17 **CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES**

18 **Section 1 Building Mounted Signs**

19 **A. Wall Signs**

20 Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in
21 Table 8.G.1.A-4, Wall Sign Standards. No wall sign may cover wholly or partially any required
22 wall opening.
23

Table 8.G.1.A-4-Wall Sign Standards

	U/S Tier	AG-R Tier	Exurban, Rural, and Glades Tiers
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along building frontage, a minimum of 24 square feet ¹	0.75 sq. ft. along building frontage, a minimum of 24 square feet ¹	0.5 sq. ft. along building frontage, a minimum of 24 square feet ¹
	0.5 sq. ft. along the side and rear walls		
	0.25 sq. ft. for walls facing a residential zoning district.		
Allowable Facades	Front, Side, and Rear if facing a street	Front and Side	Front facing a R-O-W only
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building ²	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
....			

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Notes:

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

1
2 Part 1. ULDC, Art. 14.A, Sea Turtle Protection and Sand Preservation, (page 6 of 50), is hereby
3 amended as follows:
4

5 Reason for amendment: [ERM] Amend to clarify language and jurisdictional limits and to improve
6 consistency with other agency guidelines.

7
8 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

9 Section 1 Purpose and Intent

10 The purpose of this Chapter is to reduce impacts of coastal lighting and beach obstructions on sea turtles.
11 ~~and prohibit the removal of sand from This Chapter is also intended to maintain the volume and quality of~~
12 ~~sand presently existing within the beach/dune system. The unique characteristics of sediments contained~~
13 ~~in the existing beaches and dunes of PBC require the preservation of these materials within the~~
14 ~~beach/dune system.~~

15
16 Section 6 Jurisdiction

17
18 D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm,
19 corporation, municipality, special district or public agency shall perform new building construction
20 or install any new artificial lighting on any property that, in whole or in part, is seaward of a line
21 600 feet landward of the mean high water line without first having obtained an approved Sea
22 Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing
23 beachfront lighting ~~located within or~~ causing direct or indirect illumination that is visible from the
24 beach within the STPZ as defined herein shall comply with Article 14.A.11, Standards for Existing
25 Beachfront Lighting.

26
27 F. Beach obstructions are exempt from the requirements of this Section Article. However, this
28 exemption shall not be in effect during sea turtle nesting season (March 1 – October 31) unless
29 the structures are removed daily from the beach from sunset until two hours following sunrise or
30 after completion of a dedicated independent sea turtle nesting survey by a Marine Turtle Permit
31 Holder prior to 9:30 p.m., and are not moved onto, or placed on the beach before completion of
32 monitoring conducted by personnel with prior experience and training in nest survey procedures
33 and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily
34 sea turtle monitoring), or unless the beach furniture is being actively used or attended during the
35 period of time from 9:30 p.m. until the next days monitoring. Beach obstructions shall be
36 removed from the beach or placed in a single row as close to the toe of the dune as possible in
37 an area that does not impact native vegetation or significantly affect sea turtles. Exemptions
38 under this provision are not intended to authorize any violation of F.S. § ~~370.12~~ 379.2431 or any
39 of the provisions of the Endangered Species Act of 1973, as may be amended. (Ord. No. 05-27, §
40 3.QQ) [Ord. 2006-036]

41
42 Section 7 De Minimis

43 Those projects for which ERM provides a written determination that there will be no significant adverse
44 environmental impacts. Approvals may include but are not limited to: removal of a light source whether
45 approved or not approved; reduction in light intensity of a light source; installation of a light source within
46 the STPZ which is not directly or indirectly visible from the beach.
47

48 Section 8 Sea Turtle Protection Lighting Plan

49
50 A. A STLP approval is required for all new building construction and new artificial lighting proposed
51 within the limits described in Section 6.D STPZ. A STLP shall be approved by ERM prior to the
52 issuance of a building permit by the PZB or the local building department.

53 F. STLP approval shall not be issued or processed until the application fee and any and all
54 information necessary to fully understand the extent, nature, and potential impacts of a proposed
55 lighting plan are received by ERM. Such information may include, but is not limited to:

56
57 5. Electrical, building and landscape plans shall be submitted illustrating all exterior lights and
58 ~~W~~indows within jurisdictional boundaries line of sight of the beach. Light and window tinting
59 information shall include:
60

Notes:

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

- b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach of areas seaward of the crest of the dune.

....

Section 9 Criteria for STLP Approval

A. A STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:

- 1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and will be positioned such that they do not cause direct or indirect illumination that is visible from the beach. ~~(direct or indirect) of areas seaward of the existing seawall or crest of dune and the source of light is not directly visible from the beach;~~

a. All outdoor lighting and exterior lighting shall be directed downwards. No lights shall be directed upwards.

b. Filters shall be prohibited.

c. All exterior fixtures on the seaward and the shore perpendicular sides of the building (and the landward side of the building if they are visible from the beach) shall be well shielded and full cut-off.

d. Long wave length lights that produce light that measures greater than 570 nanometers, shall be used for all coastal construction visible from and adjacent to the beach. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps will not be approved. Shorter wavelength lights will only be approved in areas where direct or indirect illumination is not visible from the beach.

2. Use of Window Treatments at Multifamily Residential Properties:

In common areas of a multi-family residential property, window treatments that are sufficient to prevent direct or indirect illumination visible from the beach shall be required on all windows visible from the beach within jurisdictional boundaries.

~~23.~~ ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible; and

~~34.~~ ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this ~~Chapter Article.~~

B. Measures that may be implemented to protect sea turtles include: elimination, modification or alteration of all proposed and/or existing exterior lights that cause ~~direct or indirect illumination which is directly or indirectly of areas seaward of the existing crest of dune or which are~~ visible from the beach.

C. All lighting installed after September 2, 1987 in unincorporated PBC and in municipalities that do not have a STPO in effect shall comply with the following standards:

- 1. ~~no~~ Artificial public or private light source shall not cause illumination which is directly or indirectly ~~illuminate areas seaward of the crest of the dune or be~~ visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings;

2. ~~the~~ installation of coastal lighting shall reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, ~~19962000~~).

3. ~~a~~Any and all light fixtures shall be designed and/or positioned such that they do not cause ~~direct or indirect illumination which is not directly or indirectly of areas seaward of the crest of the dune and the source of light is not directly~~ visible from the beach.

4. ~~a~~All lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard Art. 14.A.9.C.1, above shall not be authorized, ~~and~~ **[Ord. 2005 – 002]**

5. ~~a~~Artificial lighting for decorative or accent purposes ~~and uplights~~ shall not be authorized within the zone of jurisdiction unless it ~~is will~~ is not ~~be~~ directly or indirectly visible from the beach.

6. Lighting used in parking lots ~~within the STPZ~~ shall be:

a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting ~~is not~~ does not cause illumination or is not directly or indirectly visible from the beach.

b. Positioned and/or shielded such that the source of light is not visible from the beach ~~and~~ does not cause illumination directly or indirectly visible from the beach.

....

8. Permanent firepits shall be positioned and/or shielded to ensure that the source of illumination is not directly or indirectly visible from the beach. Maximum flame height shall be determined at final inspection.

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

89. Open fires on the beach shall be prohibited during Sea Turtle Nesting season. [Ord. 2005 – 002]

~~D10.~~ Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.

11. Pool deck lights and underwater pool lights shall be turned off while the pool is closed at sunset during sea turtle nesting season, March 1st – October 31st. The use of an automatic timer shall be acceptable only for pool lighting.

Section 10 Inspection Required

A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:

1. Upon completion of the construction activities, a State of Florida registered architect, landscape architect, environmental professional or professional engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels.

....

3. The inspector shall sign and seal the inspection report which includes a certification that:

....

c. the beachfront lighting does not cause directly or indirectly illumination that is visible from the beach ~~illuminate areas seaward of the crest of the dune~~ at the time of the night inspection; and

....

Section 11 Standards for Existing Beachfront Lighting

A. Adjustment to Essential Lighting

~~In some cases Changing coastal conditions (including but not limited to erosion, renourishment, vegetation impacts, etc.); it may be desirable necessitate to retrofitting light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with Article 14.A. 9, Criteria for STLP Approval. Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach. and install and shield low pressure sodium vapor lights producing wavelengths between 589 and 590 nanometers. [Ord. 2006-036]~~

B. Reduction of Indirect Lighting on the Beach

The installation and maintenance of ground level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system.

C. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers or any other structure ~~seaward of the crest of the dune~~ designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach.

E. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are directly or indirectly visible from the beach ~~or illuminate directly or indirectly areas seaward of the crest of the dune~~ shall be disconnected or otherwise modified to comply with this Chapter.

G. Enforcement and Implementation of Corrective Measures

In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. ~~Relocation of nests where authorized by the FFWCC shall be considered only as a last resort and as a temporary measure while other solutions are being developed and implemented.~~

Section 13 Standards for SPZ

A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned ed to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which

Notes:

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined.

....

Section 15 Fees

A. Fees shall be required as established by the approved fee schedule.

....

Section 16 Violations

C. Installation of beachfront light fixtures in the limits described in Section 6.D, STPZ without ERM approval.

....

Part 2. ULDC, Art. 14.C.7.B, Approval of Development for Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 32 of 50), is hereby amended as follows:

Reason for amendment: [ERM] Amend to add a designation for government and commercial projects, including those that may be exempt from DRO review, to the list of sites requiring approval prior to removal of native vegetation and add language to specify when projects exempt from DRO review must make application for approval to remove native vegetation to ERM.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

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

1. Requirements and Process

a. Projects involving the development of a commercial projects, government projects, schools, new construction of a utility, road right of way projects, projects requiring DRO review, and agricultural parcels of 10 acres or greater shall apply to ERM for approval of said project on forms provided by ERM. Projects that are exempt from the DRO process must make application for approval to remove native vegetation to ERM within 30 days of making application for an initial building permit for the project. [Ord. 2008-040]

....

Part 3. ULDC, Art. 14.C.7.B.2, Approval of Development for Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 33 of 50), is hereby amended as follows:

Reason for amendment: [ERM] Amend (2.e and 3.d) to replace Technical Compliance as a deadline for mitigation compliance with a deadline of prior to first Certificate of occupancy for single unit projects; add mitigation equivalents that could allow for planting of vegetation other than trees; add language to clarify when 75% project completion shall be designated as a deadline for mitigation compliance; add language that specifies when a mitigation planting plan must be submitted and approved by ERM; and amend (5.a,d,e,f - Mitigation or Restoration) to add language to clarify how native trees are to be replaced; add language that will allow for replacement of equivalent native vegetation; add a final mitigation planting plan submittal time frame; add a replacement requirement for mitigation plantings that do not survive; and allow a letter of certification of planting completion to substitute for an ERM final inspection.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

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

2. Standards of Approval

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

No approval shall be issued unless the application demonstrates that the project: [Ord. 2008-040]

-
- e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated ~~for~~ in accordance with Table 7.E.2.D-4, Tree Credit and Replacement or through planting equivalent native vegetation, accepted by ERM prior to the receipt of Technical Compliance the Certificate of Occupancy for single unit projects or 75% completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first building permit for the project. [Ord. 2008-037] [Ord. 2008-040]

3. Establishing Native Upland Preserves

-
- d. All vegetation listed in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of ~~Technical Compliance the Certificate of Occupancy for single unit projects~~ or 75% completion of construction of multi-unit projects, based on either total square footage or number of buildings to be constructed, unless a phasing plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in Appendix 9, Invasive Non-Native Vegetation within Preserves, shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation. [Ord. 2008-040]

5. Mitigation or Restoration

- a. When native trees are removed or damaged without ~~a permit~~ prior ERM approval or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be replaced at double the rate shown in the Table 7.D.2.D-4 Tree Credit and Replacement. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 7.D.2.D-4, Tree Credit and Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in Table 7.D.2.D-4, Tree Credit and Replacement. [Ord. 2008-040]
-
- c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation and required maintenance to insure survival in perpetuity.
- ed. All mitigation shall occur and proper documentation in the form of a final planting plan, shall be submitted to ERM prior to ~~Technical Compliance the Certificate of Occupancy for single unit projects~~ or 75% completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. [Ord. 2008-040]
- e. Any mitigation plantings found to have died within 360 days of plantings shall be replaced.
- f. A letter of certification of planting completion, that supports compliance with 14.7.B.c and 14.7.B.2.h, submitted to ERM by the registered Landscape Architect for the project prior to the issuance of the Certificate of Occupancy shall substitute for any required final inspection.
- dg. Any clearing activity after 1986 which cannot provide evidence of approval, will be required to restore nine trees per 1500 square feet of cleared area. [Ord. 2008-040]

Part 4. ULDC, Art. 14.C.8.M, Survey or Other Test Required (page 37 of 50), is hereby amended as follows:

Reason for amendment: [ERM] Amend to add language to allow an exemption from ERM approval for vehicles equipped with a boring apparatus to gain access to test sampling areas.

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2 Section 8 Exemptions

3 The following activities do not require an approval under this Chapter: [Ord. 2008-040]

4 M. Survey or Other Test Required

5 The necessary removal of vegetation by, or at the direction of, a State of Florida licensed
6 professional surveyor and mapper, professional geologist, or professional engineer to conduct a
7 survey or other required test, provided that no tree three inches or greater DBH is removed, the
8 path cleared does not exceed five feet in width, and native vegetation is removed solely by hand.

9 If necessary, soil sampling with a vehicle equipped with a boring apparatus may clear a path not
10 to exceed the minimum width required to gain ingress and egress into the test sampling area.

11
12
13 Part 5. ULDC, Art. Art. 14.C.12.A.1, Violations [Related to alteration or removal of vegetation
14 without approval] (page 38 of 50), is hereby amended as follows:

15
16 Reason for amendment: [ERM] Amend to identify the type of vegetation described by Section 12 as
17 "native" in order to distinguish protected native vegetation from non-native vegetation that may be exempt
18 from Article 14.C oversight.

19
20 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

21 Section 12 Violations

22 A. Violations

23 A violation shall be:

- 24 1. The alteration or removal of up to 1,500 square feet of native vegetation without an approval
25 from ERM, unless expressly exempt under this Chapter. Alteration or removal of each
26 additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter
27 shall constitute a separate and additional violation. [Ord. 2008-040]

28

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30
31 Part 6. ULDC, Art. 14.D.6.D, Removal of Prohibited Invasive Non-Native Vegetation, [Related to
32 maintenance of prohibited vegetation on improved parcels] (page 41 of 50), is hereby
33 amended as follows:

34
35 Reason for amendment: [ERM] Amend to delete an incorrect reference to Appendix 11.

36
37 CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

38 Section 6 Removal of Prohibited Invasive Non-Native Vegetation

- 39
40 D. In accordance with Article 14.C.9, improved parcels located in unincorporated Palm Beach
41 County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited
42 vegetation listed in Appendix 6 & ~~11~~, Prohibited Invasive Non-Native Vegetation. The applicable
43 year as described in Article 14.D.6.A and provided in Appendix 11, does not apply to these
44 parcels, instead parcel owners of these improved parcels shall immediately and perpetually
45 maintain them free of all Prohibited Invasive Non-native Vegetation. [Ord. 2008-040]

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Notes:

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EXHIBIT V

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

1
2 Part 7. ULDC, Art. Art. 14.D.8.A.1, Enforcement [Related to failure of a parcel owner to remove
3 prohibited Invasive Non-Native Vegetation] (page 41 of 50), is hereby amended as
4 follows:
5

6 Reason for amendment: [ERM] Amend to correct the omission of Art. 14.D.6.A and correct a typing
7 error, with the addition of the correct reference to Art. 14.D.6.D.

8
9 CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

10 Section 8 Enforcement

- 11 A. Violations of this Chapter shall be:
12 1. Failure of a parcel owner to remove or eradicate Vegetation in accordance with ~~Art. 14.D.6.~~
13 Art. 14.D.6.A and D, Removal of Prohibited Invasive Non-Native Vegetation. [Ord. 2008-
14 040]
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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

Part 1 ULDC, Art. 1.1.2.A.25, Adult Entertainment (page 27-29 of 109), is hereby amended as follows:

Reason for amendment: [County Attorney] Amend to 1) correct the reference to Adult Entertainment in the Supplementary Use Standards (scrivener's error) and 2) readopt all other provisions of Adult Entertainment to respond to updated Findings of Fact and two recent studies on the secondary effects of adult entertainment.

Back up material from the County Attorney's Office will be maintained at the Zoning Division and will also be made available at the LDRC meeting.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

25. **Adult Entertainment Definitions** – for the purposes of Art. 4.B.1.A.2.

- a. **Adult Arcade** - any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater."
- b. **Adult Bookstore/Adult Video Store** - An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria: **[Ord. 2005-051]**
 - 1) More than 30 percent of the gross public floor area is devoted to adult material; or **[Ord. 2005-051]**
 - 2) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2005-051]**
- c. **Adult Booth** - a small enclosed or partitioned area inside an adult entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.
- d. **Adult Dancing Establishment** - an establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.
- e. **Adult Entertainment** -
 - 1) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio.
 - 2) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program.
 - 3) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment.
- f. **Adult Entertainment Establishment** - any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio.
- g. **Adult Material** - any one or more of the following, regardless of whether it is new or used:
 - 1) Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or;
 - 2) Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- h. **Adult Motel** - a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description

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EXHIBIT W

ADULT ENTERTAINMENT SUMMARY OF AMENDMENTS

(Updated 06/30/09)

1 of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from
2 the public streets which advertises the availability of this adult type of photographic
3 reproductions.

- 4 i. **Adult Theater** - an establishment operated for commercial gain which consists of an
5 enclosed building, or a portion or part thereof or an open-air area used for viewing of
6 adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture
7 theater" are included within the definition of "adult theater". An establishment which has
8 "adult booths" is considered to be an "adult theater".
- 9 j. **Commercial Gain** - operated for pecuniary gain, which shall be presumed for any
10 establishment which has received a business tax receipt. For the purpose of this Code,
11 commercial or pecuniary gain shall not depend on actual profit or loss. **[Ord. 2007-013]**
- 12 k. **Educational Institution** - premises or site within a municipality or within the
13 unincorporated area of PBC upon which there is a governmentally licensed child care
14 facility for six or more children or elementary or secondary (K-12) school, attended in
15 whole or in part by persons under 18 years of age.
- 16 l. **Employee** - Any person who works, performs, or exposes his/her specified anatomical
17 areas in an establishment, irrespective of whether said person is paid a salary or wages
18 by the owner or manager of the business, establishment, or premises. "Employee" shall
19 include any person who pays any form of consideration to an owner or manager of an
20 establishment, for the privilege to work performing or exposing his/her specified
21 anatomical areas within the establishment.
- 22 m. **Person** - includes an individual(s), firm(s), association(s), joint ventures(s),
23 partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies),
24 corporation(s), and all other or any other similar entity.
- 25 n. **Religious Activities** - any daily, weekly, or periodic activity associated with or that
26 occurs at a religious institution.
- 27 o. **Religious Institution** - a premises or site which is used primarily or exclusively for
28 religious worship and related religious ecclesiastical or denominational organization or
29 established place of worship, retreat, site, camp or similar facilities owned or operated by
30 a bona fide religious group for religious activities shall be considered a religious
31 institution.
- 32 p. **Residential Zoning District** - Includes the following zoning districts which have not been
33 designated in the comprehensive plan as commercial or industrial:
34 1) RE-Residential Estate.
35 2) RT-Residential Transitional.
36 3) RT-Residential Transitional.
37 4) RS-Single Family Residential.
38 5) RM-Multiple-Family Residential (Medium Density).
39 6) TND-Traditional Neighborhood Development.
40 7) PUD-Planned Unit Development.
- 41 q. **Specified Anatomical Areas** - less than completely and opaquely covered:
42 1) Human genitals and pubic region; or
43 2) the opening between the human buttocks, i.e., the anal cleft;
44 3) that portion of the human female breast encompassed within an area falling below
45 the horizontal line one would have to draw to intersect a point immediately above the
46 top of the areola (the colored ring around the nipple); this definition shall include the
47 entire lower portion of the female breast, but shall not include any portion of the
48 cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard,
49 bathing suit, or other wearing apparel, provided the areola is not so exposed; or
50 4) human male genitals in a discernibly turgid state, even if completely and opaquely
51 covered.
- 52 r. **Specified Sexual Activities** -
53 1) Human genitals in a state of sexual stimulations, arousal, or tumescence;
54 2) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia,
55 fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia,
56 sadism, sadomasochism, sexual intercourse, or sodomy;
57 3) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or
58 female breast; or
59 4) excretory functions as part of or in connection with any of the activities set forth in
60 subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified
61 Sexual Activities.

62
63
64 **Part 2. ULDC, Art. 3.B.2.B.2.a.3, Prohibited Uses (page 15 of 155), is hereby amended as**
65 **follows:**
66

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS

(Updated 06/30/09)

Reason for amendment: [County Attorney] Amend to readopt all provisions of Adult Entertainment to respond to updated Findings of Fact.

CHAPTER B OVERLAYS

Section 2 AZO, Airport Zoning Overlay

B. Applicability

2. Uses on Airport Properties

....

a. Use Regulations

3) Prohibited Uses

Prohibited uses include adult entertainment and billboards. [Ord. 2006-036]

....

Part 3 ULDC, Art. 3.B.10.D.2, Prohibited Uses (page 27 of 155), is hereby amended as follows:

Reason for amendment: [County Attorney] Amend to readopt all provisions of Adult Entertainment to respond to updated Findings of Fact.

CHAPTER B OVERLAYS

Section 10 PBIAO, Palm Beach International Airport Overlay

D. Uses

2. Prohibited Uses

Adult entertainment establishments, bulk storage of gas and oil, and outdoor retail sales (other than greenhouses, shadehouses or nurseries) shall be prohibited in the PBIAO district. [Ord. 2004-051]

Part 4. ULDC, Art. 3.B.15.A, Purpose and Intent (page 35 of 155), is hereby amended as follows:

Reason for amendment: [County Attorney] Amend to add a statement citing the Findings of Fact set forth in Art. 4.B.1.A.2 as support for the prohibition of adult entertainment uses within the Westgate Community Redevelopment Area Overlay and readopt all other adult entertainment provisions of the ULDC.

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

A. Purpose and Intent

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F. S. §163 Part III, Community Redevelopment, to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed use development; and providing for increased residential densities and commercial intensities, without amendment to the Plan.

The WCRA Plan proposes to use smart growth and form based code principles that incorporates urban design and mixed use development to achieve infill, residential and commercial redevelopment. Mixed use development is required to implement the goals of the WCRA Plan to allow for a pedestrian friendly environment, the vertical integration of uses, and higher intensity and density. The BCC finds that the secondary effects of adult entertainment establishments, as

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 2. Adult Entertainment

5 a. Establishment

6 Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult
7 dancing establishment; or any establishment or business operated for commercial gain
8 where any employee, operator or owner exposes his/her specified anatomical area for
9 viewing by patrons, including but not limited to: massage establishments whether or not
10 licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. **[Ord.
11 2004-051]**

12 b. Definitions, Adult Entertainment Establishment

13 The following definitions apply for the purposes of the Adult Entertainment Establishment
14 provisions of this Code. **[Ord. 2004-051]**

15 1) Adult Arcade

16 Any place or establishment operated for commercial gain, which invites or permits
17 the public to view adult material. For purposes of this Code, "adult arcade" is included
18 within the definition of "adult theater." **[Ord. 2004-051]**

19 2) Adult Bookstore/Adult Video Store

20 An establishment which sells, offers for sale, or rents adult material for commercial
21 gain and which meets either of the following two criteria:

- 22 (a) More than 30 percent of the gross public floor area is devoted to adult material;
23 or
24 (b) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2004
25 - 051]**

26 3) Adult Booth

27 A small enclosed or partitioned area inside an adult entertainment establishment
28 which is: (1) designed or used for the viewing of adult material by one or more
29 persons and (2) is accessible to any person, regardless of whether a fee is charged
30 for access. The term "adult booth" includes, but is not limited to, a "peep show"
31 booth, or other booth used to view adult material. The term "adult booth" does not
32 include a foyer through which any person can enter or exit the establishment, or a
33 restroom. **[Ord. 2004-051]**

34 4) Adult Dancing Establishment

35 An establishment selling, serving or allowing consumption of alcoholic beverages,
36 where employees display or expose specified anatomical areas to others regardless
37 of whether the employees actually engage in dancing. **[Ord. 2004-051]**

38 5) Adult Entertainment

- 39 a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or
40 adult dancing establishment; or any establishment or business operated for
41 commercial gain where any employee, operator or owner exposes his/her
42 specified anatomical area for viewing by patrons, including but not limited to:
43 massage establishments whether or not licensed pursuant to F.S. Chapter 480,
44 tanning salon, modeling studio, or lingerie studio. **[Ord. 2004-051]**
45 b) Excluded from this definition are any educational institutions where the exposure
46 of the specified anatomical area is associated with a curriculum or program.
47 **[Ord. 2004-051]**
48 c) An establishment that possesses an adult entertainment license is presumed to
49 be an adult entertainment establishment. **[Ord. 2004-051]**

50 6) Adult Material

51 Any one or more of the following, regardless of whether it is new or used: **[Ord. 2004
52 - 051]**

- 53 a) Books, magazines, periodicals or other printed matter; photographs, films, motion
54 pictures, video cassettes, slides, or other visual representations; recordings,
55 other audio matter; and novelties or devices; which have as their primary or
56 dominant theme subject matter depicting, exhibiting, illustrating, describing or
57 relating to specified sexual activities or specified anatomical areas; **[Ord. 2004 -
58 051]** or;
59 b) instruments, novelties, devices, or paraphernalia which are designed for use in
60 connection with specified sexual activities. **[Ord. 2004 - 051]**

61 7) Adult Motel

62 A hotel, motel or similar commercial establishment which offers accommodations to
63 the public for any form of consideration; provides patrons with closed-circuit television
64 transmissions, films, motion pictures, video cassettes, slides, or other photographic
65 reproductions which are characterized by the depiction or description of "specified

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

- 1 sexual activities" or "specified anatomical areas;" and has a sign visible from the
- 2 public streets which advertises the availability of this adult type of photographic
- 3 reproductions. [Ord. 2004-051]
- 4 **8) Adult Theater**
- 5 An establishment operated for commercial gain which consists of an enclosed
- 6 building, or a portion or part thereof or an open-air area used for viewing of adult
- 7 material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture
- 8 theater" are included within the definition of "adult theater". An establishment which
- 9 has "adult booths" is considered to be an "adult theater". [Ord. 2004-051]
- 10 **9) Adult Video Store**
- 11 See Adult Bookstore. [Ord. 2004-051]
- 12 **10) Commercial Gain**
- 13 Operated for pecuniary gain, which shall be presumed for any establishment which
- 14 has received a business tax receipt. For the purpose of this Code, commercial or
- 15 pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051] [Ord. 2007-
- 16 013]
- 17 **11) Educational Institution**
- 18 Premises or site within a municipality or within the unincorporated area of PBC upon
- 19 which there is a governmentally licensed child care facility for six or more children or
- 20 elementary or secondary (K-12) school, attended in whole or in part by persons
- 21 under 18 years of age. [Ord. 2004-051]
- 22 **12) Employee**
- 23 Any person who works, performs, or exposes his/her specified anatomical areas in
- 24 an establishment, irrespective of whether said person is paid a salary or wages by
- 25 the owner or manager of the business, establishment, or premises. "Employee" shall
- 26 include any person who pays any form of consideration to an owner or manager of an
- 27 establishment, for the privilege to work performing or exposing his/her specified
- 28 anatomical areas within the establishment. [Ord. 2004-051]
- 29 **13) Person**
- 30 Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s),
- 31 estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and
- 32 all other or any other similar entity. [Ord. 2004-051]
- 33 **14) Religious Activities**
- 34 Any daily, weekly, or periodic activity associated with or that occurs at a religious
- 35 institution. [Ord. 2004-051]
- 36 **15) Religious Institution**
- 37 A premises or site which is used primarily or exclusively for religious worship and
- 38 related religious ecclesiastical or denominational organization or established place of
- 39 worship, retreat, site, camp or similar facilities owned or operated by a bona fide
- 40 religious group for religious activities shall be considered a religious institution. [Ord.
- 41 2004-051]
- 42 **16) Residential Zoning District**
- 43 Includes the following zoning districts which have not been designated in the
- 44 comprehensive plan as commercial or industrial: [Ord. 2004-051]
- 45 a) AR-Agricultural Residential. [Ord. 2004-051]
- 46 b) RE-Residential Estate. [Ord. 2004-051]
- 47 c) RT-Residential Transitional. [Ord. 2004-051]
- 48 d) RS-Single Family Residential. [Ord. 2004-051]
- 49 e) RM-Multiple-Family Residential (Medium Density). [Ord. 2004-051]
- 50 f) TND-Traditional Neighborhood Development. [Ord. 2004-051]
- 51 g) PUD-Planned Unit Development. [Ord. 2004-051]
- 52 **17) Specified Anatomical Areas**
- 53 Less than completely and opaquely covered:
- 54 a) Human genitals and pubic region; [Ord. 2004-051] or
- 55 b) the opening between the human buttocks, i.e., the anal cleft; [Ord. 2004-051] or
- 56 c) that portion of the human female breast encompassed within an area falling
- 57 below the horizontal line one would have to draw to intersect a point immediately
- 58 above the top of the areola (the colored ring around the nipple); this definition
- 59 shall include the entire lower portion of the female breast, but shall not include
- 60 any portion of the cleavage of the human female breast exhibited by a dress,
- 61 blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola
- 62 is not so exposed; [Ord. 2004-051] or
- 63 d) human male genitals in a discernibly turgid state, even if completely and
- 64 opaquely covered. [Ord. 2004-051]
- 65 **18) Specified Sexual Activities**
- 66 a) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord.
- 67 2004-051]

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

- 1 b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy,
2 coprophilia, fellation, flagellation, masochism, masturbation, necrophilia,
3 pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy;
4 **[Ord. 2004-051]** or
5 c) fondling or other erotic touching of human genitals, pubic region, buttock, anus,
6 or female breast; **[Ord. 2004-051]** or
7 d) excretory functions as part of or in connection with any of the activities set forth in
8 subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and
9 Specified Sexual Activities. **[Ord. 2004-051]**
- 10 **c. Exclusions**
11 Excluded from this definition are any educational institutions where the exposure of the
12 specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051]**
- 13 **d. License**
14 An establishment that possesses an adult entertainment license is presumed to be an
15 adult entertainment establishment. An adult entertainment use shall comply with the
16 following supplementary use standards: A Special Permit for an adult entertainment
17 establishment shall be issued or denied within 21 days of a determination of application
18 sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and
19 the requirements of the Code. The standards set forth in Art. 2.D.2.D.1 and 2.D.2.D.4
20 shall not be applied to special permits for adult entertainment uses. An aggrieved party
21 has the right to immediately appeal a denial of application sufficiency for a Special
22 Permit, denial of a Special Permit, or revocation or suspension of a permit to the Circuit
23 Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the
24 procedure and within the time provided by the Florida Rules of Appellate Procedure.
25 **[Ord. 2004 – 051]**
- 26 **e. Purpose and Intent**
27 This Section is intended to provide for the proper location of adult entertainment uses in
28 order to protect the integrity of adjacent neighborhoods, educational uses, religious uses,
29 parks, and other commercial uses. Proper separation of adult entertainment uses
30 prevents the creation of "skid-row" areas in unincorporated PBC that results from the
31 concentration of these uses and their patrons. It is the intent of this Section to limit the
32 secondary effects of adult entertainment uses. The standards in this Section are intended
33 to ensure that residential districts, religious uses, educational uses, parks and other
34 commercial uses are located in areas free from the secondary effects of adult
35 entertainment uses. The location of residential districts, religious uses, educational uses,
36 parks and other commercial uses within viable, unlighted and desirable areas supports
37 the preservation of property values and promotes the health, safety and welfare of the
38 public. **[Ord. 2004-051]**
- 39 **f. Findings of Fact**
40 Based on the evidence and testimony presented at the October 5, 2004 preliminary
41 reading and the October 19, 2004 and November 16, 2004 Public Hearings before the
42 BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and
43 October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in:
44 the "Final Report to the City of Garden Grove: The Relationship Between Crime and
45 Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult
46 Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of
47 Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects
48 of Concentration of Adult Entertainment Establishments in the City of Los Angeles"
49 conducted by the Los Angeles City Planning Department for the Los Angeles City
50 Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation
51 to the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for
52 the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach
53 County by Eric Damian Kelly, PhD., FAICP, dated September 24, 2004; letter from Dale
54 N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach
55 County" prepared for Palm Beach County by Duncan Associates, November 2003; the
56 "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
57 County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D.,
58 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of
59 Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for
60 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
61 information from Tampa, Florida detailing the effects of adult entertainment
62 establishments in the Tampa area; the BCC hereby finds the following: **[Ord. 2004 –**
63 **051]**
- 64 1) Commercial uses exist or may exist within unincorporated PBC where books,
65 magazines, motion pictures, prints, photographs, periodicals, records, novelties
66 and/or other devices that depict, illustrate, describe or relate to specified sexual

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

- 1 activities are possessed, displayed, exhibited, distributed and/or sold. [Ord. 2004-
- 2 051]
- 3 2) Commercial uses exist or may exist within unincorporated PBC:
- 4 a) Where the superficial tissues of one person are manipulated, rubbed, stroked,
- 5 kneaded, and/or tapped by a second person, accompanied by the display or
- 6 exposure of specified anatomical areas; [Ord. 2004-041]
- 7 b) Where dancers, entertainers, performers, or other individuals, who, for any form
- 8 of commercial gain, perform or are presented while displaying or exposing any
- 9 specified anatomical area; [Ord. 2004-051] or
- 10 c) Where lap dancing occurs. [Ord. 2004-051]
- 11 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to
- 12 the public's interest and the quality of life, tone of commerce, and the community
- 13 environment in PBC. [Ord. 2004-051]
- 14 a) When the activities described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical
- 15 Areas and Specified Sexual Activities, are presented in commercial uses, other
- 16 activities that are illegal, immoral, or unhealthful tend to accompany them,
- 17 concentrate around them, and be aggravated by them. Such other activities
- 18 include, but are not limited to, prostitution, solicitation for prostitution, lewd and
- 19 lascivious behavior, possession, distribution, and transportation of obscene
- 20 materials, sale or possession of controlled substances, and violent crimes
- 21 against persons and land. [Ord. 2004-051]
- 22 b) When the activities described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical
- 23 Areas and Specified Sexual Activities, are present in commercial uses within
- 24 PBC, they tend to blight neighborhoods, adversely affect neighboring
- 25 businesses, lower property values, promote crime, and ultimately lead residents
- 26 and businesses to move to other locations. [Ord. 2004-051]
- 27 c) There is a direct relationship between the display and depiction of specified
- 28 anatomical areas as described in Art. 4.B.1.A.2.b.17)-18), Specified Anatomical
- 29 Areas and Specified Sexual Activities, and an increase in criminal activities,
- 30 moral degradation and disturbances of the peace and good order of the
- 31 community, and the occurrence of these activities are hazardous to the health
- 32 and safety of those persons in attendance and tend to depreciate the value of
- 33 adjoining land and harm the economic welfare of the community as a whole.
- 34 These secondary effects are adverse to the public's interest and quality of life,
- 35 the tone of commerce and the community environment in PBC. [Ord. 2004-051]
- 36 4) Based upon these findings, the BCC finds that there are a sufficient number of
- 37 available locations for new adult entertainment uses within unincorporated Palm
- 38 Beach County. [Ord. 2004 – 051]
- 39 5) Based upon these findings, it is in the interest of the health, safety, morals, and
- 40 general welfare of the citizens of PBC that adult entertainment uses are regulated
- 41 pursuant to the following standards.
- 42 g. Location
- 43 1) General
- 44 An adult entertainment use shall be located in the following minimum distances from
- 45 the following uses. There shall be no variance to the locational standards in this
- 46 Section. [Ord. 2004-051]
- 47 a) Other Adult Entertainment Use
- 48 2,000 feet. [Ord. 2004-051]
- 49 b) A Church or Place of Worship
- 50 1,000 feet. [Ord. 2004-051]
- 51 c) An Educational Institution
- 52 1,000 feet. [Ord. 2004-051]
- 53 d) A Public Park
- 54 500 feet. [Ord. 2004-051]
- 55 e) A Residential Zoning District
- 56 (Which is Designated as Residential by any Local Comprehensive Plan)
- 57 500 feet. [Ord. 2004-051]
- 58 f) A Cocktail Lounge
- 59 750 feet. [Ord. 2004-051]
- 60 2) Measurement of Distance
- 61 The distance set forth in this Section shall be measured by drawing a straight line
- 62 between the nearest point on the perimeter of the exterior wall or bay housing the
- 63 proposed adult entertainment use to the nearest point on the property line of the
- 64 relevant church or place of worship, educational institution, public park, residential
- 65 zoning district. For the purpose of measuring the distance, also see Article 1.C,
- 66 RULES OF CONSTRUCTION AND MEASUREMENT, between adult entertainment
- 67 uses, the distance shall be measured by drawing a straight line between the nearest

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EXHIBIT W

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)

point on the perimeter of the exterior wall or bay of the proposed or existing adult entertainment establishment and the nearest point on the exterior wall or bay of another adult entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. [Ord. 2004-051]

3) WCRA Overlay

Adult entertainment is prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E-7, WCRAO Sub-area Use Regulations. [Ord. 2006-004]

h. Subsequent Development within Locational Standards

The subsequent approval of a development order for a church or place of worship, elementary or secondary school, public park or residential district within the distances outlined in this Section shall not change the status of the adult entertainment use to that of a nonconforming use. [Ord. 2004-051]

i. Landscaping

A Type 2 incompatibility buffer, pursuant to Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. [Ord. 2004-051]

j. Lighting

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade. [Ord. 2004-051]

k. Nonconformity

1) Establishment of Nonconformity

Any adult entertainment use shall be deemed a nonconforming use and the standards of this Section shall not apply if the adult entertainment use on November 28, 1988: [Ord. 2004-051]

a) Location

Was in operation as an adult entertainment use, generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; [Ord. 2004-051] and

b) Business Tax Receipt

Possessed a valid and current business tax receipt authorizing the general type of use, which would correspond to the adult entertainment use being claimed as nonconforming on November 28, 1988;and [Ord. 2004-051] [Ord. 2007-013]

c) Adult Entertainment License

Applied for an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051]

2) Standards for Nonconformance

A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k, Nonconformity, above shall be subject to the following supplementary standards, in addition to Article 1.F, NONCONFORMITIES Article 1.F, NONCONFORMITIES. [Ord. 2004-051]

a) Location

Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; [Ord. 2004-051] and

b) Landscape Buffer

The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the adult entertainment license by the occupational licensing department. [Ord. 2004-051]

c) Building Permit

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Article 7, LANDSCAPING, shall apply to the entire site of the adult entertainment use. [Ord. 2004-051]

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EXHIBIT W

**ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 06/30/09)**

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Part 8. ULDC Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements (page 5 of 37), is hereby amended as follows:

Reason for amendment: [County Attorney] The following provisions of ULDC Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, are readopted as follows, all other portions of Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements shall remain as currently adopted.

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

Use Type: Commercial	Parking ¹	Loading ²
Adult entertainment	1 space per 200 sq. ft.	N/A
....		
[Ord. 2005-002]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT X

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

Part 1. ULDC, Art. 5.E.1.C, Traffic Volume, (page 42 of 75), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] Amend to clarify the source of the traffic volume information to be used in making this determination. The MPO traffic volume map is no longer published and has been replaced by the traffic volume table published on the Palm Beach County Traffic Division website.

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

C. Traffic Volume

The current average traffic volume on the roadway is greater than ten thousand trips per day as shown on the Metropolitan Planning Organization (MPO) Peak Season Traffic Volume Map Table published by the Palm Beach County Traffic Division;

Part 2. ULDC, Art. 12.B.1, General (page 12 of 62), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] Amend to revise the calculation for an intersection CRALLS so as to more equitably weight the LOS standards applicable to each approach (or leg) of the intersection in deriving the number that will be applicable to overall intersection.

CHAPTER B Standard

Section 1 General

There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which would violate this standard. This standard consists of two tests. The first test relates to the Buildout Period of the Project and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Buildout Period. The second test relates to the evaluation of traffic five years in the future and requires that the Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part upon Background Traffic information from the TPS Database. Where a CRALLS service volume has been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for one or more of the LINKs only that constitute the legs of the intersection, the allowable service volume for the intersections ~~at both ends of the CRALLS links~~ shall be calculated as follows: Allowable CRALLS intersection volume = [sum of CRALLS Link volume(s) for LINK LOS D volumes (for those LINKS without CRALLS), whichever is applicable, for all legs of intersection]/(sum of x 1400. Where CRALLS service volumes have been adopted for contiguous links that meet at a common intersection, the allowable service volume for the intersection shall be calculated as follows: Allowable CRALLS intersection volume = the average of the two CRALLS Link volumes/Link LOS D volume(s) for all legs of intersection)] x 1400. For Test 2 purposes, LOS E volumes and a 1500 critical sum shall be used in the preceding formulas for determination of the allowable CRALLS intersection volumes. [Ord. 2006-043] [Ord. 2007-013]

Part 3. ULDC, Art. 12.B.2.A.1, Part One Intersections (page 13 of 62), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] Amend to 1) provide a methodology or standard by which unsignalized intersections should be analyzed when they are the major intersection(s) "nearest to the point at which the Project's Traffic enters each Project Accessed Link"; 2) add a new paragraph "c" which will correct the omission.

CHAPTER B Standard

Section 2 Project Buildout/Five-Year Standard

Notes:

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EXHIBIT X

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

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

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

1. **Part One – Intersections**

This Part requires analysis of Major Intersections, within or beyond the Radius of Development Influence, where a Project’s traffic is significant on a Link within the Radius of Development of Influence. For purposes of this Part One, Major Intersections also includes intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access where: 1) the intersection is signalized or where projected traffic volumes warrant a signal; and 2) the non-thoroughfare approach is projected to carry at least 200 two-way, peak hour trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection critical sum volume. [Ord. 2005-002]

....
b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). ~~The intersections shall operate below the threshold of 1,400 vehicles per hour as a Critical Volume using CMA, or the Project shall fail Test 1.~~ In the event that one or more intersections exceed the 1,400 Critical Volume threshold identified in Table 12.B.2.C-2 or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, the applicant shall conduct the intersection analysis of those intersections using the HCM Operational Analysis using the most recent version of the HCM. [Ord. 2007-013]

e.1) The HCM CMA and Operational Analysis shall comply with the default input values published by the County Engineer no more frequently than twice per year. Revisions to the input values may be made subject to approval by the County Engineer to reflect actual or projected field conditions where substantial differences from the published values can be demonstrated.

2) If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test 1 and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test 1. [Ord. 2007-013]

c. For unsignalized Major Intersections, the intersections shall be analyzed using the most recent version of the HCM Unsignalized Intersection Analysis and all minor movements of Rank 2 or higher shall operate at LOS E or better. In addition, a signal warrant analysis with Total Traffic for the intersection may be required by the County Engineer.

1) If a minor movement is not projected to operate at LOS E or better, then the applicant may make intersection improvements in accordance with applicable Palm Beach County or FDOT Design Standards to satisfy the LOS standard. If these improvements require signalization of the intersection and if signalization is expected to be warranted at any time up to 24 months after the Project's final certificate of occupancy, then the Project may also be required to fund signalization. If, with these improvements, all minor movements of Rank 2 or higher will operate at LOS E or better, the Project passes Part One of Test One.

2) If no geometric intersection improvements are determined to be feasible by the County Engineer, then the applicant shall agree to fund signalization of the intersection if warranted at any time up to 24 months after the Project's final certificate of occupancy. If the applicant is not willing to agree to fund signalization of the intersection if warranted, the Project fails Part One of Test One.

Part 4. **ULDC, Art. 12.B.2.A.1.a.2, Part One - Intersections [Related to analysis of traffic at major intersections] (page 13 of 62), is hereby amended as follows:**

Reason for amendment: [Traffic Performance Standards] Amend to clarify that the significance calculation for a Single Point Urban Interchange (SPUI) is only applicable to a Project located on Southern Boulevard that impacts a SPUI as its nearest Major Intersection.

CHAPTER B STANDARD

Section 2 Project Buildout/Five-Year Standard

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

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

1. **Part One – Intersections**

....

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EXHIBIT X

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

a. The following major intersections shall be analyzed: [Ord. 2007-013]

....

2) For a Project on Southern Boulevard, the Single Point Urban Interchange(s) on Southern Blvd. where it is the nearest Major Intersection to the point at which the Project's Traffic enters the Project Accessed Link and where the Project Traffic entering and exiting the intersection is significant. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour. [Ord. 2007-013]

....

Part 5. ULDC, Art. 12.C.1.C.4.c, TPS Database (page 24 of 62), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] The TPS Database software program for developing intersection volumes requires the entering and exiting volumes to balance. Even though not all approaches at intersections may have Project Traffic with the normally-required 1% LOS D impact, they still need to be summed to produce the 1% or more significant traffic on another approach(es) in order for the program to accept the Project's Traffic assignment.

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Study

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and the Five- Year Analysis Period as outlined for Test 1 and Test 2. [Ord. 2006-043] [Ord. 2007-013]

4. Background Traffic

c. TPS Database [Ord. 2006-043]

Using the TPS Database, all traffic from the unbuilt portion of Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add significant trips to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic for Test 1. For major intersections, the TPS Database shall specifically account for all Project Traffic volumes if at least one approach to the intersection has a Project Traffic volume greater than or equal to 1% of the adopted LOS D. No double counting of trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the Projects as set forth above which are projected to be built during the Five-Year Analysis Period shall be considered. [Ord. 2005-002] [Ord. 2006-043]

Part 6. ULDC, Art. 12.D.3, Approval of Traffic Impact Study (page 26 of 62), is hereby amended as follows:

Reason for amendment: [Traffic Performance Standards] Amend to prevent applicants with traffic approval letters from indefinitely retaining unused traffic capacity when other development projects that are ready to proceed could utilize that capacity. Also, it would result in applicants having to update traffic studies that have not proceeded to development order approval with new traffic data that is mandated for use each year if they desired to maintain their capacity reservation.

CHAPTER D PROCEDURE

Section 3 Approval of Traffic Impact Study

When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements of this Article, the County Engineer shall issue an approval letter to the applicant with copies to the appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the project, its impacts on the surrounding roadway network, and any conditions of approval necessary to ensure compliance with this Article. The approval letter shall be valid no longer than one year from date of issuance, unless an application for a Site Specific Development Order has been approved, an application for a Site Specific Development order has been submitted, or the approval letter has been superseded by another approval letter for the same property. [Ord. 2007-013]

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EXHIBIT X

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 06/26/09)

1 Part 7. ULDC, Art. 12.K.3.C, Criteria [Related to supporting documentation to demonstrate
2 impacts on proposed developments, (page 37 of 62), is hereby amended as follows:
3

4 **Reason for amendment:** [Traffic Performance Standards] Amend to provide a reference to the State's
5 Strategic Intermodal System (SIS) in the same place in the Article 12 language where the FIHS is
6 referenced. Under State Statute, FDOT has the authority to establish the LOS standard for SIS and FIHS
7 facilities because of their statewide importance. State guidelines also require that the impact on SIS
8 facilities be considered if there is a reduction in LOS standards elsewhere.

9
10 **CHAPTER K Transportation Concurrency Exception Areas (TCEA)**

11 **Section 3 Criteria**

12
13 C. The guidelines and policies and programs to implement the TCEA must demonstrate by
14 supporting data and analysis, including short and long-range traffic analysis, that consideration
15 has been given to the impacts of the proposed development within the TCEA on the FIHS and
16 SIS.
17
18

19 Part 8. ULDC, Art. 12.L.5, Required Traffic Study (page 38 of 62), is hereby amended as
20 follows:
21

22 **Reason for amendment:** [Traffic Performance Standards] Amend to provide a reference to the State's
23 Strategic Intermodal System (SIS) in the same place in the Article 12 language where the FIHS is
24 referenced.

25
26 **CHAPTER L TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT**
27 **PROMOTE PUBLIC TRANSPORTATION**

28 **Section 5 Required Traffic Study**

29 Projects utilizing this exemption will submit a traffic study that is consistent with all of the provisions of this
30 Article. They shall also provide a transportation analysis that illustrates their impact on the FIHS and SIS
31 to ensure that those impacts are considered in the approval process.
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