

ORDINANCE 2006 _____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER H - LOT OF RECORD; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER C - STANDARD DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER B - LOADING STANDARDS; **ARTICLE 7** - LANDSCAPING; CHAPTER B - TYPES OF PLANS; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; APPENDIX D - CHECKLIST OF STANDARDS THAT CAN BE ALTERED WITH AN APPROVED ALP; **ARTICLE 8** - SIGNAGE; CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

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

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

Section 1. Adoption

The amendments set forth in Exhibits A, B, C, D, E, F, G, and H attached hereto and made a part hereof, are hereby adopted.

Section 2. Interpretation of Captions

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

Section 3. Providing for Repeal of Laws in Conflict

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

Section 4. Severability

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

Section 5. Providing for a Savings Clause

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

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

2 The provisions of this Ordinance shall be codified in the Unified Land Development
3 Code and may be reorganized, renumbered or relettered to effectuate the codification of
4 this Ordinance.

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

6 The provisions of this Ordinance shall become effective upon filing with the
7 Department of State.

8

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

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Part 1. ULDC, Art. 1.H.1, Potentially Buildable Lot (page 23 of 96), is hereby amended as follows:

Reason for amendment: Additional glitch corrections to use consistent terminology and clarify access and frontage requirements.

CHAPTER H LOT OF RECORD

Section 1 Potentially Buildable Lot

A. Applicability

The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit of exemption, or affidavit of plat waiver.

B. Standards

A lot may be considered buildable for the purpose of constructing a single family dwelling and accessory uses or structures only if all of the following criteria are satisfied:

1. Date of Creation

The lot was created under one of the following two options:

a1. Option 1 - Creation prior to February 25, 1973.

a. The lot existed prior to February 25, 1973 in its current configuration as evidenced by a chain of title; and

b. The lot has access as follows:

1) In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table 11.E.2.A-1, Chart of Access Hierarchy; or

2) From a recorded exclusive easement, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.

b2. Option 2 - Creation after on or subsequent to February 25, 1973 and before June 16, 1992.

1)a. The lot was created after on or subsequent to February 25, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and

2)b. The lot complied with the density requirements of the Plan in effect at the time the lot was created; and

3)c. The lot complies with one of the following:

a1) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A-5, Property Development Regulations, or

b2) Art.11.A.4.B, Building Permits and Other Approvals; or

c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas adopted August 31, 1989. and

2d. Legal Access

The lot has legal access (that was in existence at the time the lot was created, and which remains in place) to streets currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows:

a.1) In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table 11.E.2.A-1, Chart of Access Hierarchy; or

b.2) From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street.

Part 2. ULDC, Art. 1.I.2.S.110, Structure (page 83 of 96), is hereby amended as follows:

Reason for amendment: Definition applies to multiple articles of the ULDC.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

110. Structure –

a. For the purposes of Art. 9, Unless specified otherwise, means that which is three feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels. [Ord. 2004-013]

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 A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1
2 Part 3. ULDC, Art. 1.I.2.T.10, TDR Escrow Agreement (page 85 of 96), is hereby amended as
3 follows:
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5 Reason for amendment: Amendment requested by Bob Banks, Assistant County Attorney, to expand
6 current requirement for cash only, to allow for an approved surety agreement as well.

7
8 CHAPTER I DEFINITIONS & ACRONYMS

9 Section 2 Definitions

10 T. Terms defined herein or referenced Article shall have the following meanings:
11 10. TDR, Escrow Agreement - for the purposes of Art. 5, a legal document which holds money
12 or an approved surety in trust by a third party to be turned over to PBC upon the fulfillment of
13 a condition.
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Notes:
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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Part 1. ULDC, Art. 2.B.1.B, Standards [Related to Official Zoning Map Amendment (Rezoning)] (page 15 of 49), is hereby amended as follows:

Reason for amendment: Clarify where standards apply to straight rezonings.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 1 Official Zoning Map Amendment (Rezoning)

B. Standards

When considering a development order application for rezoning to a standard zoning district a proposed amendment, the BCC ~~or~~ and ZC shall consider ~~the following~~ 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. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved

- 1. Consistency Consistent with the Plan
~~Whether t~~The proposed amendment is consistent with the Plan.
- 2. Consistency Consistent with the Code
~~Whether t~~The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.
- 3. Compatibility Compatible with Surrounding Uses
~~Whether and the extent to which T~~the proposed amendment is compatible, and generally consistent with existing uses and ~~zones~~ surrounding zoning districts the subject land, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.
- ~~4.5.~~ Effect on the Natural Environment
~~Whether and the extent to which T~~the proposed amendment will not would result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
- ~~5.6.~~ Development Patterns
~~Whether and the extent to which T~~the proposed amendment will would result in a logical, orderly, and timely development pattern.
- ~~6.7.~~ Consistency with Neighborhood Plan
~~Whether and to what extent T~~the proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC Board policy, and.
- ~~7.8.~~ Adequate Public Facilities
~~The extent to which T~~the proposed amendment rezoning complies with Art. 2.F, Concurrency.
- ~~8.4.~~ Changed Conditions or Circumstances
~~Whether and the extent to which T~~there are any demonstrated changed conditions or circumstances that necessitate require an the amendment.

Part 2. ULDC, Art. 2.B.2, Conditional and Requested Uses (page 16 of 49), is hereby amended as follows:

Reason for amendment: Clarify application of standards.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 2 Conditional and Requested Uses. Conditional Uses, Requested Uses and Development Order Amendments

A. Purpose

Conditional uses, and requested uses, and development order amendments are generally compatible with the other uses permitted in a district, but require individual review of their location, design, configuration, intensity and/or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location

B. Standards

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider ~~the following~~ standards 1 - 9 indicated below. A conditional or requested use, or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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 B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

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- 1. **Consistency Consistent with the Plan**
The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.
- 2. **Consistency with the Code Supplementary Use Standards**
The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Art. 4.B, Supplementary Use Standards.
- 3. **Compatibility with Surrounding Uses**
The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
- 4. **Design Minimizes Adverse Impact**
The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
- ~~5.6. Design Minimizes Environmental Impact~~
The proposed use and design ~~minimize~~s environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
- ~~6.7. Development Patterns~~
~~Whether and to what extent the proposed~~ use or amendment development will result in a logical, orderly and timely development pattern.
- ~~7.9. Consistency with Neighborhood Plans~~
~~Whether and to what extent the proposed development~~ or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.
- ~~8. Other Standards~~
~~The proposed use complies with all standards imposed on it by all other applicable provisions of this Code for use, layout, function, and general development characteristics.~~
- ~~8. Adequate Public Facilities~~
The extent to which the proposed use complies with Art. 2.F, Concurrency.
- ~~9.10. Changed Conditions or Circumstances~~
~~Whether and to what extent it can be demonstrated that there are~~ any demonstrated changed conditions or circumstances that necessitate require a modification.
- C. **Class A Conditional Use**
 - 1 **Authorized Class A Conditional Uses**
....
- D. **Requested Use**
 - 1. **Authorized Requested Uses**
....
- E. **Class B Conditional Use**
 - 1. **Authorized Class B Conditional Uses**
....
- ~~FG. Development Order Amendment~~
 - 1. **General**
A development order for a Class A conditional use, requested use or Class B conditional use may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section. Before any conditional/requested use is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the conditional/requested use.
 - 2. **Expedited Application Consideration (EAC)**
Certain minor development order amendments may be eligible for expedited consideration and review.
 - a. **Criteria**
The application shall meet all of the following criteria in order to be reviewed, in an EAC process;
 - 1) *Approval of the Zoning Director and the County Engineer shall be obtained prior to submission. The Zoning Director and the County Engineer shall consult with any other department responsible for the conditions of approval. They shall approve or deny the request to obtain expedited consideration based on compatibility of the request with the surrounding area. The magnitude of the requested modification shall also be considered. The County Engineer and the Zoning Director shall only permit expedited consideration for proposals which have minimal site design impact, and which, if approved, will be compatible with surrounding areas;*
 - 2) *The proposed application, if approved, will not increase intensity or density of the project;*
 - 3) *Proof of compliance with all previous conditions of development approval;*

Notes:
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EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

- 4) No change to the threshold certificate, except alteration of legal description, shall occur;
5) The proposed amendment does not affect uses or intensities/densities within a DRI (Development of Regional Impact); and
6) All impacts shall be internal to the project.

3. Procedures

After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

- a After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met.

G.F. Conditions of Approval

1. Class A Conditional/Requested Use/Development Order Amendment

The DRO and ZC may recommend, and the BCC may impose, such conditions in a development order for a Class A conditional use, or requested use, or development order amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring.

[Art. 2.B.2.G, Development Order Amendment has been relocated above to F, as indicated by italicized text.]

Part 3. ULDC, Art. 2.D, Administrative Process Administrative Amendments [related to Administrative Process] (page 37 of 49), is hereby amended as follows:

Reason for amendment: Relocate and clarify administrative amendments.

CHAPTER D ADMINISTRATIVE PROCESS

Section 4 Administrative Amendments

A. Purpose

To allow minor corrections, additions and amendments to an approved site plan or subdivision plan requiring approval from the Zoning Division and a maximum of one additional agency.

B. Types of Administrative Amendments

Administrative Amendments permitted include, but are not limited to, change in sign locations, minor modifications to parking areas, relocation of terminal islands to accommodate trees or utility lines, reduction in building size, addition of canopies, minor revisions to lot lines, temporary sales trailers, and other minor structures.

C. Procedures

- 1. Applicants shall be seen on a walk-in basis during a time frame established by the Zoning Director.
2. Applicants shall be required to submit a complete administrative amendment application including any necessary approvals from an affected agency, and required authorization.
3. Applicants shall be able to clearly identify the area being changed, provide all applicable information (square footage, height, width), adjust tabular and other site plan related data, and legibly make the change to the site plan.

D. Standards

- 1. The proposed amendment shall comply with all applicable sections of the ULDC and the regulations of any other affected agency.
2. The affected area shall only be used for the purpose identified in the application.

Part 4. ULDC, Art. 2.D.1. Development Review Officer (page 25 of 49), is hereby amended as follows:

Reason for amendment: To clarify DRO Processes.

Notes:

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Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 CHAPTER D ADMINISTRATIVE PROCESS

2 Section 1 Development Review Officer

3 C. Review Procedures

4 1. Staff Review

5 At least five days prior to the DRO review date, each applicant shall be provided a written list
6 of issues, if any, which must be addressed prior to approval of the application.

7 a. Expedited DRO Applications (EDA - Signature Only)

8 Expedited applications will not receive written comments from the DRO. A previously
9 postponed Type I EDA items will receive updated comment letters only.

10 D. Application Requirements

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12 E. Standards

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14 F. Conditions

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16 G. Plan Amendments and Approval of Certain Site Plans

17 The DRO may approve minor amendments to site plans and subdivision plans, and approve new
18 site plans, in accordance with the following procedures.

19 1. Expedited DRO Applications (EDA - Signature Only)

20 a. Type I EDA

21 The Type I EDA is for projects that require the submittal of a new site plan. Amendments
22 to a site plan or subdivision plan which require recommendation and comment by five or
23 fewer agencies as determined by the DRO, Type I EDA's shall only be used for the
24 approval of Type IB excavations and public schools. Applications must be submitted
25 in accordance with the Zoning calendar and placed on the next available DRO agenda,
26 subject to approval by the Zoning Director. The EDA application shall be submitted in
27 accordance with Article 2.A.1, Applicability, and reviewed in accordance with the
28 standards in Article 2.D.1.C, Review Procedures. In addition to the standards in Article
29 2.A.1, Applicability, the applicant shall be responsible for obtaining the
30 recommendations from the affected PBC departments or other agencies, in a form and
31 manner acceptable to the Zoning Division, a minimum of two working days before the
32 scheduled DRO review date.

33 b. Type II EDA

34 The Type II EDA is for amendments to an existing approved site plan or subdivision plan
35 which requires recommendation and comment by five or fewer agencies as determined
36 by the DRO. may be submitted in accordance with the Zoning calendar and placed on
37 the next available DRO agenda, subject to approval by the Zoning Director. The EDA
38 application shall be submitted by appointment only, in accordance with Art. 2.A.1,
39 Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review
40 Procedures. In addition to the standards in Art. 2.A.1, Applicability, the applicant
41 shall be responsible for obtaining the recommendations from the affected PBC
42 departments or other agencies, in a form and manner acceptable to the Zoning Division.
43 a minimum of two working days before the scheduled DRO review date.

44 2. Administrative Amendments

45 Minor corrections, additions and amendments to an approved site plan or subdivision plan,
46 which do not require recommendation and comment from an agency other than the Zoning
47 Division, may be approved administratively by the DRO. Administrative Amendments
48 permitted include, but are not limited to, a change in sign location, minor modifications to
49 parking areas (such as the relocation of handicapped parking spaces), relocation of terminal
50 islands to accommodate trees or utility lines, addition of phase lines reduction in building size,
51 addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent
52 with a plat, temporary sales trailers, and other minor structures. An application for an
53 Administrative Amendments shall be submitted in accordance with Article 2.A.1, Applicability,
54 and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.

57 Part 5. ULDC, Art. 2.D.3.C, Type IB Administrative Variances [Related to Generators] (page 25
58 of 49), is hereby amended as follows:

60 Reason for amendment: Amend to add new language for permanent generators.

62 CHAPTER D ADMINISTRATIVE PROCESS

63 Section 3 Type IA and Type IB Administrative Variances

Notes:

Underlined language indicates proposed new language.

Language crossed-out indicates language proposed to be deleted.

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EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

C. Type IB Administrative Variances

Type IB variances may be considered for the following:

3. Permanent Generators on SFD and ZLL Lots

A variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on single family or ZLL lots, provided that the generator complies with all other applicable ULDC requirements.

Part 6. ULDC, Art. 2.E.2.A, Suspension of Development Orders (page 31 of 49), is hereby amended as follows:

Reason for amendment: Amend text to add variance

CHAPTER E MONITORING

Section 2 Procedures

A. Suspension of Development Orders

1. Upon expiration of any time period established by this Code or for any failure to comply with, or continued violation of a condition of development approval, except for a condition imposed by the DRO or a condition for which a complete administrative time extension application has been submitted, or a variance, no new development orders affecting the property shall be issued by PBC, and no action which might tend to vest the development order shall be permitted, except as permitted by Art. 2.E.2.A.5, Procedures for Rezoning, until a final determination is made by the Executive Director, or BCC or ZC pursuant to Article 2.E.2.B, Administrative Extension of Time, and Article 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, herein. This suspension of development rights shall not preclude the property owner from filing a new petition for the subject property to amend or supersede an existing development order, or the BCC or ZC from approving this petition. This suspension of development orders shall also apply to any failure to comply with, or continued violation of, a condition of development approval, if a status report public hearing is scheduled pursuant to Article 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval.

3. Upon the expiration of any time period except for a time period to comply with a condition of approval imposed by the DRO; or when a complete administrative time extension application for a time certain condition of approval has been submitted, or upon reasonable cause to believe that a property owner has not complied with a condition or a condition of development approval has been violated, or a variance has not been utilized, a document shall be filed with the clerk of the circuit court to be placed with the records governing title to the affected property except as provided in Art. 2.E.2.A, Suspension of Development Orders, herein. This document may apply only to that portion of the property related to the expired time period, or any condition violated. The document shall give record notice that: [Ord. 2005 - 002]
a. A condition of development has been violated or a time certain activity has not proceeded as required;
b. A review of the project will be conducted pursuant to terms of this Section;
c. Until the review is completed, no new development orders shall be issued by PBC; and no action which might tend to vest the development order shall be permitted; and
d. Such other information as may be reasonable and necessary to afford adequate record notice of the effect of this Section on the rights of property owners.

Part 7. ULDC, Art. 2.E.2.B, Administrative Extension of Time (page 33 of 49), is hereby amended as follows:

Reason for amendment: Amend to include variances

CHAPTER E MONITORING

Section 2 Procedures

B. Administrative Extension of Time

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 B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

- 3. In reviewing applications for administrative time extensions for requirements other than conditions of approval and variances, the Executive Director of PZB shall approve a time extension provided there are no current Code violations or outstanding liens or fines and the development order;
a. Is consistent with the Plan;
b. Is consistent with the Code; and

5. In reviewing applications for administrative extensions for variances, the criteria listed in Art. 2.E.2.B.4.a - f shall apply.

65. When the extension of time is for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, then the interest shall be prorated.

76. When the Executive Director of PZB approves an extension of time for completion of a time certain requirement, he/she may require the property owner to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond.

Part 8. ULDC, Art. 2.E.2.B.2, Administrative Extension of Time [Related to Time Certain Project Buildout] (page 32 of 49), is hereby amended as follows

Reason for amendment: To allow time extensions to reflect the buildout date provided in an approved traffic study.

CHAPTER E MONITORING

Section 2 Procedures

B. Administrative Extension of Time

2. Upon the filing of an application for an administrative extension of time, the Executive Director, or other person designated by this Code, may grant an extension of time to comply with a requirement. A time extension shall commence upon the expiration of the date to comply with the time requirement, or the expiration of the last extension, whichever is applicable. Conditions of approval with a time certain project buildout date may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline. The maximum duration of an administrative time extension is as follows:

a. Development Order

b. Conditions of Approval not Requiring the Posting of Performance Security Pursuant to Article 12.C.2, Conditions

An administrative extension shall not exceed 12 months shall be the maximum. , with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. An administrative extension for a project buildout date condition may be granted up to the Buildout Period assumed in the Traffic Study submitted with the application, provided that it has been reviewed and approved by the County Engineer and that no additional conditions of approval are necessary to comply with the Traffic Performance Standards. If additional conditions of approval are required, the request for time extension through the new project buildout year shall be submitted in the form of a Development Order Amendment to the BCC or ZC, as appropriate, for approval. Subsequent applications may be filed, however, the total administrative extensions approved shall not exceed 24 months except 1) for project buildout date conditions and 2) when government-caused delays can be documented as the reason for failure to meet required deadlines. The Executive Director of PZB shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required. If the BCC has previously approved a time extension, any administrative extensions of time shall not extend more than 24 months from the original date for compliance except 1) for project buildout date conditions and 2) when there have been government-caused delays. If government caused delay has prevented compliance with a condition of approval which is due prior to the issuance of a building permit or certificate of completion, the compliance deadline may extended to a specific date. The condition will

Notes:

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Language crossed-out indicates language proposed to be deleted.

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EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

then be subject to the review requirements of this Section for time certain conditions of approval.

c. **Conditions of Approval Requiring The Posting of Performance Security pursuant to Article 12.C.2, Conditions**

A one-time administrative time extension not to exceed six months shall be the maximum. ~~Conditions of approval that provide a deadline for obtaining building permits may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline.~~ [Ord. 2005 – 002]

Part 9. **ULDC, Art. 2.E.2.C, Appeal (page 33 of 49), is hereby amended as follows:**

Reason for amendment: Time extension to include variances and review by hearing officer

CHAPTER E MONITORING

Section 2 Procedures

C. Appeal

An appeal of a denial of an administrative time extension may be made to the BCC for development orders approved by the BCC or ZC, ~~and~~ to the DRAB for conditions imposed by the DRO and to the hearing officer for variances. An appeal shall be made upon forms prescribed by the department within 30 days of the mailing of the notice that the request for an administrative extension has been denied.

....

Part 10. **ULDC, Art. 2.E.2.D.8.b.1).b), Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval [Related to Project Buildout Period as mandated in the Traffic Performance Standards] (page 33 of 49), is hereby amended as follows:**

Reason for amendment: To allow time extensions to reflect the buildout date provided in an approved traffic study.

CHAPTER E. MONITORING

Section 2 Procedures

....

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

....

8. Decision of the BCC or ZC for Failure to Comply with the Following:

Time requirements to commence development, utilize a conditional or requested use or record a plat; or Non-performance security conditions (~~those not~~ required by Article 12.C.2, Conditions). [Ord. 2005-002]

....

b. After deliberation, the BCC or ZC shall take one or more of the following actions:

1) Grant a time extension:

....

b) To comply with a condition of approval for a period not to exceed 24 months- with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time extension up to the Buildout Period assumed in the Traffic Study. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. When the BCC or ZC approves an extension of time for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, the interest shall be prorated.

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EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 Part 11. ULDC, Art. 2.E.2.F, Procedures (page 37 of 49), is hereby amended as follows:
2

3 Reason for amendment: To include language regarding failure to use variance.
4

5 CHAPTER E MONITORING

6 Section 2 Procedures

7

8 **F. Failure to Use Variance**

9 If a property owner fails to utilize a variance within the timeframes as provided in Table 2.E.3.B-1,
10 the variance shall become null and void.

11 **GF. Expiration of Time Extensions Granted by the BCC**

12 In the event that the property owner has not complied with the condition of development approval
13 or time certain activity at the expiration of a time extension, the development order shall be
14 subject to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure
15 to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of
16 Approval, or Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO,
17 herein, as appropriate. [Ord. 2005 – 002]

18 **HG. Fees**

19 Fees to implement this Section shall be established by the BCC.
20
21
22

23 Part 12. ULDC, Art. 2.E.3.B.2, Conditional and Requested Uses, Planned Development Districts
24 (PDD) other than Planned Unit Developments and Traditional Marketplace and
25 Traditional Town Development Districts (page 37 of 49), is hereby amended as follows:
26

27 Reason for amendment: Minor clarification to include TDDs and TMDs in monitoring requirements.
28

29 CHAPTER E MONITORING

30 Section 3 Supplementary Regulations for Classes of Development Orders

31 **B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a
32 Required Action**

33 **2. Conditional and Requested Uses, PDDs other than PUDs, TTDs and TMDs**

34 The Final site plan/Final Subdivision plan for conditional and requested uses, PDDs other
35 than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B-1, Time Limitation of
36 Development Order for Each Phase, provides the maximum number of phases permitted for
37 each type of development order. If there are multiple phases, ~~each of~~ the first ~~two~~ phases
38 shall contain a minimum of 20 percent of the land area and the first and second phases shall
39 contain a combined minimum of 40 percent of the land area unless otherwise approved in the
40 development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a
41 minimum of 25 percent residential/non residential of the total project. Table 2.E.3.B-1, Time
42 Limitation of Development Order for Each Phase, also provides time requirements for
43 commencement of development. [Ord. 2006-004]
44
45

Notes:

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EXHIBIT B

**ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1
2 **Part 13. ULDC, Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase (page 38**
3 **of 49), is hereby amended as follows:**
4

Reason for amendment: 1) Modification to Table 2.E.3.B-1 to reflect Time Limitation for Variance Development Order; and 2) to amend phasing for TTD's.
--

TABLE 2.E.3.B-1 - 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 – RESIDENTIAL- NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) <u>(Including any associated variance(s))</u>	2	Record plat or affidavit of plat waiver or commence ¹ development	Three years ^{2,7}	No extensions permitted	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
REZONING - NONRESIDENTIAL- Non-PDD or TDD <u>(Including any associated variance(s))</u>	2	Commence ¹ development	Three years ^{2,7}	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
CONDITIONAL USES CLASS A AND CLASS B, REQUESTED USES INCLUDING THOSE IN PDDs, and TDDs <u>(Including any associated variance(s))</u>	2 ⁵	Commence development or utilize Conditional Use or Requested Use if no construction ¹ is required	Three years ^{2,7}	12 months	Pursuant to sub- sections Art. 2.E.2.A, Sus-pension of Development Orders and Art. 2.E.2.D, Failure to Comply ywith Con-ditions herein: Class A -BCC review; Class B - Zoning Commission review
PDD: NON PLANNED UNIT DEV. (PUD) <u>(Including any associated variance(s))</u>	4	Commence ¹ development	Three years ^{2,7}	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art.2.E.2.D herein
PDD: PUD; TDD: TRADITIONAL NEIGHBORHOOD DEV. (TND) <u>(Including any associated variance(s))</u>	No maximum	Record plat ⁶	Three years ^{2,7}	No extensions permitted	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
TDD <u>(Including any associated variance(s))</u>	TMD in the AGR Tier	1	Commence ¹ development	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
	TMD in the U/S Tier	4			
	TMD in all other Tiers and TTD	No Maximum			
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE	SITE PLAN	2	Commence Development	Four years ^{3,7}	Plan null & void for the undeveloped phases of a site plan, unplatted phases of a subdivision plan, and variances if applicable.
	FINAL SUB- DIVISION PLAN: NON- RESIDENTIAL	2	Commence Development	Four years ^{3,7}	

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EXHIBIT B

**ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

TABLE 2.E.3.B-1 - 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
REQUIREMENTS OF ART.2.E (THOSE LISTED ABOVE)	FINAL SUBDIVISION PLAN; RESIDENTIAL	No maximum	Record Plat	Three years ^{3,7}		
	<u>NON CONCURRENT VARIANCES</u>	N/A	<u>Commence Development</u>	One year	24 months	<u>Variance becomes null & void if applicable</u>

Notes for Table 2.E.3.B - 1

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

¹ 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.

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 ninety 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 that are required for the Development Order to comply with Art. 12.C.2, Conditions. **[Ord. 2005 – 002]**

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Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1
2 **Part 1. ULDC, Art. 3.C.1.C.2.a, Exempted Residential Uses [Related to AGR, Agriculture**
3 **Reserve District] (page 38 of 134), is hereby amended as follows:**
4

5 Reason for amendment: Update to incorporate additional Planning direction to restrict expansion to
6 require min. lot size be average of existing lots and PDR's to be consistent with existing development.
7 See also e-mail correspondence between Planning, Zoning, Zoning Director and LDS correlating to
8 agreed upon PDR limitations prior to adoption of Ord. 2006-004) (2005).

9
10 **CHAPTER C STANDARD DISTRICTS**

11 **Section 1 Districts**

12 **C. Agricultural Districts**

13 **2. AGR, Agricultural Reserve District**

14 The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore
15 Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall
16 Loxahatchee National Wildlife Refuge on the west. The district encompasses unique
17 farmland, regional water management and wetlands areas. It is designated as an area to be
18 preserved primarily for agricultural, environmental and water resources and open space
19 related activities west of SR 7, agricultural and regional water management use if possible,
20 Residential development is restricted to low-densities and commercial development is limited
21 to those uses serving farm workers and other residents of the district. Gaming, pari-mutual
22 wagering, off-track betting, events or activities held or broadcast for similar purposes shall be
23 prohibited.

24 **a. Exempted Residential Uses**

25 Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall
26 be exempt from the provisions of the AGR district to the minimum extent required to allow
27 for continued development pursuant to their original development order and the intent of
28 the provisions of the AGR district.

29 **1) Exempted Developments**

30 The exemption applies to the following residential developments that may continue to
31 exist, however, they may not subdivide nor expand the boundaries of the property:
32 Willis Glider Port, Delray Lakes Estates, Tierra de Rey, Tierra de Rey South, Rio
33 POCO, Snow Ranch Estates, (a.k.a. Horseshoe Acres), and Delray Training Center.

34 **2) Permitted Contiguous Development**

35 An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas
36 Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a. Horseshoe
37 Acres) may expand the aforementioned may be expanded, subject to BCC approval,
38 to allow development of contiguous residual parcels at a density that is consistent
39 with the existing development, where it would serve to establish uniform boundaries.
40 Expansion shall be subject to Table 3.C.1.C-5, AGR Contiguous Development PDRs.
41 **[Ord. 2006-004]**
42
43

Table 3.C.1.C-5 – AGR Contiguous Developments PDRs

Name of Project	Lot Dimensions			Building Coverage	Setbacks			
	Size	Width and Frontage	Depth		Front	Side	Side Street	Rear
<u>Delray Lakes Estates</u>	<u>1 acre</u>	<u>65⁽¹⁾</u>	<u>75⁽¹⁾</u>	<u>40%</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>
<u>Willis Gliderport</u>	<u>1.5 acre</u>	<u>200</u>	<u>300</u>	<u>40%</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>
<u>Horseshoe Acres</u>	<u>2 acres</u>	<u>300</u>	<u>300</u>	<u>15%</u>	<u>100</u>	<u>50</u>	<u>80</u>	<u>100</u>

Notes for Table 3.C.1.C-5, AGR Contiguous Development PDRs

1. All lots shall have an average width and depth that is consistent with lots in the Delray Lakes Estate PUD.

44
45
46 **Part 2. ULDC, Art. 3.D.3.A.3.a, Floor Area [Related to CN District] (page 51 of 134), is hereby**
47 **amended as follows:**
48

49 Reason for amendment: Glitch: 3,000 should read 30,000; however, due to adoption of Table 4.A.3.A-2,
50 Thresholds for Projects Requiring Board of County Commission Approval (see Ord. 2006-004), the
51 limitation is now redundant and can be deleted herein.
52

Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

2 **Section 3 District Specific Regulations**

3 **A. District Specific Regulations**

4 **3. CN District**

5 **a. Floor Area**

6 ~~Uses shall be limited to a maximum of 3,000 square feet of GFA, unless approved as a~~
7 ~~Class A conditional use.~~

8 **[Renumber accordingly (b and c).]**

11 **Part 3 . ULDC, Art. 3.D.3.A.5.a, Floor Area, [Related to CC District] (page 51 of 134), is hereby**
12 **amended as follows:**

Reason for amendment: This section is no longer relevant and may be deleted, due to adoption of new Table 4.A.3.A-2, Thresholds for Projects Requiring Board of County Commission Approval (see Ord. 2006-004).

18 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

19 **Section 3 District Specific Regulations**

20 **A. District Specific Regulations**

21 **5. CC District**

22 **a. Floor Area**

23 ~~The maximum floor area permitted on any lot or within any project in the CC district shall~~
24 ~~be 30,000 square feet of GFA, unless approved as a Class A conditional use.~~

25 **[Renumber accordingly (b).]**

28 **Part 4. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 13 of 142), is hereby amended as**
29 **follows:**

Reason for amendment: This amendment is needed to facilitate the development of a new Glades hospital park. Consultants hired to initiate the FLU and Zoning amendments, and related approvals have pointed out that a medical or dental office use is permitted subject to DRO in the IPF District, but have been inadvertently omitted from the INST/MUPD District. Planning staff has determined that the amendment is consistent with the Plan.

Table 3.E.1.B-10 - PDD Use Matrix

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	O
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	D	D	E
					P						T					L	G					
Commercial Uses																						
....		P																				
Medical Or Dental Office		R				P	P	P	P		<u>D</u>	P	P	P	P		P				83	
....																						

40 **Part 5 . ULDC, Table 3.E.1.B-10, PDD Use Matrix, (page 55 of 134), is hereby amended as**
41 **follows:**

Reason for amendment: Amendments to Financial Institution require that the most restrictive use be indicated on the Use Matrix(ices).

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

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

2 **Section 3 Planned Development District (PDDs)**

3

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD							MXPD				PIPD					
	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	M	R	N
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	
Commercial Uses																						
....																						
Financial Institution		R				R	<u>PR</u>	R	<u>PR</u>			R	<u>PR</u>	R	<u>PR</u>		<u>PR</u>				55	
....																						

[Ord. 2005-002] [Ord. 2004-051]

4

5

6 **Part 6 . ULDC, Art. 3.E.1.C.2.a.5), [Related to Access and Circulation] (page 63 of 134), is**
 7 **hereby amended as follows:**

8

9 Reason for amendment: To provide additional flexibility at an administrative (i.e. DRO) level to address
 10 excessive number of applicants requested waivers from the BCC.

11

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

13 **Section 1 General**

14 **C. Objectives and Standards**

15 **2. Performance Standards**

16 **a. Access and Circulation**

17 **5) Cul-de-sacs**

- 18 **a) ~~No more than 25~~ 40 percent of the local streets in a PDD ~~shall may~~ terminate in a**
 19 **cul-de-sac or a dead-end. This standard may be waived by the BCC; and**
- 20 **b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-**
 21 **sac or a dead end with the provision of continuous pedestrian connectivity**
 22 **between the cul-de-sacs or dead ends; and**
- 23 **c) Parcels with an irregular configuration may be exempt from standards a) and b)**
 24 **above, if the applicant can demonstrate there are no other alternatives.**

25

26

Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

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Part 7. ULDC, Table 3.E.2.D-16, PUD Property Development Regulations (page 72 of 134), is hereby amended as follows:

Reason for amendment: Delete FAR limitations where redundant to reference Plan, **same as recent amendment to Table 3.D.1.A-5, PDR's**. Retain FAR limitations where required. Lindsey Walter, formerly of Kilday and Associates, interested party.

Table 3.E.2.D-16 - PUD Property Development Regulations

POD	Lot Dimensions			Density		FAR ⁽²⁾	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-5, Property Development Regulations.										
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-5, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	0.35	30 percent	25	20	25	20
Public	1 ac.	100	200	-	-						
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-5, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	0.35	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	0.15	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A-5, Property Development Regulations										

Notes for Table 3.E.2.D-16, PUD Property Development Regulations.

1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.
2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2005-002]

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Part 8. ULDC, Art.3.E.2.E.3, Recreation Pod (page 74 of 134), is hereby amended as follows:

Reason for amendment: .Amend to include HOA responsibility for off street parking during Special Events

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

E. Pods

3. Recreation Pod

Recreation areas shall be designated on the master plan as recreation pods and in accordance with Art. 5.D, Parks and Recreation Standards.

a. Installation

Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards.

b. Parking

Parking shall not be required for recreation pods less than one acre.

c. Special Events

The HOA shall be responsible for ensuring adequate off street parking is provided during special events.

Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1
2 **Part 9. ULDC, Table 3.E.3.D-20, MUPD Property Development Regulations (page 82 of 134), is**
3 **hereby amended as follows:**
4

5 Reason for amendment: Delete FAR limitations where redundant to reference Plan, **same as recent**
6 **amendment to Table 3.D.1.A-5, PDR's.** Retain FAR limitations where required. Lindsey Walter, Kilday
7 and Associates, interested party.

8
9 **D. Property Development Regulations**

10 The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum
11 setbacks in the MUPD district are indicted in Table 3.E.3.D-20, MUPD Property Development
12 Regulations, unless otherwise stated.
13

Table 3.E.3.D-20 – MUPD Property Development Regulations

FLU Designations	Lot Dimensions			FAR ⁽²⁾	Maximum Building Coverage	Setbacks ¹			
	Size	Width & Footage	Depth			Front	Side	Side Street	Rear
CL	3 ac		200	-.25	25 percent	25	C-15 R-30	25	C-20 R-30
CH	5 ac	300	300	-.50	30 percent	30	C-15 R-30	30	C-20 R-30
CLO	3 ac	200	250	-.35	25 percent	25	C-15 R-30	25	C-20 R-30
CHO	5 ac	200	200	-.50	25 percent	30	C-15 R-30	30	C-20 R-30
IND	5 ac	300	300	-.45	45 percent	30	C-15 R-40	30	C-20 R-40
CR	5 ac	300	300	-.50	30 percent	30	C-15 R-40	30	C-20 R-40
INST	5 ac	300	300	-.50	30 percent	30	C-15 R-30	30	C-20 R-30

Notes to Table 3.E.3.D-20, MUPD Property Development Regulations:

C Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R Indicates the setback from an adjacent parcel with a residential zoning designation.

1. Setbacks are measured in linear feet from the boundary of the MUPD.

2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.
~~The maximum FAR may be increased to .50 as allowed by the Future Land Use Element (FLUE) of the Plan.~~

14
15 **Part 10. ULDC, Art. 3.E.4.A.1, Purpose and Intent [Related to MXPDP] (page 85 of 134), is hereby**
16 **amended as follows:**
17
18

19 Reason for amendment: Glitch, redundant sentences.

20
21 **CHAPTER E**

22 **Section 4 Mixed Use Planned Development (MXPDP)**

23 **A. General**

24 **1. Purpose and Intent**

25 The purpose and intent of the MXPDP district is to provide for the compatible *development and*
26 integration of residential and non-residential uses into a unified development with enlightened
27 and imaginative approaches to community planning, including: ~~The intent of an MXPDP is to~~
28 ~~provide for the compatible development and integration of residential and nonresidential uses~~

- 29 a. the use of vertical or horizontal integration with residential and non-residential uses;
- 30 b. the selection of land uses which allows for internal automobile trip capture and
- 31 compatibility with residential uses;
- 32 c. the design of a site plan which provides for the integration of residential and non-
- 33 residential uses;
- 34 d. the design of safe and efficient circulation systems for pedestrians, bicycles, and
- 35 automobiles; and
- 36 e. the utilization of multiple family homes to provide a transition area between non-
- 37 residential uses and adjacent residential development.

Notes:

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

Part 11. ULDC, Table 3.E.4.D-24, MXPDP Property Development Regulations (page 82 of 134), is hereby amended as follows:

Reason for amendment: Delete FAR limitations where redundant to reference Plan, **same as recent amendment to Table 3.D.1.A-5, PDR's**. Retain FAR limitations where required. Lindsey Walter, Kilday and Associates, interested party.

Table 3.E.4.D-24 - MXPDP Property Development Regulations

FLU	Lot Dimensions			FAR ⁽¹⁾	Maximum Building Coverage	Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200	200	.45	30%	25	C-15 R-40	25	C-20 R-40
CH	5	300	300	.85	40%	25	C-15 R-40	25	C-20 R-40
CLO	3	200	200	.45	30%	25	C-15 R-40	25	C-20 R-40
CHO	5	300	300	.85	40%	25	C-15 R-40	25	C-20 R-40
RESIDENTIAL	Apply RM district regulations								
RECREATION POD	Apply PUD Recreation Pod regulations								
NEIGHBORHOOD PARK	Apply PUD Neighborhood Park regulations								

Notes for Table 3.E.4.D-24, MXPDP Property Development Regulations:

- C** Indicates the setback from an adjacent commercial zoned parcel.
- R** Indicates the setback from an adjacent residential zoned parcel.

1. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.

Part 12. ULDC, Table 3.E.5.D-26, Property Development Regulations (page 89 of 134), is hereby amended as follows:

Reason for amendment: Delete FAR limitations where redundant to reference Plan, **same as recent amendment to Table 3.D.1.A-5, PDR's**. Retain FAR limitations where required. Lindsey Walter, Kilday and Associates, interested party.

Table 3.E.5.D-26 - PIPD Property Development Regulations

PODs	Lot Dimensions			Max. FAR ⁽¹⁾	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200	.45	30%	25	C - 15 R - 40	25	C - 15 R - 40
General Industrial	2 ac	200	200	.45	30%	25	C - 20 R - 40	25	C - 20 R - 40
Commercial	Apply MUPD, MXPDP or TMD regulations								
Residential	Apply PUD regulations								
Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								
Civic	Apply PUD Civic regulations								

Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:

- C** Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.
- R** Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

1. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.

[Ord. 2004-040]

Part 13. ULDC, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule (Continued), (page 100 of 134), is hereby amended as follows:

Reason for amendment: Amendments to Financial Institution require that the most restrictive use be indicated on the Use Matrix(ices).

Notes:

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

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EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

- 1 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)
- 2 Section 1 General Provisions for TDDs

Table 3.F.1.F-32 – Traditional Development Permitted Use Schedule (Continued)

District Tier	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR		
Land Use Zone	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	N/C	Open Space/ Rec					Dev
Commercial Uses											
....											
Financial institution		<i>PR</i>			<i>PR</i>		<i>PR</i>	<i>PR</i>	<i>PR</i>		55
....											

[Ord. 2005 – 002] [Ord. 2005-041]

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Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

- 2) Principal uses and structures (excludes poles) shall be setback a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50 feet from all property lines.

b. Screening

Screening around the perimeter of an electric power facility shall be provided at the time the facility is constructed or when surrounding development occurs. The standards in Art. 7, Landscaping, shall be waived if the required screening is not visible from adjacent lots or streets.

c. Ash disposal and wood recycling facilities

Ash disposal and wood recycling facilities shall be permitted on sites in the AP district as an accessory use to biomass electric power facilities. The primary use for the site shall be consistent with the underlying zoning designation.

- 1) Ash stockpiles shall not exceed 220 feet in height.
- 2) Ash disposal facilities shall only be used to process onsite materials.
- 3) Ash disposal facilities shall be subject to review by applicable governmental agencies.

Part 4. ULDC, Art. 4.B.1.A.74-2, Kennel, Type III Commercial (page 52 of 142), is hereby amended as follows:

Reason for amendment: Add PIPD to list of permitted districts subject to compliance with Plan limitations indicated in Future Land Use Element Policy 2.2.4-b.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

**A. Definitions and Supplementary Standards for Specific Uses
74-2. Kennel, Type III (Commercial)**

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]

1) Maximum Square Footage

Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any other permitted district. [Ord. 2006-036]

2) Number of Animals Permitted

Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]

3) Standards

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

4) Waste Disposal

A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

5) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Approval Process

A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

c. PIPD

A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Part 5. ULDC, Art. 4.B.1.A.76, Research Laboratory, (page 53 of 142), is hereby amended as follows:

Reason for amendment: To correct glitches to use regulations for research lab and add language to be consistent with proposed Bio-Science Overlay amendments required to comply with Interlocal agreement to encourage development of available lab space for Scripps.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

76. Laboratory, Research

An establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.

a. Research Lab

A research laboratory shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

1) Exception

A research laboratory shall be allowed as a requested use in a MUPD with IND land use.

ab. Outdoor Activities

Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

bc. Accessory Use

A research laboratory shall be permitted as an accessory use to a college or university.

c. Biotechnology Research Protection Overlay (BRPO)

A research laboratory located in the BRPO and the IL District may be approved by the DRO and shall not be subject to the limitations of Table 4.A.3.A-2, Thresholds for Projects Requiring Board of County Commissioner Approval.

Part 6. ULDC, Art. 4.B.1.A.83, Medical or Dental Office, (page 55 of 142), is hereby amended as follows:

Reason for amendment: To delete AP and AGR districts to be consistent with Plan Future Land Use Element Objective 1.5

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

83. Medical or Dental Office

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

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. AP and AGR Districts

Must be limited to public health or government owned clinics serving the rural or agricultural community. [Ord. 2005-041]

de. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]

1) Floor Area

- a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. [Ord. 2005-041]
b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. [Ord. 2005-041]

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]

Part 7. ULDC, Art. 4.B.1.A.109, Type I Restaurant, (page 68 of 142), is hereby amended as follows:

Reason for amendment: Clarifications to limitations on location criteria to exempt TMDs.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

109. Restaurant, Type I

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

a. Location Criteria

A Type I restaurant with a drive through, ~~or where the total GFA, including outdoor dining areas, for such use or uses is greater than 20 percent of overall building GFA (excluding those located in a TMD), unless approved under Art. 4.B.1.A.109.c.2), Permitted by Right,~~ shall be subject to the following: [Ord. 2006-004]

1) Intersection Criteria

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

2) Separation Criteria

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

3) Exception

A Type I restaurant that is designed to enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following, may be exempt from intersection and separation criteria: [Ord. 2006-004]

- a) Required sidewalks and related pedestrian connections fronting on the façade supporting the primary entrance shall be increased to eight feet in width; [Ord. 2006-004]
- b) Dumpster enclosures shall be physically connected to and architecturally consistent with the building and shall not be freestanding; [Ord. 2006-004]
- c) No reductions in the width of required foundation planting areas shall be permitted; [Ord. 2006-004]
- d) Wall signage is limited to one façade of the restaurant; [Ord. 2006-004]
- e) Landscape plans and architectural elevations shall be required as part of any application for a Conditional or Requested Use, or any DOA affecting the items listed herein. [Ord. 2006-004]
- f) Where applicable, a drive through, including queuing and by-pass lanes shall not be visible from adjacent public streets. This may be accomplished by the use of a Type 3 Incompatibility Buffer, exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two; [Ord. 2006-004]
- g) Required parking shall not be separated from restaurant entrances by any means of vehicular circulation with exception of drive isles used to access those parking spaces; [Ord. 2006-004]
- h) The restaurant shall not have continuous vehicular circulation on all four sides. For the purposes of this Section, vehicular circulation shall include drive ways, drive aisles, or other means of internal vehicular circulation located within 50 feet

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

or less of the building. Vehicular circulation shall not include customer parking provided for the restaurant, one-way drive-through lanes and related by-pass lanes serving the restaurant. [Ord. 2006-004]

b. U/S Tier

A Type I restaurant with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of Art. 4.B.1.A.109.c.2), Permitted by Right. [Ord. 2006-004]

c. Approval Process Exceptions

1) DRO Approval

A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.B.1.B-10, PDD Use Matrix, or Table 4.A.3.A-1, Use Matrix, provided GFA including outdoor dining areas does not exceed 3,000 square feet; and the use is not located in an out parcel or freestanding building. [Ord. 2006-004]

2) Permitted by Right

A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]

- a) GFA including outdoor dining areas does not exceed 1,500 square feet; [Ord. 2006-004]
b) All district specific requirements are addressed; [Ord. 2006-004]
c) The total of all Type I restaurant uses does not exceed 25 percent of the overall GFA of the development, unless it is the sole use of the property; and [Ord. 2006-004]
d) The restaurant is not located in a freestanding building, unless it is the sole use of the property. [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]
2) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or [Ord. 2005 – 002]
3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005 – 002]

e. Outdoor Dining

Shall comply with the principal structure setbacks.

Part 8. ULDC, Art. 4.B.1.A.110, Type II Restaurant, (page 68 of 142), is hereby amended as follows:

Reason for amendment: To delete square footage limitations for TDD Type II Restaurants. TND N/C uses are limited otherwise to a maximum of 8,000 sf, and no adverse impacts are anticipated from larger Type II restaurants in a TMD.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

110.Restaurant, Type II

An establishment with no drive-through, equipped to sell food and beverages served and consumed primarily on the premises- , that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

a. Alcohol Sales

A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions: [Ord. 2006-004]

1) Accessory Use

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division. [Ord. 2006-004]

2) Kitchen

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served. [Ord. 2006-004]

3) Floor Area

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales. [Ord. 2006-004]

4) Special Permit Renewal

The Special Permit shall be renewed annually. [Ord. 2006-004]

b. Use Limitations and Approval Process [Ord. 2005 – 002]

1) DRO Approval [Ord. 2006-036]

a) CLO and CHO Districts/PDDs and TNDs

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036]

b) CHO District/PDDs

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036]

c) CRE District, and CL, CR and Commercial Pods of a PDD

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036]

2) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. [Ord. 2006-004]

3) Take Out Service

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. [Ord. 2006-004]

4) TNDs and TMDs

~~A Type II Restaurant shall not exceed 5,000 square feet of GFA, except that an additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 6,500 square feet of GFA.~~ Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004]

Part 9. ULDC, Art. 4.B.1.A.119, Security or Caretaker Quarters [Related to Maximum Floor Area] (page 75 of 142), is hereby amended as follows:

Reason for amendment: Amend to add Maximum Floor Area.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

119. Security or Caretaker Quarters

An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.

a. Number

- 1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use.
- 2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.

b. Maximum Floor Area

- 1) On less than one acre: 800 square feet.
- 2) On one acre or more: 1000 square feet.

cb. Occupancy

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 D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1 A security or caretaker quarters shall be for the exclusive use of the site on which it is
2 located and shall be occupied only by the custodian, caretaker, or owner of the principal
3 use and their family.

4 **de. Accessory Use**

5 A security or caretaker quarters shall be allowed as an accessory use to a public or civic
6 use in all districts.

7 **ed. Temporary Use**

8 Unless stated otherwise, a security or caretaker quarters use shall not be permitted in
9 association with a temporary use.

10 **fe. Mobile Home**

11 A mobile home may be used for a security or caretaker quarters only in the AGR, AP,
12 AR, IL, IG, PO, IPF, and MHPD districts. If a mobile home is used, the Special Permit
13 shall be renewed annually.

14 **gf. Discontinuation of Use**

15 A security or caretaker quarter's use shall continue only as long as the principal use that
16 it serves remains active. Upon termination of the principal use, the right to have the
17 quarters shall end and the use shall be immediately discontinued. Once discontinued,
18 such quarters shall not be reestablished except in conformity with this Section.
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Notes:

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EXHIBIT E

ARTICLE 5 - SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1
2 Part 1. ULDC, Art. 5.B.1.A.1, General [Related to Accessory Uses and Structures] (page 52 of
3 56), is hereby amended as follows:
4

5 Reason for amendment: ~~Glitch: Add comma tostandard , TDD and PDD zoning....~~

6
7 CHAPTER B ACCESSORY AND TEMPORARY USES

8 Section 1 Supplementary Regulations

9 A. Accessory Uses and Structures

10 1. General

11 The following standards in this Section shall apply to all development in standard, PDD or
12 TDD zoning districts, unless otherwise stated:
13
14

15 Part 2. ULDC, Art. 5.B.1.A, Accessory Uses and Structures (page 20 of 56), is hereby amended
16 as follows:
17

18 Reason for amendment: To clarify location and setback requirements for permanent generators

19
20 CHAPTER B ACCESSORY AND TEMPORARY USES

21 Section 1 Supplementary Regulations

22 A. Accessory Uses and Structures

23 18. Permanent Generators

24

25 b. Standards

26 1) General

27 The following standards shall apply to all permanently installed generators.

28 a) Maximum Permissible Sound Level

29 Refer to Art. 5.E.3.B.2, and Table 5.E.3.C-12 Maximum Sound Levels.

30 b) Screening

31 Generators that are not located within, or completely screened by a building,
32 shall be screened from view when adjacent to or visible from a public R-O-W or
33 parcels with a conservation or residential FLU or use. Screening may include the
34 use of fences, walls or hedges, or a combination thereof.

35 c) Maintenance Cycle

36 Generators may be operated for exercising purposes one time per week,
37 excluding Sundays, for a period not exceeding 30 minutes between the hours of
38 10:00 a.m. to 5:00 p.m.

39 d) Location and Setbacks

40 Generators shall meet the district setback requirements for principal structures,
41 but shall not be located between the front or side street façade of a building and
42 a R-O-W or in an easement, unless:

43 (1) The generator shall be screened from view from any public rights-of-way or
44 adjacent property lines by an opaque fence /wall;

45 (2) If this criteria cannot be met, the applicant may apply for a Type IB variance,
46 pursuant to Article 2.D.3.C.3. [Ord. 2006 - 004]
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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 F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1
2 **Part 1. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 3**
3 **of 34), is hereby amended as follows:**
4

5 Reason for amendment: Amend to recreation parcel clubhouse parking requirements.
6

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

Use Type: Recreational	Parking ¹	Loading ²
.... <u>Clubhouse (Recreational Pod)</u> ⁷	<u>1 space per 300 sq. ft. of air conditioned area (includes all interior uses); and 1 bicycle parking rack shall be provided</u>	N/A
.... <u>Tennis Courts</u> ⁶ <u>And Basketball Courts</u> ⁷	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
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.		

[Ord. 2005-002]

Notes for Table 6.A.1.B-1

1. In addition to the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, us with company vehicles shall provide 1 space per company vehicle.
2. Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.C.1.h, Government services.
3. Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
4. Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking.
5. Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee. [Ord. 2005-002]
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. [Ord. 2005-041]
7. Golf cart parking may be used to satisfy a portion of the required parking for residential PDD rec. pods, pursuant to Art. 6.A.1.D.7, Golf Cart Parking.

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9
10 **Part 2. ULDC, Art. 6.A.1.D.15.a, Ingress and Egress (page 26 of 34), is hereby amended as**
11 **follows:**
12

13 Reason for amendment: To clarify when backward egress is permitted.
14

15 **CHAPTER A PARKING**

16 **Section 1 General**

17 **D. Off-Street Parking**

18 **15. Access**

19 **a. Ingress and Egress**

20 Each parking space shall have appropriate access to a street or alley. Legally platted
21 lots that accommodate ~~Only dwelling units with no more than one or~~ two units shall be
22 allowed backward egress from a driveway onto a street. In all other cases, maneuvering
23 and access aisle area shall be sufficient to permit vehicles to enter and leave the parking
24 lot in a forward motion.
25
26

27 **Part 3. ULDC, Art. 6.B.1.E, Dimensional Standards and Design Requirements [Related to**
28 **Loading Standards] (page 29of 34), is hereby amended as follows:**
29

Notes:

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EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Reason for amendment: To clarify DRO authority and related documentation or information required to be submitted to amend minimum loading zone width and length.

CHAPTER B LOADING STANDARDS

Section 1 Loading

E. Dimensional Standards and Design Requirements

Required loading spaces shall be subject to the following minimum standards:

1. Width

A loading space shall have a minimum width of 15 feet. Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width. [Ord. 2005-041]

2. Length

Loading spaces shall be a minimum of 55 feet in length, ~~unless reduced by the DRO.~~

....

7. Loading Space Reduction

All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the DRO in the following circumstances:

a. Reduction in Number of Spaces

1) Change in Use

The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in use.

2) Administrative Reduction

For uses ~~which~~ that contain less than 10,000 square feet of total GFA, the Zoning Director may waive or reduce the loading standards.

b. Co-locating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity.

c. Reduction in Width and Length

The minimum required width and length may be reduced to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation including but not limited to: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information.

Notes:

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EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Part 1. ULDC, Art. 7.B.3, Alternative Landscape Plan (page 11 of 48), is hereby deleted in its entirety and replaced with a new Art. 7.B.3, Alternative Landscape Plan:

Reason for amendment: Amend to coincide with deletion of Appendix D; clarify applicability and review processes.

CHAPTER B TYPE OF PLANS

Section 3 Alternative Landscape Plan (ALP)

A. Purpose and Intent

An ALP is intended to promote the preservation and incorporation of existing native vegetation or specimen palms or trees, or for the innovative use of plant material and improved site design.

B. Applicability

Any application for a Development Order may be eligible to apply for an ALP.

1. Design Principles

To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles.

- a. Innovative use of plant materials and design techniques in response to unique characteristics of the specific Tier and site.
- b. Preservation or incorporation of existing native vegetation.
- c. Use of a variety of plant material, including plants of color, form, and texture, in excess of minimum requirements.
- d. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
- e. Integration of landscaping and pedestrian facilities in a manner consistent with the Tier in which the development is located. In U/S Tiers and in TDD's, this may include reduced ground-level planting within the R-O-W buffer if canopy shade trees along sidewalks are provided.
- f. Use of additional shade trees to create a greater canopy effect.
- g. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms with the design principles and guidelines of this Article.
- h. Use of water-efficient irrigation systems and xeriscaping at appropriate locations.
- i. Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on adjacent properties.

2. Allowable Modifications to Standards

The standards that can be modified through the use of an ALP are listed below in Table 7.B.3.A-1, Standards That Can Be Altered with an ALP. Any standard not listed herein shall not be eligible to be modified through an ALP.

(This space intentionally left blank)

Notes:

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EXHIBIT G

**ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

Table 7.B.3 – Standards That Can Be Altered With An ALP

Specific Regulation	
Art. 7.F.2.A.1	Minimum Tree Quantities
Art. 7.F.7.B	Shrub Hierarchy
Art. 7.F.7.C	Planting Pattern
Art. 7.F.7.D	Clustering
Art. 7.F.8	Compatibility Buffer
Art. 7.F.9	Incompatibility Buffer
Art. 7.F.10.A.	Perimeter Buffer
Art. 7.F.10.A.1	R-O-W Buffer
Art. 7.F.10.A.2	Compatibility Buffers
Art. 7.F.10.A.3	Incompatibility Buffers
Art. 7.G.2.A	Terminal Islands
Art. 7.G.2.B	Interior Islands
Art. 7.G.2.C	Divider Median
Art. 7.G.2.D	Landscape Diamonds
Art. 7.G.2.E..1	Curbing
Art. 7.G.2.F	Parking Structures
Table 7.C.3-1	Minimum Tier Requirements (Only the following items listed in the table)
	Minimum Tree Height Perimeter
	Minimum Tree Height Interior
	Facades To Be Planted
	Percentage of Facade

[Renumber all sequential Tables accordingly.]

C. Application Requirements

An application for a ALP shall be in a form established by the Zoning Director, to include the following:

1. Design Principles

The ALP shall include a narrative and any necessary supporting documentation that clearly details compliance with Art. 7.B.3.B.1, Design Principles.

2. Required Findings

The applicant must provide documentation to demonstrate compliance with Art. 7.B.3.D.1, Required Findings.

D. Approval

ALPs must be submitted in conjunction with a Zoning application, in accordance with Article 2, DEVELOPMENT REVIEW PROCESS, or a building permit application, subject to the following requirements.

1. Required Findings

An ALP shall only be approved upon finding that:

- a. There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created.
- b. The ALP meets or exceeds the minimum requirements of this Section, while recognizing the unusual site design or use restraints on the property.
- c. Approval of the ALP will provide for both increased consistency and compatibility with adjacent projects located in the Tier.
- d. The ALP conforms to the requirements of Table 7.B.3.A-1, and no exceptions to the limitations on the standards that may be modified are requested.

2. Optional Preliminary Meeting

Applicants may schedule a preliminary meeting with Zoning staff to identify issues and discuss possible design alternatives.

3. Approval Process

Application for an ALP shall be approved in accordance with the following:

a. Building Permit

An application for an ALP for projects only requiring building permits shall be submitted concurrently at time of building permit application. The Zoning Division must approve the ALP prior to issuance of a building permit.

b. DRO Approval

An application for an ALP for projects requiring DRO approval, including projects approved by the ZC or BCC, shall be submitted concurrently at time of application for DRO approval. The Zoning Division must approve the ALP prior to DRO approval, unless approved by the ZC or BCC.

c. Optional Submittal with a Zoning Application

If submitted with an application for a rezoning, conditional use, requested use, variance, or development order amendment, an applicant may opt to request that the ZC or BCC, whichever is applicable, approve the ALP.

4. Appeals

If an application for an ALP is denied by the DRO or Zoning Division, an applicant may appeal the decision through a Peer Review, as follows: The applicant may select a

Notes:

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EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

landscape architect licensed in the State of Florida to certify to the Zoning Division, that the proposed ALP is in compliance with this Article. The Zoning Division shall provide a Peer Review Certification Form for this purpose. Certification shall substitute for a staff determination of consistency with this Article.

Part 2. ULDC, Art. 7.F.3, Walls and Fences (page 30 of 48), is hereby amended as follows:

Reason for amendment: 1) To clarify minimum fence and wall setbacks from property line; and, 2) Glitch, delete reference to BA.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

If a wall or fence is used, a minimum of 75 percent of the required trees shall be located between the exterior of the wall or fence along the R-O-W or facing adjacent property. Shrubs or hedges shall be installed on both sides of the wall or fence. ~~If a wall with a continuous footer is used, a minimum of ten clear feet of planting area shall be provided.~~

A. Location

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line.

B. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRS).

~~BC.~~ Architectural Treatment

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development.

~~CD.~~ Chain Link Fences

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC, or ZC, ~~or~~ BA.

Part 3. ULDC, Art. 7, Appendix D, Checklist of Standards That Can Be Altered With An Approved ALP (page 44 through 48), is hereby deleted in it's entirety.

Reason: Prior checklist needlessly included redundant references to Art. 7 requirements that were not intended to imply applicability to an ALP. Information under Art.7.B.3, Alternative Landscape Plan has been simplified to indicate applicability and the deletion of the previously unused "checklist."

Notes:

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EXHIBIT H

SPECIAL PERMITS SUMMARY OF AMENDMENTS (Updated 11/20/06)

WHITE PAPER

Introduction: The PBC Zoning staff has in an effort to reduce unnecessary review time for staff and to expedite applicant requests for temporary special uses completed a comprehensive study of all Special Permits. The conclusion of the study has allowed staff to eliminate Special Permits that are no longer relevant or through minor changes to the Supplementary Use Standards can now be reviewed by DRO one time and/or through building permitted process.

Background and Summary: Prior to the adoption of the 1992 Zoning Code, there were only several Special Permits issued by the Zoning Division. With the adoption of the Unified Land Development Code (ULDC) in 1992, existing and new uses were identified as being temporary in nature and although having minimal impacts on surrounding uses, they could if necessary, be mitigated by a site plan and conditions of approval through the special permit process. The Special Permit process over the years has been successful in regulating these temporary uses for compliance with the sound zoning and site planning principles, as well as establishing a mechanism for monitoring their time limitations. Since the adoption of the Special Permit provisions in 1992, additional uses have been added or deleted from the various use matrixes in the ULDC. These proposed amendments reflect a careful review of current and past trends in special permits and the need to update the code.

The ULDC currently has twenty-four different types of Special Permits for temporary uses. The proposed amendments accomplish several goals:

1. Maintain those Special Permits that require a review and possible recommendations or modification to site layout as well as ability for staff to impose conditions to mitigate the temporary use.
2. Eliminate permits that are no longer required because of other ULDC amendments to require them by be reviewed one time by Development Review Officer or by Zoning staff as part of the building permit process. Certain permits have either never been issued since 1992 when the regulations were adopted or could be combined into other existing review processes. Thereby, saving the applicant and staff review time and costs for processing the application to the applicant. Revisions to code language will clarify the intent of regulating the remaining uses and need to monitor their temporary status through the new ePZB dbase system in PZB.

Recommendations:

The Zoning Division is recommending approval of the proposed amendments and the following:

1. Maintain the existing Special Permits:
 - a. Accessory Dwelling (PUD and AGR),
 - b. Security Caretaker Quarters,
 - c. Adult Entertainment,
 - d. Bed and Breakfast,
 - e. Retail Sales, mobile or Temporary,
 - f. Special Event,
 - g. Produce Stand,
 - h. Air stripper, Remedial,
 - i. (COW) Mobile Towers,
 - j. Nursery Wholesale and,
 - k. Communication Panel, Antennas, Commercial.
2. Modify the review process for the Special Permits listed below to streamline the review process while achieving the same overall goals that were achieved in the existing process,
 - a. Recycling Collection Station;
 - b. Recycling Drop-off Bin;
 - c. Farm Workers Quarters;
 - d. Green Market;
 - e. Congregate Living Facility;
 - f. Real Estate Sales Model and Management Office;
 - g. Assembly, Nonprofit Institutional (within Redevelopment and Revitalization Overlay);
 - h. Film Production Studio;
 - i. Groom's Quarters.
3. Eliminate the following Special Permits based on fact they have never been used since 1992, reviewed either under the existing DRO and building permit process or another county agency currently reviews and,
 - a. Temporary Sign Non-Residential Development,
 - b. Film Permit Extended,
 - c. Film Permit Temporary,

Notes:

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EXHIBIT H

**SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

- 1 d. Assembly, Nonprofit Institutional.
2 4. Update the three-use matrixes to reflect more restrictive review process while at same time
3 updating the supplemental standards to address changes in regulations related to this use.
4

ULDC AMENDMENTS

5
6
7
8 **Part 1. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 56 of 134), is hereby amended as**
9 **follows:**

Reason for amendment: PDD Use Matrix to reflect most restrictive approval and proposed changes with these amendments

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD						MXPD				PIPD			M	R	V	N	O	T	E
	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	E	I	L	H	L	H	R	N	N	L	H	L	H	N	O	N	D	P	D	D			
	S	M	C	V	R																				
					P																				
Residential Uses																									
...																									
Congregate Living Facility, Type 2	R			<u>DS</u>									<u>DS</u>	<u>DS</u>			<u>DS</u>						34		
...																									
Farm Worker Quarters				<u>DP</u>																			51		
...																									
Utilities & Excavation																									
...																									
Recycling Collection Station		<u>DS</u>		<u>DS</u>		<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>				106		
Recycling Drop-Off Bin		<u>DS</u>	<u>DS</u>	<u>DS</u>		<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>			104		
...																									

[Ord. 2005-002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

- 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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15
16 **Part 2. ULDC, Table 3.F.1.I-32, Traditional Development Permitted Use Schedule (page 100 of**
17 **134), is hereby amended as follows:**

Reason for amendment: TDD Permitted Use Schedule to reflect most restrictive approval and proposed changes with these amendments

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 H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

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Table 3.F.1.F-32 – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Zone	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Utilities and Excavation											
...											
Recycling collection station							<u>DS</u>	<u>DS</u>	<u>DS</u>		106
Recycling drop-off bin	<u>DP</u>	<u>DP</u>		<u>DP</u>	<u>DP</u>		<u>DP</u>	<u>DP</u>	<u>DP</u>		104
...											

[Ord. 2005 – 002]

Notes for Table 3.F.1.F-32, Traditional Development Permitted Use Schedule:

- 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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Part 3 . ULDC, Table 4.A.3.A-1, Use Matrix (page 12 of 149), is hereby amended as follows:

Reason for amendment: Use Matrix to reflect most restrictive approval and proposed changes with these amendments

Table 4.A.3.A-1 – Use Matrix

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	I	
C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P		
	R		S	S					O			O		E				F		
	A		A	A																
Residential Uses																				
...																				
Farm Workers Quarters		<u>DS</u>	<u>DS</u>															51		
...																				
Utilities & Excavation																				
...																				
Recycling Collection Station										<u>DB</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>		<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	106
Recycling Drop Off Bin			<u>DS</u>							<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	104
...																				

[Ord. 2005-002] Ord. 2005-041]

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)

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Part 4. ULDC, Art. 4.B.1.A.14, Assembly, Nonprofit Institutional (page 32 of 149), is hereby amended as follows:

Reason for amendment: Redevelopment/Revitalization area to encourage development, staff can review site layout as part of building permit review results in saving time to applicant/staff in processing only one application.

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 H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 14. Assembly, Nonprofit Institutional

5 A site or facility open to the public, owned or operated by a not-for-profit organization for
6 social, educational or recreational purposes. Typical uses include museums, cultural centers,
7 recreational facilities, botanical gardens and community services such as after school care or
8 tutorial services, medical services, and employment services.

9 ...

10 b) Redevelopment and Revitalization Overlay

11 The use may be located on a local residential street, subject to the following criteria:

12 ~~1) Approval of a Special Permit;~~

13 2) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A
14 conditional use;

15 ...

16
17
18 Part 5. ULDC, Art. 4.B.1.A.20.f, Bed and Breakfast (page 34 of 149), is hereby amended as
19 follows:
20

21 Reason for amendment: LOSTO Overlay references B&B as permitted use in Overlay subject to
22 Supplemental Regulations Staff review will be done at time of submitting a building permit. No need for
23 additional review through Special Permit, provided the Supplemental Standards are sufficient to address
24 site layout/compatibility issues.

25 CHAPTER B SUPPLEMENTARY USE STANDARDS

26 Section 1 Uses

27 A. Definitions and Supplementary Standards for Specific Uses

28 20. Bed and Breakfast

29 ~~f. LOSTO Overlay~~

30 ~~A bed and breakfast shall be allowed pursuant to the Special Permit use standards.~~

31
32
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34 Part 6. ULDC, Art. 4.B.1.A.51.d, Farm Workers Quarters (page 47 of 149), is hereby amended
35 as follows:
36

37 Reason for amendment: This use is historically tied to a larger development that has as approved site
38 plan. The rationale for amendment would be to tie the approval to the site plan so site planning issues can
39 be addressed.

40 CHAPTER B SUPPLEMENTARY USE STANDARDS

41 Section 1 Uses

42 A. Definitions and Supplementary Standards for Specific Uses

43 51. Farm Workers Quarters

44 d. AR/RSA

45 May be permitted in the AR/RSA District with a SA FLU, subject to DRO Approval, a
46 ~~Special Permit approval.~~
47
48
49

50 Part 7. ULDC, Art. 4.B.1A.54.b, Temporary Film Permit (page 47 of 149), is hereby amended as
51 follows:
52

53 Reason for amendment: Require The TV and Film Commission issues permit regardless of length of time
54 needed.

55 CHAPTER B SUPPLEMENTARY USE STANDARDS

56 Section 1 Uses

57 Notes:

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EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

A. Definitions and Supplementary Standards for Specific Uses
54. Film Production Studio

~~b. Temporary Film Permit~~

~~A temporary film permit to allow locational shooting for a period of less than three weeks may be allowed subject to approval of a Special Permit by the Zoning Division. This permit may be issued in all districts subject to the following requirements:~~

~~1) Coordination~~

~~The Director of the Film Liaison Office shall coordinate with the Zoning Director to schedule the proposed film shooting.~~

~~2) Conditions of Approval~~

~~Reasonable conditions may be imposed which are designed to mitigate any anticipated impacts on surrounding properties.~~

~~3) Renewal~~

~~One additional renewal may be granted for an additional three weeks, for a maximum duration of six weeks.~~

Part 8. ULDC, Art. 4.B.1.A.54.c, Extended Film Permit (page 47 of 149), is hereby amended as follows:

Reason for amendment: Historically since 1992 when this Special Permit was added to the ULDC it has not been utilized. The Director of the TV and Film Commission issues the permit.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses
54. Film Production Studio

c. **Extended Film Permit**

An ~~extended~~ film permit shall be issued by the Director of the TV and Film Commission Office. ~~for a period greater than six weeks.~~ The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts.

Part 9. ULDC, Art. 4.B.1.A.64.b, Green Market (page 49 of 149), is hereby amended as follows:

Reason for amendment: This Special Permit has not been utilized. If use meets Supplementary Use Standards, then permitted use.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses
64. Green Market

b. Duration and Approval

c. Site Operation

The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles.

d. The applicant shall obtain an electrical permit for temporary power, if applicable.

Part 10. ULDC, Art. 4.B.1.A.65.d, Groom's Quarters (page 49 of 149), is hereby amended as follows:

Reason for amendment: Can review at the time of building permit for groom's quarter. Since only up to 4 quarters, the impacts are limited and a Special Permit is not warranted

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses
65. Groom's Quarters

d. Approval Process

Notes:

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EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Table 4.B.1.A-5 – Groom’s Quarters Number of Bedrooms and Bathrooms

Table with 2 columns: Process, Number of groom’s quarters permitted. Rows include Permitted, Special Permit, DRO, Class B, and Class A.

Part 11. ULDC, Art. 4.B1.A.85.d, Mobile Home Dwelling (page 57 of 149), is hereby amended as follows:

Reason for amendment: The SP was a mechanism in the past to monitor time limitations. With ePZB database, staff can now monitor by flags.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

85. Mobile Home Dwelling

d. Temporary During Construction

In the AR district in the RSA, a mobile home dwelling shall be allowed on a temporary basis subject to approval of a Special Permit and the following standards:

1) Building Permit

A building permit for the single-family dwelling shall have been issued by the Building Director.

2) Limitations on MH Approval

a.) The approval for the mobile home shall be valid for two years from the date of issuance of the building permit, or issuance of the certificate of Occupancy for the single family dwelling. No time extensions shall be granted. One MH approval per PCN number.

Part 12. ULDC, Art. 4.B.1.A.104, Recycling Drop-Off Bin (page 67 of 149), is hereby amended as follows:

Reason for amendment: Once the bins are located on a certified site plan and meet the Supplementary Use Standards, requiring a Special Permit is redundant and requires additional review time by staff and waiting period for applicant. The certified site plan is a one time process no renewals necessary.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

104. Recycling Drop-Off Bin

A totally enclosed mobile structure, containing no more than four cubic yards, within which pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for the purpose of reuse, subject to DRO approval. If there is no DRO certified site plan on file with the Zoning Division, a Special Permit shall be required.

a. Mobility

The mobility of a drop-off bin shall be maintained at all times.

b. Location

The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking space.

c. Maintenance

The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit.

d. Processing

Only limited sorting, separation, or processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

e. Type of Materials

Collection and storage of deposited materials shall be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.

Notes:

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EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

- 1 f. **Signage**
- 2 The name and phone number of a responsible party shall be clearly posted on the drop-
- 3 off bin. The name of the organization that is collecting the recyclable materials, if different
- 4 than the owner, shall also be posted on the drop-off bin.
- 5 g. **Number**
- 6 Only one bin per material type per development, including out parcels, shall be permitted.
- 7 h. **Recycling Bin**
- 8 Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no
- 9 outdoor storage of materials or refuse.
- 10 i. **AR/RSA**
- 11 May be permitted in the AR/RSA District with a SA FLU, subject to DRO a Special Permit
- 12 approval.

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14
15 **Part 13. ULDC, Art. 4.B.1.A.106, Recycling Collection Station (page 69 of 149), is hereby**
16 **amended as follows:**

17
18 Reason for amendment: Staff analysis of past Special Permits has discovered the majority of sites that
19 this use is located on have approved site plans. Therefore, once recycling station is located on the plan,
20 no further review is required

21
22 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

23 **Section 1 Uses**

24 **A. Definitions and Supplementary Standards for Specific Uses**
25 **106. Recycling Collection Station**

26 A totally enclosed structure or mobile container, containing more than four cubic yards, within
27 which pre-sorted, recyclable and recovered materials are collected for redistribution or sale
28 for the purpose of reuse, subject to Administrative Amendment approval. If no DRO site plan
29 then Special Permit required.

30 **a. TMD District**

31 Shall not be located on a Main Street.
32
33

34 **Part 14. ULDC, Art. 8.C.1, PROHIBITIONS (page 13 of 40), is hereby amended as follows:**
35

36 Reason for amendment: To accommodate existing industry practice. Fabric banners are very commonly
37 used by sign companies and present no negative impacts to surrounding properties.

38
39 **CHAPTER C PROHIBITIONS**

40 **Section 1 Banners, Streamers, or Pennants**

41 Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, except
42 grand opening banners, mounted to a pole or building, except where otherwise stated in this Section.
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