

ORDINANCE 2001-029

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: ARTICLE 3, RULES OF CONSTRUCTION AND DEFINITIONS, TO AMEND AND ADD DEFINITIONS; ARTICLE 4, DECISIONMAKING, ENFORCEMENT AND ADMINISTRATIVE BODIES, TO REVISE AND UPDATE PROCEDURES AND STANDARDS; ARTICLE 5, DEVELOPMENT REVIEW PROCEDURES, TO REVISE APPROVAL PROCESSES, APPEAL PROCEDURES, SITE SPECIFIC AMENDMENT PROCEDURES, CONDITIONAL USE AND SPECIAL PERMIT PROCEDURES, AND COMPLIANCE REQUIREMENTS; ARTICLE 6, ZONING DISTRICTS, TO REVISE DISTRICTS ESTABLISHED, DISTRICT PURPOSES AND USES, USE REGULATIONS AND DEFINITIONS, PROPERTY DEVELOPMENT STANDARDS, AND SUPPLEMENTARY REGULATIONS, PLANNED DEVELOPMENT REGULATIONS, AND TO CREATE OVERLAY DISTRICTS; ARTICLE 7, SITE DEVELOPMENT STANDARDS, TO REVISE PARKING AND LOADING STANDARDS; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

WHEREAS, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

WHEREAS, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

WHEREAS, current information and increased population require re-evaluation and adoption of updated development standards; and

WHEREAS, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of public welfare to ensure developments are constructed and continuously operated in accordance with the Unified Land Development Code, conditions of approval and adequate public facilities; and

WHEREAS, the new provisions regarding the Lake Okeechobee Scenic Trail Overlay and the revised provisions regarding locational criteria for automotive service stations and convenience stores with gas sales, usable open space and small scale amendments further the goals and policies of the Board of County Commissioners; and,

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Relocated language is shown as italicized with reference (6.4.D.35.a.) in parentheses.

1 **WHEREAS**, the proposed amendments to the ULDC have been reviewed by the Citizens
2 Task Force at public meetings and recommendations of the Citizens Task Force were
3 forwarded to the Board of County Commissioners; and
4

5 **WHEREAS**, the Citizens Task Force, sitting as the Land Development Regulation
6 Commission, finds that this amendment to the Unified Land Development Code is consistent
7 with the Comprehensive Plan; and
8

9 **WHEREAS**, the Board of County Commissioners determines the proposed amendments
10 will improve the procedures and standards of the Unified Land Development Code; and
11

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
13 OF PALM BEACH COUNTY, FLORIDA, THAT:
14

15 **PART 1** The Unified Land Development Code of Palm Beach County is amended as
16 follows:
17

18 **SUBPART 1.1, Section 5.2, Site Specific (Future Land Use Atlas) Comprehensive Plan**
19 **Amendments, is hereby amended to add and delete language as follows:**
20

21 **A. Purpose. ...**

22 **B. Authority. ...**

23 **C. Initiation. ...**

24 **D. Procedure. ...**

25 **1. Preapplication conference. ...**

26 **2. Timing. ...**

27 **3. Submission of application.** An application for a Site Specific amendment shall be
28 submitted to the Planning Director along with a nonrefundable application fee that is
29 established by the BCC.
30

31 **a. Small Scale Amendments.** If a small scale land use amendment requires a
32 rezoning, conditional use, development order amendment or abandonment
33 application(s), the two applications shall be reviewed and considered by the BCC
34 concurrently. The applicant shall submit a site plan or conceptual site plan as part
35 of the zoning application(s).
36

37 The complete zoning application must be submitted within thirty (30) calendar days
38 of receipt of the small scale land use amendment application. If a complete zoning
39 application is not submitted, the small scale land use amendment shall be
40 administratively withdrawn. ...
41

42 **SUBPART 1.2, Section 6.4.D, Supplementary Use Regulations, is hereby amended**
43 **to add and delete language as follows:**
44

45 **15. Automotive service station** means an establishment engaged in the retail sale of
46 gasoline or other motor fuels, which may include accessory activities such as the sale of
47 accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor
48 repair of motor vehicles, or the sale of convenience food items, or a restaurant.

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Automotive service station uses shall comply with the following supplementary use standards.

a. **Approval location criteria.** Automotive service stations and related uses and facilities create impacts which may permanently and substantially alter the character of an area. Prior to approving a conditional or requested use for an automotive service station, the Board of County Commissioners shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the Board of County Commissioners shall consider the following guidelines:

- (1) proper functioning of the site as related to vehicle stacking, circulation, access, and turning movements;
- (2) adequate buffering and setbacks from residential areas;
- (3) provision of adequate access, ingress and egress; and,
- (4) number of other fueling stations in the vicinity to safeguard against potential harm from explosion; and,

b. **Location.**

(1) A maximum of two (2) automobile service stations or convenience stores with gas sales shall be permitted within one thousand (1,000) feet of any intersection, measured from the intersection of the centerline of each street.

(2) An automotive service station shall not be located within one thousand (1,000) feet of an existing or approved automotive service station or convenience store with gas sales, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall of the proposed automotive service station to the nearest point on the existing or approved automotive service station or convenience store with gas sales. An automotive service station within one thousand (1,000) feet of an intersection in accordance with the locational criteria in 6.4.D.15.b(1) shall be exempt from this requirement.

(3) **Urban/Suburban Tier.** An automotive service station in the Commercial Low Future (CL) Land Use designation shall comply with (5) application of the Major Intersection Criteria as defined in Sec. 7.8.C, unless located within a planned development. (6.4.D.15.a.(5))

(4) **Rural, Exurban, Glades and Agricultural Reserve Tiers.** An automotive service station shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation Palm Beach County Federal Functional Classification Table.

(5) **Existing Automotive Service Stations.** The locational criteria contained in Sec. 6.4.D.15.b above shall not affect an automotive service station that is a conforming use as of the effective date of this ordinance.

c. **Accessory restaurant. ...**

d. **Automatic car wash. ...**

e. **Standards. ...**

(This section intentionally left blank.)

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1 **18. Car wash or auto detailing** means an establishment primarily engaged in the washing
2 or detailing of motor vehicles, which may use production line methods with a conveyor,
3 blower, or other mechanical devices, and which may employ some hand labor. Detailing
4 includes hand washing and waxing, striping, and interior cleaning. Car wash and auto
5 detailing uses shall comply with the following supplementary use standards.
6

7 **a. Location.**

8 (1) **CC district.** In the CC district, a car wash or auto detailing use shall be subject
9 to the ~~automotive service station location criteria of Sec. 6.4.D.15.~~ Major
10 Intersection Criteria as defined in Sec. 7.8.C.

11 (2) **CG district.** In the CG district, a car wash or auto detailing use shall be
12 permitted pursuant to Article 5.6. ~~_(Site Plan or Final Subdivision Plan)_~~, if car
13 washing and auto detailing is limited to hand washing/waxing.

14 (3) **IL district.** In the IL district, a car wash or auto detailing use shall be permitted
15 by right if limited to hand washing/waxing. ...
16

17 **27. Convenience store with gas sales** means an establishment, not exceeding four
18 thousand five hundred (4,500) square feet of gross floor area, serving a limited market
19 area and primarily engaged in the retail sale or rental, from the premises, of food,
20 beverages, and other frequently or recurrently needed items for household use, including
21 accessory gasoline sales. A convenience store with gas sales use shall comply with the
22 following supplementary use standards.
23

24 **a. ~~Location Approval criteria.~~** A convenience store with gas sales use shall be
25 subject to the automotive service station location approval criteria of Sec.
26 6.4.D.15.(a).
27

28 **b. Location.**

29 (1) A maximum of two (2) convenience stores with gas sales or automotive service
30 stations shall be permitted within one thousand (1,000) feet of any intersection,
31 measured from the intersection of the centerline of each street.

32 (2) A convenience store with gas sales shall not be located within one thousand
33 (1,000) feet of an existing or approved convenience store with gas sales or
34 automotive service station, measured by drawing a straight line between the
35 nearest point on the perimeter of the exterior wall of the proposed convenience
36 store with gas sales to the nearest point on the existing or approved
37 convenience store with gas sales or automotive service station. A convenience
38 store with gas sales within one thousand (1,000) feet of an intersection in
39 accordance with the locational criteria in 6.4.D.27.b(1) shall be exempt from this
40 requirement.

41 (3) **Urban/Suburban Tier.** A convenience store with gas sales in the Commercial
42 Low (CL) Future Land Use designation shall comply with (5) application of the
43 Major Intersection Criteria as defined in Sec. 7.8.C., unless located within a
44 planned development. (6.4.D.27.a.(5))

45 (4) **Rural, Exurban, Glades and Agricultural Reserve Tiers.** A convenience
46 store with gas sales shall be located at the intersection of one collector and
47 arterial street, or two arterial streets, as listed in the Florida Department of
48 Transportation Palm Beach County Federal Functional Classification Table.

49 (5) **Existing Convenience Store with Gas Sales.** The locational criteria
50 contained in Sec. 6.4.D.15.b above shall not affect a convenience store with
51 gas sales that is a conforming use as of the effective date of this ordinance.

...

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1
2 **97. Vehicle sales and rental** means an establishment, as defined by the Department of
3 Motor Vehicles, engaged in the retail or wholesale sale or rental, from the premises, of
4 motorized vehicles or equipment or mobile homes, along with incidental service or
5 maintenance. Typical uses include new and used automobile sales, indoor vehicle
6 showroom, automobile rental, boat sales, boat rental, mobile home, manufactured housing
7 and recreational vehicle sales, construction equipment rental yards, moving trailer rental,
8 and farm equipment and machinery sales and rental.
9

10 **a. District limitations and use criteria.**

11 **(1) CC, CG, ~~and~~ IL districts.**

12 **(a) Truck and trailer rental.** Truck and trailer rental limited to a maximum of
13 five (5) vehicles per lot shall be permitted as an accessory use to an auto
14 service station subject to DRC approval. Truck and trailer rental exceeding
15 five (5) vehicles per lot shall be permitted subject to Class B Conditional
16 Use approval. Designated storage spaces for each truck or trailer shall be
17 depicted on the approved site plan. All storage spaces shall be setback a
18 minimum of one hundred (100) feet from the front and side street (corner)
19 property lines. No truck or trailer shall be stored or temporarily parked in a
20 required parking space, handicapped parking space, driveway, queuing
21 area, fire lane, or other vehicular circulation area. ...

22 **(2) MUPD and CG District districts. ...**

23 **(3) IL and IG Districts districts.** In the IL and IG districts, vehicle sales and rental
24 uses shall be limited to the following:

25 **(a) Vehicle sale and rental, accessory.** In the IL and IG districts, limited
26 vehicle sales and rental may be permitted as an accessory use to general
27 repair and maintenance facilities subject to DRC approval. The vehicle
28 sales and rental use shall be limited to a maximum of five (5) vehicles per
29 lot. Designated storage spaces for each sale or rental vehicle shall be
30 depicted on the approved site plan. All storage spaces shall be setback
31 a minimum of one hundred (100) feet from the front and side street
32 (corner) property lines. No vehicle shall be stored or temporarily parked
33 in a required parking space, handicapped parking space, driveway,
34 queuing area, fire lane, or other vehicular circulation area. ...

35 **(b) Automobile rental.** Automobile rental shall be permitted subject to as a
36 Class A Conditional use approval.

37 **(c) Mobile home, RV, and heavy equipment sales or rental.** The sale or
38 rental of mobile or manufactured homes, recreational vehicles or heavy
39 equipment shall be permitted subject to Class B Conditional use approval.

40 **(d) Rental equipment.** Construction equipment, moving trailer, farm
41 equipment, and machinery sales and rental uses shall require DRC
42 approval.

43 **c. Additional development standards.**

44 **(1) Minimum lot size.** The minimum lot area for vehicle sales and rental is three
45 (3) acres, except as provided below:

46 **(a) IL district.** The minimum lot size shall be one (1) acre.

47 **(2) Accessory repairs and parts sales. ...**

48 **(3) Sales office. ...**

49 **(4) Car wash.. ...**

50 **(5) Loudspeakers. ...**

51 **(6) Fencing and screening. ...**

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(7) Unloading space. ...

(8) **Parking.** Unless otherwise provided for in this section, all vehicular use areas and specialized vehicular use areas for display, sale, rent, or storage purposes shall comply with the standards set forth in Sec. 7.2, {Off-street Parking and Loading}, and Sec. 7.7, {Driveways and Access}.

(a) **Display.** Motor vehicle display, sales, rental and storage shall be permitted subject to the following requirements:

(i) **Storage.** Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required, but in all other respects, outdoor sales and display parking shall conform to the provisions of Sec. 7.2, {Off-street Parking Regulations}. Parking for vehicle storage, sales or display may not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.

(ii) **Display.** If a specialized vehicular use area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Zoning Director.

(iii) **Vehicles.** No vehicle shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated.

(b) **Customer parking.** Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space. ...

PART 2

SUBPART 2.1, Section 3.2, Definitions, is amended to add and delete language as follows:

Gathering means the bringing together of a group of people for social, civic or other casual, public assembly.

Park, beach means facilities that front the Atlantic Ocean or its inlets and provide public beach access. Recreational facilities include those necessary to support beach access, swimming, surfing, fishing and snorkeling as well as play areas, picnic areas, and adequate parking areas to serve those utilizing the facility.

~~Park, community~~ Community Park means those facilities generally more than five (5) but less than ~~to sixty (60) forty (40)~~ acres in size that in ~~Palm Beach County~~ provide active, and to a lesser degree passive, recreational facilities to population bases under 25,000 persons areas within three (3) miles or less of the facility. Recreational facilities include play areas, small groups of lighted fields or courts suitable for programmed youth activities, community centers, and adequate bicycle and automobile parking areas and pedestrian paths to serve the facility.

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Park, countywide level means those large scale recreational facilities for which Countywide Park Impact Fees are assessed on new residential development and that include a system of public parks generally classified as Regional, District or Beach, and that are designed to meet the general active and passive recreational needs of the countywide populace.

Park, district ~~District park means those Palm Beach County~~ facilities generally ~~between sixty (60) and two hundred fifty (250)~~ greater than forty (40) acres in size and that primarily provide active recreational facilities, and to a lesser degree some passive recreational facilities, to population areas within five (5) miles or less of the facility if within the Urban Service Area, or within ten (10) miles or less of the facility if outside the Urban Service Area; ~~where possible.~~ Recreational facilities typically include groups of lighted fields or courts suitable for scheduled athletic league activities, exercise trails and adequate support facilities such as restrooms and concessions with bicycle and automobile parking areas and pedestrian path systems to accommodate those using the park users. Special facilities, such as recreation centers, ~~competition pools~~ aquatic centers, golf courses, and boat ramps and docks, may also be included.

Park, local level means those relatively small scale recreational facilities that include both public parks generally classified as community, neighborhood or infill neighborhood and required private recreation areas that are designed to meet the recreational needs for specific population areas, or for planned developments.

~~**Park, neighborhood means**, for the purpose of Sec. 6.8.C an open space area providing passive and active recreation and usable open green space within walking distance of housing.~~

Park, Neighborhood neighborhood park means the smallest class park that is facilities generally less than ~~ten (10)~~ five (5) acres in size, and usually less than ~~five (5)~~ acres. Neighborhood parks include passive and active Recreational recreational facilities, are generally few in number due to size ~~restraints~~ constraints and are developed according to the demands and character of the specific neighborhoods that they serve. In addition to the above mentioned characteristics, for the purposes of Sec. 6.8.C., Traditional Neighborhood Development, Sec. 6.8.D., Mixed Use Planned Development, and Sec. 6.8.E., Multiple Use Planned Development, neighborhood parks shall consist of usable open space within walking distance of housing.

Park, neighborhood infill means facilities usually less than two and one half (2½) acres located in the Revitalization and Redevelopment Overlay. Infill neighborhood parks include passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.

Park, regional ~~Regional park means the largest class park in Palm Beach County. It~~ facilities generally ~~exceeds more than two hundred and fifty (250)~~ (200) acres in size, and that also provides access to a substantial natural or manmade resource base. Regional parks primarily provide passive recreational facilities and to a lesser degree active recreational facilities where no adverse impact on the resource base results. Recreational facilities in regional parks are primarily passive or resource based in ~~nature~~ with picnicking, camping, hiking, fishing, and boating as the main activities. Special facilities such as museums, nature centers, special event areas, golf courses, or water skiing facilities may also be included, as well as some of those active facilities often found in district parks.

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Square means, ~~for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District);~~ an outdoor civic tract located within a neighborhood to provide community services and usable open green space.

Usable open green space means, ~~for the purpose of Sec. 6.8.C (Traditional Neighborhood Development District);~~ an pervious, vegetated areas in edge areas, area such as a parks and squares, park, square, plaza or courtyard, accessible to the public and. ~~This open space can be used for passive or active recreation or gatherings. However, credit~~ Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings.

SUBPART 2.2, Section 6.1.C, Overlay Districts Established, is hereby amended to add and delete language as follows:

C. Overlay districts established. In order to carry out and implement the Comprehensive Plan, the following ten (10) overlay districts are hereby established.

1. NE-O, Native Ecosystem Overlay;
2. WCRA-O, Westgate/Belvedere Home Overlay;
3. R&T-O, Research and Technology Overlay;
4. GA-O, Glades Area Economic Development Overlay;
5. PBIA-O, Palm Beach International Airport Overlay;
6. IOZ, Indiantown Road Overlay;
7. COZ, Conditional Overlay Zone;
8. TAP-O, Turnpike Aquifer Protection Overlay ;
9. SCGCF-O, Sugar Cane Growers Cooperative of Florida Overlay; ~~and;~~
10. LWRCC-O, Lake Worth Road Commercial Corridor Overlay; and,
11. LOST-O, Lake Okeechobee Scenic Trail Overlay.

SUBPART 2.3, Section 6.2, District purposes and uses, is hereby amended to add and delete language as follows:

The ~~forty-one (40)~~ (41) districts established to implement the Comprehensive Plan have the following purposes and permit the following uses.

A. Conservation district ...

B. Agricultural districts ...

C. Rural residential districts ...

D. Urban residential districts ...

E. Commercial districts ...

F. Industrial districts ...

G. Public and Institutional Districts (IPF) ...

H. Overlay districts and Special Zones. ...

1. NE-O, Native Ecosystem Overlay District ...
2. WCRA-O, Westgate/Belvedere Homes Overlay District ...
3. R&T-O, Research and Technology Overlay District ...
4. GA-O, Glades Area Economic Development Overlay District ...
5. PBIA-O, Palm Beach International Airport Overlay District ...

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6. IOZ, Indiantown Road Overlay District ...
7. COZ, Conditional Overlay District ...
8. AZO, Airport zoning ...
9. CCSO, Community Commercial Service Overlay ...
10. LOST-O, Lake Okeechobee Scenic Trail Overlay. The purpose and intent of the LOST-O district is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOST-O district is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries.

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SUBPART 2.4, Table 6.4-1, Use Regulations Schedule, is hereby amended to add and delete language as follows:

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District/Overlay																						NOTE		
	Agriculture/Conservation					Residential								Commercial					Industrial/Public						
	P C	AGR	A	S	R	AR R U S A L	C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C L O	C C O	C H O	C G E	I L	I G	P O		I P F	
		A G R	C C S O	P A	S E R																				
Commercial/Industrial																									
Adult entertainment																		S		S	S			2	
Air stripper remedial																P	P	P	P	P	P	P			8.1
Auction, enclosed		P	P		A													B	D						13
Auction, outdoor		P	P		A														A		B				13
Automotive paint or body shop																			A		P	P			14
Automotive service station			A															A	A		B	D			15
Bed and Breakfast		D	D	S	S	S	S	S	S	S	S	S	S	S	S										16
Broadcasting studio																		B	D	D	P				
Building supplies			P		B											B			B		D	P			
Car wash and auto detailing			B															A	B		D				18
Catering Service				D												P	P	P	P	P	P	P			18.1
Contractor's storage yard					D																D	P			25
Convenience store			P													A		A	B						26
Convenience store with gas sales			A															A	A		B	D			27
Day labor employment service			D																A		D	P			29
Dispatching office																			B		P	P			30
Dog day-care																			A		P				30.1
Freestanding Kiosk					P												P	P	P	P	P	P			41.1
Financial institution			P													D	D	B	B	B					38
Flea market, enclosed																			B						40
Flea market, open																			A		B				41
Fruit and vegetable market		P	P		P	P	A									P		P	P						42
Funeral home or crematory																A		A	A		D				43

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Use Type	Zoning District/Overlay																				NOTE																			
	Agriculture/Conservation					Residential								Commercial					Industrial/Public																					
	P	C	AGR	A	S	R	AR	C	R	R	R	R	R	R	M	H	C	C	C	C		C	I	I	P	I														
																											P	A	R	S	E	T	T	S	U	N	L	G	O	F
C	AG	CC	SO	ER	RU	SA	RS	ES	TS	US	MS	HS	NC	LO	CH	CO	CR	EL	IG	OP	PF																			
Commercial Uses																																								
Gas and fuel, wholesale																							B	D	P															
Green market		P	P																							46.1														
Hotel, motel, SRO, Boarding & Rooming House															A				B	B	D					52														
Landscape maintenance service		D			A	B	A												B			P	P			55														
Laundry services			P														B	D	D	P	P					56														
Lounge, cocktail			D														A		A	A	P					57														
Medical office or dental clinic		P	P	B	A												A	A	B	D	D				D	60														
Medical or dental laboratory																			B	P		P																		
Monument sales, retail																				P		P																		
Office, business or professional			P	S													P	P	P	P	P		P	P		68														
Parking garage, commercial																				A		P				71														
Parking lot, commercial																			B	B	D	P	P	P		71														
Pawnshop																				A						71.1														
Personal services			P														P	P	P	P	P					72														
Printing and copying services			P														P	P	P	P	P		P																	
Real estate sales model																										73.1														
Repair and maintenance, general																			A	A		P	P			77														
Repair services, limited			P			B											P	P	P	P	P		P	P		78														
Restaurant, high turnover sit-down																			A	D	A	D		D		79.1														
Restaurant, fast food																				A	A	A		A		79														
Restaurant, quality			P														D	B	P	B	P	P	P	P		80														
Restaurant, specialty			P	S													P	D	P	P	P	P				81														
Retail sales, general			P	S													P		P	P						82														

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Use Type	Zoning District/Overlay																			NOTE			
	Agriculture/Conservation					Residential								Commercial					Industrial/Public				
	P C	AGR	A	S	R	AR	C	R	R	R	R	R	R	C	C	C	C	I	I		P	I	
		GR	CS	SO	ER																		RS
Commercial uses																							
Retail sales, mobile or temporary		S	S		S										S		S		S		S	83	
Self-service storage															A		A		D	D		87	
Theater, drive-in																	A	P				94	
Towing service and storage																			P	P			
Vehicle inspection center															A		B		P		P		
Vehicle sales and rental															A		A		A			97	
Veterinary clinic		D	D	P	B		B	B	B						A	A	P	B	P			98	
Vocational school																B	P	P		P	P	A	99
Wholesaling, general																			P	P		102	

Use Type	Zoning District/Overlay																			Notes					
	Agriculture/Conservation				Residential								Commercial					Industrial/Public							
	P C	AGR	AS	RS	AR	CR	RE	RT	RTS	RTU	RS	RM	RH	CN	CLO	CC	CHO	CG	CRE		IL	IG	IPO	IPF	
		AGR	CSO	ASER																					RURAL
Recreational uses																									
Amusements, temporary or Special events			S		S	S									S		S		S			S		10	
Arena, auditorium or stadium																A		A	A			D	A		11
Campground	D				D														D			P			17
Camping cabin					S																				17.1
Entertainment, Indoor			D												A		A		B	D	D				32
Entertainment, outdoor			D			A											A		A	D	D				33
Fitness center			P												B		D	P	P	P	P				39
Golf course								A	A	A	A	A	A	A			A		B	D	D		B		45
Gun club, enclosed					A	D												B	P		D	P	D		48

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- e. **Floor area.** A camping cabin shall not exceed ~~six~~ eight hundred ~~(600)~~ (800) square feet of gross floor area.
- f. **Additional floor area.** Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed four hundred (400) square feet.
- g. **Amenities.** A camping cabin may contain electrical outlets, heating, air conditioning units, fans, cooking facilities and plumbing.
- h. **Limitations.** A maximum of thirty (30) percent of the total approved lots may be converted to cabin use.
- i. **Maximum percentage of camping cabin lots.** At no time shall the number of camping cabins exceed forty-nine (49) percent of the developed lots.
- j. **AP district.** Within the LOST-O, a camping cabin shall be allowed as a principal use or an accessory use to a single family dwelling. A camping cabin shall be allowed as a special use after compliance with the special use standards and shall comply with the following:
- (1) Number. A maximum of four (4) camping cabins shall be permitted per acre.
- (2) Setbacks. Camping cabins shall be setback a minimum of twenty-five (25) feet from all property lines.
- (3) Occupants. Only users of the Lake Okeechobee Scenic Trail such as hikers, bikers and other tourists shall be allowed to occupy camping cabins.

18.1 Catering service means an establishment where food and beverages are provided for consumption off the premises. Catering services may also provide personnel, serving equipment, and decorations.

- a. **Accessory use.** Catering may be permitted as an accessory use to a quality or speciality restaurant. The use of more than three (3) delivery vehicles shall require DRC approval.
- b. **AP district.** Within the LOST-O, catering shall be allowed as an accessory use to a speciality restaurant. Catering shall be allowed as a special use after compliance with the special use standards. The use of more than three (3) delivery vehicles shall require DRC approval.

68. Office, business or professional means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include property and financial management firms, employment agencies, travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations. A business or professional office use shall be subject to the following supplementary use standards.

- a. **CN and CCSO districts.** ...
- b. **CLO district.** ...
- c. **CC district.** ...
- d. **IL and IG districts.** ...
- e. **Accessory uses.** ...
- f. **AP district.** Within the LOST-O, an office shall be permitted as a special use after compliance with the special use standards. An office shall be allowed for the sole purpose of arranging nature or heritage based activities such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area. An office shall be limited to a maximum of one thousand five hundred (1,500) square feet of total floor area.

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1 **81. Restaurant, specialty** means an establishment where a limited variety of food and
2 beverages may be prepared and consumed on the site. Traffic generation rates are
3 normally below one hundred (100) trips per day, per one thousand (1,000) square feet of
4 gross floor area or as otherwise identified by the Institute of Traffic and Engineering.

5
6 a. CN and CHO districts. ...

7 b. CLO district. ...

8 c. CC district. ...

9 d. MUPD district ...

10 e. Outdoor dining areas. ...

11 f. AP district. Within the LOST-O, a specialty restaurant shall be allowed as a special
12 use after compliance with the special use standards. A specialty restaurant shall be
13 limited to a maximum of two thousand five hundred (2,500) square feet of total floor
14 area.

15
16 **82. Retail sales, general** means an establishment providing general retail sales or rental of
17 goods, but excluding those uses specifically classified in another use type. Uses include
18 typical retail stores such as but not limited to clothing stores, auto parts stores, bookstores,
19 business machine sales, food stores (excluding convenience stores), window tinting, and
20 marine supply sales (excluding boat sales). Uses shall also include the sale of bulky
21 goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts.
22 Retail establishment may rent and perform incidental repair to their products. For impacts
23 fee purposes, general retail will also include services such as entertainment, eating and
24 drinking establishments, and personal services. A general retail sales use shall comply
25 with the following supplementary use standards.

26
27 a. district. ...

28 b. Auto parts stores. ...

29 c. AP district. Within the LOST-O, a retail use shall be permitted as a special use after
30 compliance with the special use standards. Retail uses shall be limited to specialty
31 shops selling merchandise such as hand-crafted items, nature books, prepackaged
32 meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking
33 supplies such as backpacks and walking sticks, and outfitters renting equipment for
34 recreational use including bicycles, skates, canoes, and kayaks. Retail uses shall be
35 limited to a maximum of two thousand five hundred (2,500) square feet of total floor
36 area.

37
38 **90. Stable, commercial** means a commercial establishment for boarding, breeding, training
39 or raising of horses not necessarily owned by the owners or operators of the
40 establishment, rental horses for riding, or other equestrian activities, excluding uses
41 classified as an equestrian arena. A commercial stable use may be operated in
42 conjunction with a residence and shall comply with the Animal Care and Control
43 Regulations pursuant to Ord. 89-2, as amended, as well as the following supplementary
44 use standards:

45
46 a. Limitations of use. ...

47 b. Minimum lot size. ...

48 c. Frontage. ...

49 d. Setbacks. ...

50 e. AP district. Within the LOST-O, a commercial stable for twenty (20) or fewer stalls
51 shall be allowed as a special use after compliance with the special use standards.
52

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SUBPART 2.6, Section 6.5, Property Development Regulations, is hereby amended to add and delete language as follows:

TABLE 6.5-1
PROPERTY DEVELOPMENT REGULATIONS SCHEDULE ²

Zoning District	Min. Lot Dimensions			Density		Max FAR	Max. Bldg. Cover	Min. Bldg Setbacks (ft.) ⁴			
	Size	Width	Depth	Min.	Max.			Front ³	Side	Street	Rear
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AGR	5 ac.	300	300	-	.2	.10	10%	100	50	80	100
AGR-CCSO	1 ac.	330	100	-	-	.35	25%	30	30	30	30
AP	10 ac.	300	300	-	-	.10	10%	100	50	80	100
SA	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RSER	10 ac.	300	300 ⁷	-	-	.15	15%	25	50	25	50
CRS	10 ac.	300	300	-	-	.15	10%	100	50	80	100
RE	2.5 ac.	180	200	0.0	0.4		20%	50	40	50	50
RT	20,000	100	125	4.0	1.5		25%	25	15	25	25
RTS	14,000	100	125	4.0	2.0		25%	25	15	25	25
RTU	8,000	85	90	3.0	4.0		35%	25	10.5	10.5	20
RS	6,000	65	75	3.0	5.0		40%	25	7.5	15	15
RM	¹	65	75	5.0	6.0		35%	25	15	25	12
RH	¹	65	75	5.0	8.0		35%	25	15	25	12
CN	1 ac.	100	100	-	-	.35	25%	30	30	30	30
CLO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CC	1 ac.	100	200	-	-	.35	25%	30	30	30	30
CHO	1 ac.	100	200	-	-	.35	25%	40	15	25	20
CG	1 ac.	100	200	-	-	.35	25%	50	15	25	20
CRE	3 ac.	200	300	-	-	.50	25%	80	50	80	50
IL	1 ac.	100	200	-	-	.45	45%	40	15	25	20
IG	2 ac.	200	200	-	-	.45	45%	45	20	45	20
IPF	1 ac.	100	200	-	-	.35	25%	50	15	25	20

NOTES for Table 6.5-1:

- 1 Lot sizes for the RM and RH districts are governed by the density indicated by the Comprehensive Plan, and compliance with property development regulations and design standards including, but not limited to: building setbacks, parking requirements, landscaping requirements, and building coverages. Consistency with the Comprehensive Plan dictates that proposed site plans and subdivisions are governed by the permitted density of the applicable land use category; a lot size which achieves this consistency, and complies with all relevant property development regulations and design standards, is therefore, an acceptable minimum lot size.
- 2 All principal buildings and uses require address signs pursuant to Sec. 7.14.D of this Code and the Palm Beach County Building Security Code.
- 3 Certain nonconforming lots may use the setback provisions in Sec. 1.9.1 (Nonconforming Lots).
- 4 Residential side interior and rear setbacks abutting open space may be reduced by twenty five (25) percent. See Sec. 6.5.G.6.

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5 The minimum allowable density may be less if a project is granted a minimum density exemption pursuant to the applicable provisions in the Comprehensive Plan.

6 The maximum allowable density may be greater if the project is granted the ability to develop above the standard densities pursuant to the applicable provisions in the Comprehensive Plan.

7 Maximum lot depth in the RSER District is 800'.

SUBPART 2.7, Section 6.7, Overlay District Regulations , is hereby amended to add and delete language as follows:

- A. NE-O, Native Ecosystem Overlay District ...
- B. WCRA-O, Westgate/Belvedere Homes Overlay District ...
- C. R&T-O, Research and Technology Overlay District ...
- D. GA-O, Glades Area Economic Development Overlay District ...
- E. PBIA-O Palm Beach International Airport Overlay District ...
- F. IOZ, Indiantown Road Overlay District ...
- G. COZ, Conditional Overlay Zone District ...
- H. TAP-O, Turnpike Aquifer Protection Overlay District ...
- I. SCGCF-O, Sugar Cane Growers Cooperative of Florida Overlay ...
- J. LWRCC-O, Lake Worth Road Commercial Corridor Overlay. ...
- K. LOST-O, Lake Okeechobee Scenic Trail Overlay.

1. **Purpose and intent.** The purpose and intent of the LOST-O district is to encourage nature and heritage based tourist related uses, such as lodging, restaurants, and trail outfitters, around the Herbert Hoover Dike to facilitate development of the Lake Okeechobee Scenic Trail. The LOST-O district is also intended to provide flexibility in the range of uses and land development regulations allowed in the underlying districts within its boundaries.
2. **Applicability.** The provisions of the LOST-O district shall apply to all development within the boundaries of the LOST-O district.
3. **Boundaries.** The LOST-O includes the area located between the Herbert Hoover Dike and 250 feet South of U.S. 27, or between the Herbert Hoover Dike and 250 feet East of Conners Highway.
4. **Use regulations.** Uses permitted as of right in the underlying district are permitted as of right in the LOST-O. In addition, the following uses shall be allowed subject to Sec. 6.4.D, Supplementary Use Standards:

Bed & breakfast
Camping cabin
Catering service
Offices, business or professional
Restaurant, specialty
Retail sales, general
Stable, commercial

(This section intentionally left blank.)

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SUBPART 2.8, Section 6.8.A, Planned Development District Regulations - General, is hereby amended to add and delete language as follows:

A. General

1. Purpose and intent. ...
2. Applicability. ...
3. Residential density and Comprehensive Plan land use categories. ...
4. Regulating Plan. ...
5. Determination of sufficiency. ...
6. Review and certification by DRC. ...
7. Public hearings. ...
8. Action by Development Review Committee (DRC). ...
9. Effect of Preliminary Development Plan DRC Certification. ...
10. Classification of Official Zoning Map. ...
11. Effect of development order for a Planned Development District. ...
12. Amendment to Preliminary Development Plan. ...
13. Phasing controls and platting. ...
14. Unified control. ...
15. Use regulations. ...
16. Design objectives. ...
17. Action by BCC. ...
18. *Reserved*
19. Parking requirements and access. ...
20. Usable Open Space. ...

- a. Areas counted towards usable open space requirements shall be a minimum of one thousand five hundred (1,500) square feet in area.
- b. Usable open space shall be provided as a plaza, square, courtyard, or other area approved by the BCC as part of a comprehensive plan amendment or rezoning.

SUBPART 2.9, Section 6.8.C, Traditional Neighborhood Development District, is hereby amended to add and delete language as follows:

C. Traditional Neighborhood Development District

1. Purpose and intent. ...
2. Previous approvals. ...
3. Application. ...
 - a. preliminary Development Plan. ...
 - (1) Minimum development thresholds. ...
 - (2) Contiguous land. ...
 - (3) Density. ...
 - (4) Land use mix. The TND allows flexibility in establishing the proper mix of uses. Percentages of general land use zones may vary for each TND depending upon the findings of Sec. 6.8.C.3.c., Land use justification report.
- (a) **Design intent.** A TND shall meet the following land use requirements as provided in Table 6.8-7, TND Mix of Land Uses, including:
 - (i) being predominantly residential;
 - (ii) providing ~~useable~~ usable open ~~green~~ space for recreation and circulation; and, ...

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TABLE 6.8-7
TND MIX OF LAND USES

General Land Use Zones	Minimum	Maximum	Per Capita
TND District			
1. Useable <u>Usable</u> Open Green Space	5%	-	-
2. Recreation			
a. Edge areas	100' wide	-	-
b. Recreation	see per capita requirement and Sec. 6.8-C.6.b.	-	110 sf area/person
Neighborhood Proper			
1. Residential Land Use Zones	51%	-	-
2. Civic (Private)	2%	-	-
3. Low Density Residential (LDR) (0 - 4 du\ac.)	10%	55%	-
4. Medium Density Residential (MDR) (4.1 - 8 du\ac.)	20%	25%	-
5. High Density (optional) Residential (HDR) (8.1 - 18 du\ac.)	-	20%	-
6. Shopfront Commercial	4%	15%	-
a. Retail Uses	-	see per capita	2.5-20 SF Bldg/Person
b. Other Commercial Uses	-	-	-
7. Workplace	2%	20%	-

Notes for Table 6.8-7:

- Neighborhood parks, neighborhood squares and recreation areas which meet the definition of ~~useable~~ usable open ~~green~~ space shall count toward satisfying the minimum ~~useable~~ usable open ~~green~~ space requirement. ~~A minimum of two (2%) percent of recreation\useable open green space~~

...

b. Regulating plan. ...

- c. Land use justification report.** A land use justification report shall be provided to justify and explain the mix of land uses proposed and describe the methods used

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to calculate the percentage of each land use zone. The justification report shall address the following.

(1) **Land use.** The amount of land uses proposed, residential and nonresidential, the amount of affordable housing provided, and the effect on land use imbalances in the sector planning area, including:

(a) **Housing costs.** Imbalances between employment and housing, including the affordability of housing (housing costs matching job holders ability to pay costs based on salary potentials);

(b) **Housing availability.** Existing imbalances in the amount of affordable housing for the surrounding sector; and,

(c) **Open space and recreation.** Existing imbalances in the amount of ~~useable~~ usable open ~~green~~ space and recreation. ...

d. **Social activity and recreation areas.** The TND shall designate areas for social activity and active and passive recreation by providing neighborhood squares, neighborhood parks and recreation areas. These activity and recreation areas shall be linked by pedestrian paths or sidewalks, bicycle paths or lanes or ~~useable~~ usable open ~~green~~ space to encourage pedestrian access and non-vehicular circulation;.

SUBPART 2.10, Section 6.8.D, Mixed Use Planned Development District, is hereby amended to add and delete language as follows:

D. Mixed Use Planned Development District.

1. **Purpose and intent.** ...

2. **Applicability.** ...

3. **Application.** ...

a. **Preliminary Development Plan.** ...

(1) **Development thresholds.** ...

(2) **Contiguous land.** ...

(3) **Density.** ...

(4) **Pods.** ...

(a) **Design intent.** The design of the MXPDP shall comply with the requirements of Sec. ~~6.8.A.23~~ 6.8.A.16, (~~Planned Developments General-Design Objectives~~), in addition to the following design criteria:

(i) **Land use integration.** The design of a mixed-use pod shall ~~zone~~ provide for the vertical or horizontal integration of residential and commercial uses. At a minimum, Vertical and vertical or Horizontal horizontal integration of land uses shall include ~~at a minimum between land uses shall include~~ streetscape elements (trees, shrubs, benches, etc.) and usable open ~~green~~ spaces within a continuous non-vehicular circulation system to provide a transition area between commercial and residential land uses and to encourage non-vehicular circulation. ...

(5) **Perimeter landscape areas.** ...

(6) **Design criteria.** ...

(a) **Pedestrian orientation and scale.** MXPDPs shall be pedestrian oriented, physically recognizable and developed at a human scale:

(i) **MXPDP design.** A MXPDP shall be designed to allow residents to walk to commercial and recreational land uses within 1,320 feet or less. This requirement shall be met by one hundred (100%) percent of the dwelling units; and,

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(ii) **Connections.** All land uses within a MXPDP shall be connected by a continuous non-vehicular circulation system. This system shall be designed with streetscape elements and open ~~green~~ spaces to create shade from the sun, visual amenities, and a pedestrian oriented environment; and, ...

b. **Regulating plan.** ...

c. **Land use justification report.** ...

(1) **Commercial pod.** ...

(2) **Recreation areas.** A MXPDP shall be designed with areas designated for ~~useable~~ usable open ~~green~~ space and recreation based on the residential population of the MXPDP. ...

SUBPART 2.11 , Section 6.8.E, Multiple Use Planned Development District, is hereby amended to add and delete language as follows:

E. Multiple Use Planned Development District.

1. **Purpose and intent.** ...

2. **Applicability.** ...

3. **Previous approvals.** ...

4. **Application.** ...

a. **Preliminary Development Plan.** ...

(1) **Minimum development thresholds.** ...

(2) **Contiguous land.** ...

(3) **Land Use Atlas.** ...

(4) **Design intent.** The design of the MUPD shall comply with the requirements of Sec. 6.8.A.16, Design Objectives, in addition to the following design criteria:

(a) **Non-vehicular circulation system.** A continuous circulation system for pedestrians and bicycles shall connect all of the land uses within a MUPD to encourage non-vehicular circulation; and, at a minimum, shall include streetscape elements (trees, shrubs, benches, etc.) and usable open spaces.

SUBPART 2.12 , Section 6.8.H, Recreational Vehicle Park Planned Development District, is hereby amended to add and delete language as follows:

H. Recreational Vehicle Park Planned Development District.

1. **Purpose and intent.** ...

2. **Applicability.** ...

3. **Previous approvals.** ...

4. **Application.** ...

a. **Preliminary Development Plan.** ...

b. **Regulating plan.** ...

c. **Land use justification report.** A land use justification report shall be provided to justify and explain the amount of recreational uses proposed for the RVPD.

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(1) **Recreation areas.** RVPDs shall designate areas for recreation by providing parks, ~~useable~~ usable open ~~green~~ space or recreation areas. These areas shall be connected by pedestrian paths or sidewalks, or bicycle paths or lanes to encourage pedestrian access and other non-vehicular circulation.

PART 3

SUBPART 3.1, Section 4.3, Zoning Commission, is hereby amended to add and delete language as follows:

- A. Establishment. ...
- B. Powers and duties. ...
- C. Commission membership. ...
- D. Officers, quorum; rules of procedure. ...
 - 1. Chairman and vice-chairman. ...
 - 2. Secretary. ...
 - 3. Staff. ...
 - 4. County attorney. ...
 - 5. **Quorum and voting.** The presence of a majority of the members of the Zoning Commissioners shall constitute a quorum of the Zoning Commissioner necessary to take action and transact business. In addition, a simple majority shall be necessary in order to forward a formal recommendation of approval, approval with conditions, denial, or other recommendation to the Board of County Commissioners. A simple majority shall be necessary for the Zoning Commission to make a final decision approving an application for a development permit. In the event the ZC fails to make a final decision due to of a tie vote, ~~the proposed motion shall be considered to have failed~~ petition shall be continued to the next meeting. After a second tie, the proposed motion shall be considered to have failed. No member shall abstain from voting unless there is a conflict of interest pursuant to Sec. 4.3C.6 of this Code, or Sec. 112.01 et. seq. Fla. Stat. ...

SUBPART 3.2, Section 4.4, Development Review Committee, is hereby amended to add and delete language as follows:

- A. Establishment. ...
- B. Powers and duties. ...
- C. Committee Membership. ...
- D. Officers; quorum; rules of procedure. ...
 - 1. Chairman and vice-chairman. ...
 - 2. Secretary. ...
 - 3. Staff. ...
 - 4. County attorney. ...
 - 5. Quorum and certification. ...
 - 6. **Rules of procedures** Record of Meeting. Upon request, the Development Review Committee may provide, at cost, a tape of its hearing and proceedings, or portions of meetings and proceedings, as may be deemed necessary. ...

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SUBPART 3.3, Section 5.4, Conditional Uses , is hereby amended to add and delete language as follows:

A. Purpose. ...

B. Authority. ...

C. Standards applicable to all conditional uses. ...

D. Preapplication conference. ...

E. Procedure. ...

F. Class A conditional uses

G. Class B conditional uses. ...

1. Authorized Class B conditional use. ...

2. Public hearing before the Zoning Commission. ...

3. Conditions. ...

4. Non-Judicial Remedies. ...

a. **General.** The applicant, the Executive Director of PZB, the BCC member representing the district in which the use is to be located, and owners of land, homeowners' associations or cooperatives within three hundred (300) feet of the proposed Class B conditional use who have opposed it at a public hearing may appeal any decision of the Zoning Commission on an application for development permit for a Class B conditional use to the BCC, by filing an appeal petition with the Zoning Director within ten (10) working days of the decision.

b. **Procedure.** The BCC shall consider the appeal petition within forty-five (45) working days of its filing. The Zoning Director shall notify the petitioner, the applicant (if the petitioner is not the applicant), and any ~~affected person who appeared before the Zoning Commission of the appeal~~ within ten (10) working days of the hearing ~~and invite them to attend the hearing~~. At the hearing, the BCC shall provide the petitioner, the applicant (if the applicant is not the petitioner), and any ~~affected person who appeared before the Zoning Commission~~ and County staff an opportunity to present arguments and testimony. In making its decision, the BCC shall consider only the record before the Zoning Commission at the time of the decision and the correctness of the Findings of Fact or any specific condition of approval imposed by the Zoning Commission. ~~And the testimony of the petitioner, the applicant (if the petitioner is not the applicant), any affected person, and County staff.~~ The notice and hearing provisions for a Class A conditional use shall govern the appeal.

c. **Standards.** The BCC shall reverse the decision of the Zoning Commission only if there is substantial competent evidence in the record before the Zoning Commission that the decision failed to comply with the standards of Sec. 5.4.C.

SUBPART 3.4, Section 5.5, Special Permit Uses, is hereby amended to add and delete language as follows:

A. Purpose. ...

B. Authority. ...

C. Authorized special permit uses. ...

D. Initiation. ...

E. Procedure. ...

1. Submission of application. ...

2. Contents of application. ...

3. Determination of sufficiency. ...

4. Decision by Zoning Director. ...

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- 1 5. Standards. ...
2 6. Conditions. ...
3 7. Appeal of denial. ...
4 8. Special Permit fees. ...
5 9. Renewal of Special Permit. ...
6 10. Number of Special Permits. ...
7 11. Revocation of Special Permits. The Zoning Director may revoke a Special
8 Permit, at any time, upon a determination by the Zoning Director that the permittee
9 is in violation of any applicable provision of this Code or a condition of the Special
10 Permit.
11 a. Appeal. Appeal of the Zoning Director's revocation of a special permit may be
12 made pursuant to the standards in Sec. 5.5.E.7.
13 b. Special Permit. The special permit shall indicate that the Zoning Director may
14 revoke the Special Permit, at any time, pursuant to Sec. 5.5.E.11. above.
15

16 **SUBPART 3.5, Section 5.8, Compliance with Time Limitations and Conditions of**
17 **Approval, is hereby amended to add and delete language as follows:**
18

19 **A. General. ...**

20 **B. Applicability. ...**

21 **C. Procedures. ...**

22 **1. Suspension of development orders.**

- 23 a. Upon expiration of any time period established by this Code or for any failure to
24 comply with, or continued violation of a condition of development approval, except
25 for a condition imposed by the DRC or a condition for which a complete
26 administrative time extension application has been submitted, no new development
27 orders affecting the property shall be issued by PBC, and no action which might
28 tend to vest the development order shall be permitted, except as permitted by
29 subsection 5.8.C.1.e., until a final determination is made by the executive director,
30 or BCC or ~~Zoning Commission~~ ZC pursuant to subsections 5.8.C.2. and 5.8.C.4.
31 herein. This suspension of development rights shall not preclude the property owner
32 from filing a new petition for the subject property to amend or supersede an existing
33 development order, or the BCC or ~~Zoning Commission~~ ZC from approving this
34 petition. This suspension of development orders shall also apply to any failure to
35 comply with, or continued violation of, a condition of development approval, if a
36 status report public hearing is scheduled pursuant to subsection 5.8.C.4.
37 b. This suspension of development rights shall have the following effect on new
38 petitions and code enforcement actions:
39 (1) If the property owner files a new petition, no new development orders shall be
40 issued until the completion of the zoning process except the development order
41 which approves the petition.
42 (2) If the BCC or ZC directs staff to cite the property owner for violating the
43 provisions of the development order, no new development orders shall be
44 issued until the alleged violation has been ruled upon by the Code Enforcement
45 Board, and any enforcement action is completed, or penalty is satisfied. This
46 shall not, however, preclude compliance with the specific condition cited in the
47 status report after the BCC or ~~Zoning Commission~~ ZC has directed the Code
48 Enforcement Division to cite the property owner for noncompliance with that
49 condition.
50 c. Upon the expiration of any time period except for a time period to comply with a
51 condition of approval imposed by the DRC, or when a complete administrative time

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extension application 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, 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 subsection 5.8.C.1.e. 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:

- (1) A condition of development has been violated or a time certain activity has not proceeded as required;
- (2) A review of the project will be conducted pursuant to terms of this section;
- (3) 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,
- (4) 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.

d. If the BCC, ~~Zoning Commission~~ ZC, or the executive director approves further development pursuant to subsection 5.8.C.2. or 5.8.C.4., herein, a second document shall be filed with the clerk of the circuit court to be placed with the records governing title to the property indicating:

- (1) That the rights to develop have been restored; and,
- (2) 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.

This document shall only be recorded upon payment of all status report fees as established from time to time by the BCC, and upon payment of any outstanding liens or debts owed on the subject property to PBC. The status report fee may be waived if: (1) the property owner is a government agency; or (2) the property owner is prevented from complying by a government-caused delay or by litigation that would prevent action by the property owner to bring the approval into compliance.

(a) In the event litigation contesting the validity of lien or fine is initiated or pending prior to the time this payment is due, the document shall be recorded and payment of the lien or fine, if upheld by the court, shall be deferred until 35 days after Final Order. If the lien or fine is upheld by the court but the fine is not paid on or before the 35th day, a new notice of intent to withhold development permits shall be filed.

e. There will be no suspension of development rights if the only recommendation in the status report to the BCC or ~~Zoning Commission~~ ZC is to delete a condition of approval.

2. Administrative extension of time.

a. The owner of record, the current agent, or mortgagor demonstrating a secured interest in the property which is not being protected by the owner may file an application with the executive director of planning, zoning and building for an administrative extension of time. The application shall be made upon such forms and in such a manner, including payment of fees, as prescribed by the ~~Planning, Zoning and Building department~~ PZB.

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- 1 b. Upon the filing of an application for an administrative extension of time, the
2 executive director, or other person designated by this code, may grant an extension
3 of time to comply with a requirement. A time extension shall commence upon the
4 expiration of the date to comply with the time requirement, or the expiration of the
5 last extension, whichever is applicable.
6

7 The maximum duration of an administrative time extension is as follows:

8 **(1) Development order.** Table 5.8-1 provides the maximum length of each
9 administrative time extension for each development order governed by this
10 Code except when there is a government caused delay. When such a delay is
11 documented, the executive director shall grant such extensions as necessary
12 to offset government caused delays, not necessarily equal to the time of the
13 delay, and each extension shall be based only on a delay that has already
14 occurred. It is the responsibility of the property owner to notify staff in writing of
15 the delay, and document the cause of the delay, however, no application or fee
16 will be required.

17 **(2) Conditions of approval not requiring the posting of performance**
18 **security pursuant to subsection 15.(I).E.5.** Twelve (12) months shall be the
19 maximum. Subsequent applications may be filed, however, the total
20 administrative extensions approved shall not exceed twenty-four (24) months
21 except when government-caused delays can be documented as the reason for
22 failure to meet required deadlines. The executive director shall grant such
23 extensions as necessary to offset government-caused delays, not necessarily
24 equal to the time of delay, and each extension shall be based only on a delay
25 that has already occurred. It is the responsibility of the property owner to notify
26 staff in writing of the delay, and document the cause of the delay, however, no
27 application or fee will be required. If the BCC has previously approved a time
28 extension, any administrative extensions of time shall not extend more than
29 twenty-four (24) months from the original date for compliance except when there
30 have been government-caused delays.

31 **(3) Conditions of approval requiring the posting of Performance Security**
32 **pursuant to subsection 15.(I).E.5.** A one-time administrative time extension
33 not to exceed six months shall be the maximum.
34

- 35 c. In reviewing applications for administrative time extensions for requirements other
36 than conditions of approval, the executive director shall approve a time extension
37 provided there are no current Code violations or outstanding liens or fines and the
38 development order:

39 **(1)** is consistent with the ~~PBC Comprehensive Plan~~;

40 **(2)** is consistent with the ~~Unified Land Development Code-ULDC~~; and

41 **(3)** complies with the Countywide Traffic Performance Standards.
42

- 43 d. In reviewing applications for administrative time extensions for compliance with
44 conditions of approval, the executive director shall consider the following:

45 **(1)** Attempts by the applicant to complete the unfulfilled condition;

46 **(2)** The reliance by other parties on the timely performance of activity;

47 **(3)** Any changed circumstances which may have interfered with the ability of the
48 property owner to meet the time certain requirement;

49 **(4)** Actions of other parties that may have precluded compliance;

50 **(5)** The existence of extraordinary mitigating factors;

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- (6) Compliance with the review criteria in subsection 11.3.D.7.b.(2) and criteria 1-5, above, for posting of performance security for a certificate of concurrency reservation.
- e. When the extension of time is for the payment of fees, the amount due shall increase by an interest payment equal to twelve (12) percent a year. If the extension covers a period less than a year, then the interest shall be prorated.
- f. When the executive director ~~or~~ 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.
3. **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 ~~Zoning Commission~~ ZC, and to the Development Review Appeals Board (DRAB) for conditions imposed by the DRC. An appeal shall be made upon forms prescribed by the department within thirty (30) days of the mailing of the notice that the request for an administrative extension has been denied.
- a. The appeal shall be set on the BCC's agenda within sixty (60) days of receipt by the department. The BCC shall either affirm the decision of the department or grant an extension of time. This decision shall be made within sixty-five (65) days of the date the appeal first appears on an agenda of the BCC unless a longer postponement is requested by the property owner. An extension of time may be granted only upon a finding by the BCC that the requirements of subsection 5.8.C.2.c. or 5.8.C.2.d., as appropriate, have been satisfied.
- b. An appeal to the ~~Development Review Appeals Board~~ DRAB shall be made pursuant to subsection 5.6.D.8.
4. **Failure to comply with conditions or time requirements other than for a DRC imposed condition of approval.**
- a. If a property owner fails to comply with a time requirement and has not received a time extension, staff shall advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ~~Zoning Commission~~ ZC). If a property owner violates a condition of approval, staff may advertise a status report public hearing for the agenda of the body which approved the subject development order (BCC or ~~Zoning Commission~~ ZC). The hearing shall be held within ninety (90) days of the filing of the notice required by subsection 5.8.C.1.c. herein unless the property owner utilizes the provisions of subsection 5.8.C.4.a.(1) below. Staff may delay the scheduling of the status report public hearing if, prior to the most recent deadline for compliance:
- (1) ~~The~~ the property owner files for an amended or new development order which may affect the time requirement or any condition being violated. If the new petition is approved and the time requirement has not been affected, or if the petition is denied, staff will place the status report on a BCC or ~~Zoning Commission~~ ZC agenda within sixty-five (65) days; ~~or,~~
- (2) ~~Staff is notified by the property owner that there is a deadline to commence development or record a plat, and 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~~

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1 recorded, within ninety (90) days of the deadline. The suspension of
2 development orders as required by subsection 5.8.C.1. will only occur if
3 development has not commenced, or a plat has not been recorded within the
4 ninety (90) day time period. This subsection shall also apply to those
5 development orders which are not eligible for time extensions.
6

7 Note: Subsections (1) and (2) above This delay shall not be utilized when there
8 has been a failure to comply with concurrency reservation or development order
9 conditions which is are required for the Development Order to comply with
10 subsection 15.(1)E.5.
11

- 12 b. The status report shall contain a description of the development order, a summary
13 of the background and current status of the development, including any
14 documentation provided to staff of efforts to comply with the requirement, or
15 circumstances beyond the control and cause of the property owner, other than
16 economic conditions, which have prevented compliance; a description of any Code
17 violations; a description of any uncompleted conditions or time certain
18 requirements; a review of criteria set forth in subsection 5.8.C.2.d for status reports
19 prepared for failure to comply with a condition of approval, a description of any
20 violation of a condition of approval and circumstances related to the violation; as
21 well as a determination of whether the development order:
22 (1) Is consistent with the ~~PBC Comprehensive Plan~~;
23 (2) Is consistent with the ~~Unified Land Development Code~~ ULDC; and
24 (3) Complies with the Countywide Traffic Performance Standard.
25

26 Based on the above factors, staff shall make a recommendation for one (1) or
27 more of the actions identified in subsection 5.8.C.4.f. herein.
28

- 29 c. Consideration of all actions permitted by Sec. 5.8.C.4.f., except a rezoning, shall
30 occur in the following manner:
31 (1) **Public hearing.** At least one public hearing shall be held by the ~~Zoning~~
32 ~~Commission~~ ZC or by the BCC, as applicable.
33 (2) **Mail notice.** The owner of record shall be notified in writing of the executive
34 director's status report and recommendation to the BCC or ~~Zoning Commission~~
35 ZC. Written notice shall consist of a letter sent at least fourteen (14) calendar
36 days prior to the hearing by certified mail, return receipt requested, to the last
37 known address of the owner of record as it appears in the official records of the
38 PBC Property Appraiser's Office. Proof of the receipt shall be presented at the
39 hearing. In the event that the owner fails to acknowledge receipt of mail notice
40 or the notice is returned unopened, newspaper publication, as set forth below,
41 shall be deemed sufficient notice. Written notice shall include:
42 (a) A statement that the time period has expired or that a condition of
43 approval has been violated and that the development shall be subject to
44 review;
45 (b) The executive director's recommendation to the BCC or ~~Zoning~~
46 ~~Commission~~ ZC;
47 (c) A statement that review may result in one (1) or more of the actions
48 identified in subsection C.4.f., herein;
49 (d) Notice of the date, time, and place of the hearing before the BCC or
50 ~~Zoning Commission~~ ZC, during which the report and recommendation
51 of the executive director will be heard;

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- (e) A statement of the owner's right to appear and to present relevant information to rebut or to supplement the report of the executive director; and
- (f) Such other information as may be necessary and appropriate to accomplish the goals of this section.
- (3) Newspaper Publication.** Notice of the hearing shall be published in a newspaper of general circulation in accordance with Sec. 125.66(2)(a). Notice shall be published at least ten (10) days prior to the hearing.
- d. Consideration of all rezonings on properties less than ten (10) contiguous acres, by the BCC, shall occur in the following manner: ...
- e. Prior to consideration of all rezonings on properties of ten (10) or more contiguous acres by the BCC, notice to the owner of record and advertisement of the proceedings shall occur in the following manner: ...
- f. Decision of the BCC or ~~Zoning Commission~~ ZC for failure to comply with 1) time requirements to commence development, utilize a conditional or requested use or record a plat; or 2) non-performance security conditions (those not required by Sec. 15(I)E., subsection 5). ...
- g. Decision of the BCC or ~~Zoning Commission~~ ZC for failure to comply with a condition of approval which requires the posting of performance security pursuant to Sec. 15(I)E., subsection 5. ...

5. Failure to comply with conditions of approval imposed by the DRC.

- a. If a property owner has not received an administrative time extension prior to the deadline to comply with a condition, or has exhausted all administrative time extensions, a time extension application may be submitted to the DRC (~~DRC~~). The application must be received by the DRC prior to the compliance deadline. The DRC shall consider the criteria set forth in subsection 5.8.C.2.d. Based on these criteria, the DRC shall:
- (1) revoke the certification of the site plan or subdivision plan;
- (2) amend or delete the condition; or
- (3) Direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.
- b. If a property owner fails to submit an application pursuant to subsection 5.8.C.5.a., the DRC shall direct staff of the Code Enforcement Division to cite the property owner for failure to comply with the condition.

- 6. Expiration of time extensions granted by the BCC.** In the event that the property owner has not complied with the condition of development approval or time certain activity at the expiration of a time extension, the development order shall be subject to the requirements of subsections 5.8.C.2., or 5.8.C.4. and 5.8.C.5. herein, as appropriate.

7. Fees. ...

D. Supplementary regulations for classes of development orders. ...

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TABLE 5.8-1

TIME LIMITATIONS 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
<u>REZONING - RESIDENTIAL</u>	<u>2</u>	<u>Record plat or affidavit of plat waiver or commence development</u>	<u>three (3) years^{2,7}</u>	<u>no extensions permitted</u>	<u>BCC review pursuant to subsections C.1 and C.5 herein</u>
REZONING - <u>NONRESIDENTIAL</u>	2	Commence development ¹	three (3) years ^{2,7}	twelve (12) months	BCC review pursuant to subsections C.1 and C.5 herein
CONDITIONAL USES CLASS A AND CLASS B, REQUESTED USE (INCLUDING THOSE IN PLANNED UNIT DEVELOPMENTS)	2 ⁵	Commence development or utilize Conditional Use or Requested Use if no construction is required ¹	<u>three (3) years^{2,7}</u>	twelve (12) months	Pursuant to subsections C.4 and C.5 herein: Class A - BCC review; Class B - Zoning Commission review
PLANNED DEVELOPMENT DISTRICT: NON-PLANNED UNIT DEVELOPMENT	4	Commence development ¹	three (3) years ^{2,7}	twelve (12) months	BCC review pursuant to subsections C.4 and C.5 herein
PLANNED DEVELOPMENT DISTRICT: PLANNED UNIT DEVELOPMENT	no maximum	Record plat ⁶	three (3) years ^{2,7}	no extensions permitted	BCC review pursuant to subsections C.4 and C.5 herein
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE REQUIREMENTS OF SECTION 5.8 (THOSE LISTED ABOVE):	SITE PLAN	2	Commence development ¹	four (4) years ^{3,7}	no extensions permitted Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan.
	FINAL SUBDIVISION PLAN: NON-RESIDENTIAL	2	Commence development ¹	four (4) years ^{3,7}	

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TIME LIMITATIONS OF DEVELOPMENT ORDER FOR EACH PHASE					
	FINAL SUBDIVISION P L A N : RESIDENTIAL	no maximum	Record plat	three (3) years <i>3 1/2</i>	

¹ Commencement of development shall consist of:

- a. Receipt of a building permit and first inspection approval 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 subsection 5.8.D.3.b herein; or
- b. The initiation 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 planned development district 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 the ~~Planning, Zoning and Building Department~~ PZB Department.

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 ninety (90) days will be provided if prior to the expiration of any time period established by this code, ~~Staff~~ *staff is notified by the property owner that there is a deadline to commence development or record a plat, and that either a complete building permit application has been submitted, or technical compliance for a plat has been*

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received, as appropriate, and development will commence, or the plat will be recorded, within ninety (90) days of the deadline. If the required action does not occur within the ninety (90) days, the requirements of subsection 5.8.C. shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions which are required for the Development Order to comply with subsection 15.(l)E.5. (Relocated from 5.8.C.4.a.(2) and amended)

SUBPART 3.6, Section 6.2.F, Industrial Districts, is hereby amended to add and delete language as follows:

F. Industrial districts. ...

1. IL, Light Industrial District. ...

PERMITTED USES:

Agricultural related manufacturing, light	Office, business or professional
Agricultural research/development	Park, passive
Air stripper, remedial	Parking garage, commercial
Assembly, nonprofit institutional	Parking lot, commercial
Assembly, nonprofit membership	Printing and copying services
Data information processing	Recycling center
Dispatching office	Repair and maintenance, general
Dog day-care	Repair services, limited
Fitness center	Restaurant, quality
Freestanding kiosk	Shadehouse
Government services	Storage, indoor agricultural
Groves/row crops	Storage, outdoor, agricultural
Landscape installation service	Towing service and storage
Landscape maintenance service	Vehicle inspection center
Machine or welding shop	Vocational school
Manufacturing and processing	Warehousing
Marine facility	Wholesaling, general
Medical or dental laboratory	Automotive paint or body shop
Monument sales, retail	Broadcasting studio
Motion picture production studio	Catering service
Nursery, wholesale	Communication panels, antennas, commercial

...

PERMITTED SUBJECT TO DRC SITE PLAN:

Agricultural transshipment	Farmer's market
Building supplies	Funeral home or crematory
Car wash and auto detailing	Golf course
Communication tower, commercial	Gun club, enclosed
Composting facility	Heliport or helipad
Contractor's storage yard	Packing plant
Day care center, limited	Park, public
Day labor employment service	Restaurant, high turnover sit-down
Entertainment, indoor	Self-service storage
Entertainment, outdoor	Stable, commercial
Excavation, type II	Theater, indoor
	Transportation facility
	Utility, minor
	Water or wastewater treatment plant

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CONDITIONAL USE, CLASS B:
Air curtain incinerator, temporary
Auction, outdoor
Automotive service station
Chipping and mulching
Convenience store, with gas sales
Day care center, general

Flea market, open
Gas and fuel, wholesale
Kennel, commercial
Laboratory, industrial research
Nursery, retail
Potting soil manufacturing
Recycling plant

CONDITIONAL USE, CLASS A:
Agriculture, bona fide
Air curtain incinerator, permanent
Electrical power facility
Excavation, type III
Groom's quarters
Heavy industry
Livestock raising

Mining, excavation type IIIA
Mining, excavation type IIIB
Restaurant, fast food
School, elementary or secondary
Solid waste transfer station
Truck stop
Vehicle sales and rental

SUBPART 3.7, Section 6.4.D, Supplementary Use Standards, is hereby amended to add and delete language as follows:

85. School, elementary or secondary means a premises or site upon which there is an institution of learning, whether public or private, or charter, which conducts regular classes and courses of study required for accreditation as an elementary or secondary school approved by the State Department of Education of Florida. A public school shall be considered a school built and operated by the PBC School District. An elementary or secondary school use shall comply with the following supplementary use standards:

a. General: All Schools ~~Private schools and Charter schools:~~

- ~~(1)~~ **Charter schools.** Charter schools with two hundred (200) or fewer students shall be subject to DRC approval.
- ~~(2)(1)~~ **Bike paths/pedestrian access.** Prior to approval of a building permit, a pedestrian access/bike paths and cross-walks plan shall be submitted by the applicant showing access to the school site from surrounding neighborhoods shall be shown on the site plan.
- ~~(3)~~ **Parking.** Prior to approval of a building permit, the site plan shall indicate the maximum student enrollment, employee count and require/provide parking spaces to demonstrate conformance with minimum parking requirements for schools, as specified in Sec. 7.2. (Offstreet Parking and Loading)
- ~~(4)(2)~~ **Vehicular circulation.** Designated bus and parental drop off/pick up areas with separate pedestrian pathways shall be provided. The pathways shall not which cross vehicular accessways use areas shall be defined by special pavings, brick, striping, or other methods acceptable to the DRC.
- ~~(5)(3)~~ **Dumpsters.** Dumpster and trash receptacles shall be located a minimum of seventy-five (75) ~~one hundred (100)~~ feet from residential property and screened in accordance with Sec. 6.6.A.5. from view with a six (6) foot solid wood fence or and hedge combination.
- ~~(6)~~ **Utility plant.** A six (6) foot security fence shall be provided around the perimeter of the proposed utility plant, to discourage access by unauthorized personnel.

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1 **(7)(4) Signalization.** Signalization shall be installed *at the development's school site*
2 *entrance road*, if warranted, as determined by the County Engineer.
3 Signalization shall be a mast arm structure installation. Should signalization not
4 be warranted after twelve (12) months of the final certificate of occupancy for
5 private and charter schools, or school opening for public schools, the property
6 owner/School Board, shall be relieved of this obligation.

7 **(8 5) Minimum building Setbacks and maximum building height.** The
8 mMinimum building setbacks and maximum building height shall be consistent
9 with as follows: Sec. 6.4.D.85.b.(4).(a), Property development regulations.

10
11 **a. Residential districts.** Setbacks for schools in all residential zoning
12 districts shall be consistent with Table 6.5.-1. or the following, whichever is
13 more restrictive.

14

Minimum Building Setbacks			
Front	Side	Corner	Rear
25	25	25	25

16

17
18
19
20 **b. Nonresidential districts.** Setbacks for schools in all nonresidential zoning
21 districts shall be consistent with Table 6.5.-1.

22 **(6) Maximum building height.** Structures higher than thirty-five (35) feet shall be
23 subject to a Class A conditional use approval, unless otherwise stated in this
24 Section.

25 **(9)(7) Fencing.** A six foot high security fence shall be installed around the entire
26 perimeter of the outside activity area to facilitate limited access. **Outdoor**
27 **Activity Areas** Outside activity areas shall be
28 consistent comply with Sec. 6.4.D.85.b.(4).(a), Property development
29 regulations 6.6.A.8., Accessory outdoor recreation. (Relocated from
30 6.4.D.85.a.(10) and revised.)

31 **(8) Lighting.** Security and recreational lighting (i.e outdoor activity area lighting,
32 ball fields, tennis courts, etc.) shall meet the requirements of Section 7.8.B,
33 Outdoor Lighting Standards.

34 **(11) Perimeter buffer.** The petitioner shall provide a twenty-five (25) foot landscape
35 buffer around the perimeter of the site. Native vegetation shall be preserved
36 and/or relocated into the buffer from development areas on the site. The buffer
37 shall consist of a six (6) foot high hedge or hedge/berm combination and be
38 supplemented with minimum twelve (12) foot native canopy trees, spaced an
39 equivalent of one (1) tree per twenty (20) linear feet of landscape buffer, as
40 required to supplement the relocation program.

41 ~~**(a) GG, GH, GG districts.**~~ A five (5) foot compatibility landscape buffer shall be
42 provided adjacent to non-residential zoning districts.

43 ~~**(12)(9) Wetlands/preservation.**~~ South Florida Water Management District
44 (SFWMD)

45 **(a) Wetlands Permits.** Prior to commencement of construction, lot clearing
46 or any other site development/preparation, aAll applicable permits shall
47 be obtained in conformance with Article 9 of the ULDC.

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1 **(a)b) Preservation.** On site wetlands shall be ~~The wetland areas on site~~
2 preserved. Boardwalks and education learning stations may be
3 constructed within the wetland areas, but shall be subject to approval by
4 ~~the Zoning Director, the SFWMD, and ERM.~~ Anticipated impacts to
5 smaller, degraded wetlands shall be coordinated with the SFWMD in a
6 pre-application conference as part of the site plan review process.

7 ~~(b) Map.~~ A clearly labeled pre-development map shall be submitted
8 indicating the location and acreage of wetlands and preserve areas.
9 This map shall consist of a controlled vertical aerial survey and ground
10 level photographs of existing site conditions:

11 ~~(c) Vegetation.~~ Existing native vegetation shall be maintained in
12 designated preserve areas. The areas shall receive protection from
13 damage and disturbance during site development, in accordance with
14 Sec. 9.5 (Vegetation Protection):

15 ~~(d) Permit application.~~ Prior to site plan review, a complete wetlands
16 permit application and a plan shall be submitted indicating wetlands and
17 significant upland communities that will require mitigation for site
18 development, and the applicant shall meet with the Zoning Director and
19 ERM representatives to develop a mitigation program:

20 ~~(e) Preservation of areas.~~ Existing native vegetation shall be preserved
21 to the maximum extent possible throughout the site. Preservation areas
22 shall be established between parking areas and property lines and
23 roadways, and in the area between recreational areas, education
24 buildings and property lines, especially those abutting residential land.
25 The areas within the drop-off drive shall also be designated as preserve
26 areas. Vegetation in these preserve areas shall remain undisturbed
27 during construction, pursuant to Sec. 9.5 (Vegetation Protection):

28 ~~(f) Development permit.~~ At the time of submission of an application for
29 development permit for Site Plan/Final Subdivision Plan, a complete
30 vegetation inventory shall be submitted with written assessment and
31 evaluation. All native vegetation within open space areas and the
32 perimeters of the site shall be preserved and incorporated into the
33 project design:

34 ~~(g) Vegetation relocation.~~ A vegetation relocation program shall be
35 submitted to the Zoning Director, indicating an inventory of
36 transplantable vegetation. The inventory shall consist of canopy and
37 understory native vegetation that will be relocated to the perimeter
38 buffers, landscape strips and open space areas:

39 ~~(h) Removal permit.~~ A vegetation removal permit application with the
40 required information shall be submitted to the Zoning Director
41 simultaneously with the application for development permit for Site
42 Plan/Final Subdivision Plan:

43 ~~(i) Pre-clearing inspection.~~ A preclearing inspection shall be scheduled
44 with the Zoning Division, ERM, and SFWMD to finalize the preservation
45 plan:

46 ~~(j) Species monitoring.~~ Prior to site plan review, a listed species (plant
47 and animal) inventory shall be conducted. Where listed species exist,
48 they shall be located, tagged, and relocated to a protected area to the
49 greatest extent possible. The relocation plan shall receive approval from
50 ERM and the State of Florida Fresh Water and Game Commission:

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1 ~~(k) Existing vegetation.~~ Existing vegetation, including wetland specimens,
2 shall be relocated to new wetland, upland, and hammock areas,
3 whenever possible.

4 ~~(l-c)~~ **Construction documents.** Prior to site plan review, construction
5 documents shall be submitted to ERM relating to wetland restoration,
6 landscaping, and vegetation restoration for their review and approval.

7 **(10) Airport Zoning Overlay.** New schools shall not be located at either end of
8 a runway pursuant to Article 18, Sec. VII.E.2 and Florida Statutes.

9
10 b. **Charter schools.** *Charter schools with two hundred (200) or fewer students in a*
11 *commercial, industrial, or nonresidential planned development zoning district, shall*
12 *be subject to DRC approval, the standards of Sec. 6.4.D.85.a, and Sec. 5.6.D.*
13 *(Relocated from Section 6.4.D.85.a.(1) and revised).*

14
15 **bc. Public Schools built/operated by the PBC School District.**

16 **(1) Applicability.**

17 (a) ~~Public school sites~~ **General.** This section is intended to shall apply
18 only to public school sites built and operated by the PBC School Board.
19 Other types of School Board development, such as administrative
20 offices, warehouse buildings, etc., shall comply with the regulations of
21 the applicable zoning district.

22 (b) **Previous approvals and future amendments.** Public school sites
23 approved prior to June 16, 1992 shall ~~not~~ be considered ~~non-conforming~~
24 uses. These sites shall be subject to the requirements of this Ssection,
25 Article 5, ~~(Development Review Procedures and Standards), and, Sec.~~
26 5.6, ~~(Site Plan or Final Subdivision Plan.)~~ for future amendments ~~in lot~~
27 ~~area or site design.~~

28 **(2) ~~(c)~~ Approval Process.**

29 ~~i) Development Review Committee applications.~~ The Board may
30 obtain land use approval for a new public school facility or an
31 alteration to an existing school facility through the Development
32 Review Committee by the procedure outlined below:

33 ~~a) Conditions.~~ Meet the intent of conditions and standards as
34 outlined by an Intergovernmental Agreement when entered into
35 between the School Board and the County;

36 ~~b) Sign-offs.~~ Receive sign-offs from applicable County agencies
37 prior to site acquisition, as specified in the Intergovernmental
38 Agreement and listed on the School Site Acquisition Review
39 Form; and

40 ~~c) DRC.~~ Submit a Development Review Committee application
41 package which meets the standards of this ordinance and Article
42 5 (Development Review Procedures).

43 ~~(c)(a) Concurrency.~~ A copy of the ~~Concurrency Application~~ which
44 was submitted to the Planning Division Prior to site plan certification by
45 the DRC, the School Board shall provide signed documentation from the
46 applicable Concurrency service providers shall be provided prior to site
47 plan certification by the DRC, verifying the Reservation of Adequate
48 Public Facilities in accordance with Article 11. The documentation shall
49 specify the uses and amounts of development, capacity reserved and
50 length of the Reservation.

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~~(b)(ii)~~ **Conditional use approvals.** ~~Public school site applications which do not comply or are unable to comply with the requirements of this Section, or Section 5.6, Site Plan or Final Subdivision Plan, are subject to Article 5, (Development Review Procedures and Standards), and Sec. 5.4, (Conditional Uses) of the Unified Land Development Code ULDC. (Relocated from 6.4.D.85.b.(1).(c).ii). and revised.)~~

~~(c)(2)~~ **Development Review Committee. Application procedure.** ~~Development Review Committee Applications for site plan approval applications for public school approvals shall submit include the following: (Relocated from 6.4.D.85.b.(2). and revised.)~~

~~(a)~~ **Concurrency** ~~A copy of the Concurrency Application which was submitted to the Planning Division;~~

~~(b)(i)~~ **DRC application.** ~~A completed Development Review Committee DRC application which meets the standards of this Section and Sec. 5.6., Site Plan or Final Subdivision Plan; (Relocated from 6.4.D.85.b.(2).(b). and revised.)~~

~~(c)~~ ~~ii)~~ **School site acquisition.** ~~Proof of A completed compliance with the School Site Acquisition Review Form including signatures from all applicable County agencies and drainage districts procedures required by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93.) (Relocated from 6.4.D.85.b.(2).(c). and revised.)~~

~~(d)~~ ~~iii)~~ **Application materials.** ~~Other application materials as required by this Section or other sections of this Code (a site plan, a vegetation removal application, etc).~~

~~(e)~~ ~~iv)~~ **DRC.** ~~All items shall be submitted at a regularly scheduled DRC in accordance with the Zoning Division calendar, and comment by DRC agencies shall be provided to the School District at the next scheduled Development Review Committee DRC meeting.~~

~~(v)~~ **Standards.** ~~Applications submitted pursuant to this Section shall be reviewed by the Development Review Committee DRC and approved after a finding by the DRC committee that the procedures and standards of this ordinance Section and Article 5, (Development Review Procedures and Standards), Sec. 5.6, (Site Plan or Final Subdivision Plan,) are met.~~

(3) Accessory uses. ~~The following uses, subject to the special regulations, shall be allowed as customarily incidental and subordinate to public schools sites:~~

(a) Uses and special regulations.

(i) Receiving towers.

a) Height. ~~Towers shall have a maximum height of seventy (70) feet or less measured at grade level. Towers requiring a height greater than seventy (70) feet shall comply with the requirements of the Unified Land Development Code Article 6, (Zone Zoning Districts), Sec. 6.7 (Supplementary Regulations).~~

b) Setbacks. ~~Towers shall meet the following minimum setbacks:~~

~~(i)-i)~~ **Height Front, side and rear.** ~~Twenty (20%) percent of the tower height; Minimum Twenty-five (25) feet.~~

~~(ii)-ii)~~ **R-O-W Street setback.** ~~Fifty (50) feet from a County road R-O-W;~~

~~(ii)-iii)~~ **Residential setback.** ~~Fifty (50) feet from residentially zoned property; and,~~

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- 1 ~~(iv-iv)~~ **Agricultural setback.** ~~One hundred (100)~~ Fifty (50) feet from
- 2 agriculturally zoned property.
- 3 c) **Supports/anchors.** All tower supports and peripheral anchors shall be located
- 4 entirely within the boundaries of the property and in no case less than twenty
- 5 (20) feet from a property line;
- 6 d) **Fencing.** Security fencing or a security wall shall be installed around the base
- 7 of each tower, each anchor base and each tower accessory building to limit
- 8 access; and
- 9 e) **Sign-off.** The School Board shall provide a written sign-off from the County
- 10 Department of Airports stating the tower ~~would~~ will not encroach into any public
- 11 or private airport approach space as established by the Federal Aviation
- 12 Administration.
- 13 f) **Removal.** Obsolete or abandoned towers shall be removed within twelve (12)
- 14 months of cessation of use.
- 15 (ii) **Water or waste water treatment facility.** A water or wastewater treatment
- 16 facility may be installed in accordance with all relevant federal, state and local
- 17 utility standards.
- 18 a) **Consistency.** ~~The facility shall be consistent with the goals, objectives and~~
- 19 ~~policies of the Palm Beach County Comprehensive Plan;~~ Location/buffering. The
- 20 facility shall be located and buffered to ensure compatibility with adjacent land uses;
- 21 b) Location/buffering. ~~The facility shall be located and buffered to ensure~~
- 22 ~~compatibility with adjacent land uses;~~ Duration. The use of the facility shall only be
- 23 permitted until such time as central water or waste water service is available from the
- 24 appropriate utility.
- 25 c) ~~Duration.~~ ~~The use of the facility shall only be permitted until such time as~~
- 26 ~~central waste water service is available from the appropriate utility; and~~
- 27 d) ~~Standards.~~ ~~The facility shall be designed and installed in accordance with all~~
- 28 ~~relevant federal, state and local utility standards.~~
- 29 iii) **Accessory buildings and improved outdoor recreation areas:**
- 30 a) ~~Setbacks.~~ ~~All buildings and structures (stadiums, playing fields, tennis~~
- 31 ~~courts, bleachers, etc.) shall meet the required setbacks for the school site;~~
- 32 ~~and~~
- 33 b) ~~Comply with the property development regulations as stated below:~~
- 34
- 35 (4) **Property development regulations and supplemental design standards.** ~~The~~
- 36 ~~following property development regulations shall apply to public school sites~~
- 37 ~~approved as a permitted use by the Development Review Committee or approved~~
- 38 ~~as a conditional use by the Board of County Commissioners. If a conflicts exists~~
- 39 ~~between this section and regulations found elsewhere in the Unified Development~~
- 40 ~~Code ULDC, the regulations of this section shall apply.~~
- 41 (a) **Maximum building height.** Structures higher than thirty-five (35) feet shall
- 42 provide one (1) additional foot setback for each one (1) foot in height
- 43 exceeding thirty-five (35) feet.
- 44 (b) **Minimum lot size.** Minimum lot size shall be governed by the most recent
- 45 standards adopted by the School Board and shall apply only to new public
- 46 schools.
- 47
- 48 (a) ~~Property development regulations:~~
- 49 ~~i) Current Board site design standards:~~
- 50

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School Type	Min. Lot Dimensions ¹			Min. Building Setbacks ¹				Max. Bldg. Height ²
	Size	Width	Depth	Front	Side	Enr	Rear	
Elementary	15ac	300'	300'	25'	50'	25'	50'	35'
Middle	25ac	600'	600'	25'	50'	25'	50'	35'
High	26ac	600'	600'	25'	50'	25'	50'	35'

Notes:

- 1 Minimum lot size, and dimensions for a public school shall be governed by Section the regulations above or the most recent standards adopted by the district and shall apply only to new schools. The District shall forward any changes in the standards to the Department within twenty (20) days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any on-site retention.
- 2 Public School maximum building height: Structures higher than thirty-five (35) feet are allowed provided the following setbacks are met:
- a. The minimum yard setbacks of this section; and
 - b. An additional one (1) foot setback for each one (1) foot in height exceeding thirty-five (35) feet.
- Private school maximum building height: structures higher than thirty-five (35) feet subject to a Class A conditional use approval.
- 3 Minimum lot frontage equates to minimum lot width.
- 4 Outdoor activity areas shall be consistent with Section 6.6.A.8, Accessory outdoor recreation.
- 5 The minimum lot size and dimensions for school shall be in accordance with Table 6.5-4
- ii) **Parking.** The site plan shall indicate the student capacity, employee count, guest spaces, and the amount of required and provided parking spaces and shall to demonstrate conformance with minimum parking. Minimum parking space requirements* for schools, as may be amended by the School Board:

	student	employee	guest
Elementary	0	95	20
Middle School	0	95	20
High School	375	275	25

*These minimum parking space counts are intended to represent the standards currently adopted by the School Board for an elementary school - 1,280 student capacity and high school - 2,000 student capacity. Parking requirements for schools with larger student capacities than indicated shall be approved by the Department on a case by case basis. In order to maintain current standards, the Board shall forward any changes to parking space requirements to the Department within twenty (20) days of School Board adoption.

- (5)(b) **Supplemental design standards.** The following design standards shall apply to new school sites and any improvements to previously approved school sites.
- (i) **Zoning Division**
- (a) **Lighting.** Security and recreational lighting (i.e., outdoor activity area lighting, ball fields, tennis courts, etc.) if within 50 feet of a property line shall:
- i) be shielded, and directed away from land with residential zoning or a residential designation on the Land Use Atlas;
 - ii) meet the requirements of Article 6, (Zoning Districts), Sec. 6.7 (Supplemental Regulations) Section 7.8.B, Outdoor Lighting Standards, Unified Land Development Code.

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- 1 (a)(b) Parking. The site plan shall indicate the student capacity, employee count,
2 guest spaces, and the amount of required and provided parking spaces and
3 shall demonstrate conformance with the minimum parking required by
4 applicable State Statutes.
- 5
- 6 ~~(b) — Bike paths/pedestrian access.~~ The Board shall indicate a pedestrian,
7 access/bike path, and cross-walk access to parks. This system shall be
8 integrated with existing or proposed pedestrian/bike path systems in the area.
- 9 ~~—— c) — Dumpster.~~ Dumpster and trash receptacles shall be located a minimum of
10 seventy five (75) feet from residential property and screened from view.
- 11 ~~—— d) — Dust.~~ Reasonable precautions shall be employed during site development to
12 insure that unconfined particulates (dust particles) and pollutants from this
13 property do not negatively impact neighboring properties or surface and
14 subsurface water systems.
- 15 (e) — Perimeter Landscape buffers. The DRC shall require right-of-way ROW
16 buffers and interior parking area landscaping consistent with Section 7.3.,
17 Landscape and Buffering. Adjacent properties with residential use or future land
18 use shall be protected from the school's loading, utility, and most intense areas
19 of outdoor active recreation facilities with areas by incompatibility buffers.
- 20 i) Accessory Outdoor recreation areas shall be subject to Section 6.6.A.8
21 Accessory outdoor recreation, or provide a Type 3 Incompatibility Buffer,
22 as defined in Sec. 7.3.F.4, Perimeter Incompatibility Buffer, with a minimum
23 width of twenty-five (25) feet.
- 24 ii) All other landscaping shall comply with the applicable State Statutes.
- 25 ~~i) 25-foot buffer.~~ The Board shall provide a minimum twenty-five (25) foot
26 landscape buffer separating water or waste water treatment facilities;
27 vehicular use areas, stadiums, pavilions and outdoor activity areas from
28 residentially zoned properties or properties designated residential on the
29 Comprehensive Plan. The buffer shall provide a minimum six (6) foot high
30 continuous screen consisting of hedges or shrubs, trees, fences or walls,
31 and berms or combination of these materials. Trees planted in the buffer,
32 excluding preserved and relocated trees, shall be native canopy trees a
33 minimum of fifteen (15) feet in height, with a minimum eight (8) foot spread.
34 If a hedge is proposed to provide the entire six (6) foot high screen, the
35 hedge material shall be a minimum of forty-two (42") inches in height;
36 spaced two (2) feet on center at time of planting.
- 37
- 38 ~~—— ii) 15-foot buffer.~~ A perimeter buffer fifteen (15) feet in width shall separate
39 vehicular use areas and outdoor activity areas from adjacent streets. This
40 buffer shall provide native canopy trees a minimum of twelve (12) feet in
41 height with a minimum six (6) feet spread, spaced a minimum of twenty (20)
42 feet on center and a minimum twenty four (24") inch high native hedge,
43 spaced a minimum of two (2") feet on center. All perimeter landscape
44 buffers shall contain a minimum of one (1) tree/250 square feet of
45 landscape buffer area and use design guidelines and plant materials
46 promoting Xeriscape principles whenever possible.
- 47
- 48
- 49 iii) Environmental Resources Management
- 50 ~~—— a) Wetlands and vegetation protection.~~ (i) Permits. Prior to Development Review
51 Committee, the Board shall obtain any applicable permits as necessary to conform
52 to the following ordinances as may be amended:

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- ~~(a) Wetlands Protection Ordinance, Sec. 9.4, ULDC;~~
~~(b) Environmentally Sensitive Lands, Sec. 9.5, ULDC;~~
~~(c) Wellfield Protection, Sec. 9.3, ULDC, and~~
~~(d) Coastal Protection, Sec. 9.1, ULDC.~~
- ~~(ii) **Viable wetland areas.** Viable wetland areas as determined by applicable federal, state and local agencies shall be preserved according to state and local guidelines. Boardwalks and educational learning stations may be constructed within the wetland areas subject to the approval of all agencies having jurisdiction.~~
- ~~(iii) **Native vegetation.** Existing native vegetation shall be preserved to the maximum extent possible, including receiving a vegetation removal permit, pursuant to Article 7, (Site Development Districts), Sec. 9.5, (Vegetation Protection and Preservation) of the Unified Land Development Code.~~
- ~~(iv) **Vegetation removal permit.** Prior to issuance of a Vegetation Removal Permit, if determined to be applicable by the County, the Board shall provide an environmental study of the proposed site, including wetland and upland preserve areas, compliance with the twenty five (25%) set-aside and proposed mitigation plans and maintenance plans for preserve areas, for approval by the County.~~
- ~~(v) **Preclearing.** The Board shall schedule preclearing field meetings with the Zoning Division, the Department of Environmental Resources Management, and other agencies with jurisdictional authority when finalizing a preservation plan involving lands with environmental concerns.~~
- ~~(vi) **Species inventory.** If requested by the County, a Listed Species (plant and animal) inventory shall be conducted. Where protected species exist, they shall be located, incorporated into preserve areas or relocated to a protected area in compliance with all federal, state and local laws. Any relocation plan shall require the approval of all agencies having jurisdiction.~~
- ~~iii) **Engineering Department**~~
- ~~a) **Signalization.** The Board shall install signalization if warranted, as determined by the County Engineer, at the project's entrance road or roads. Should signalization not be warranted within twelve months subsequent to occupancy, the Board shall be relieved from this condition.~~
- ~~b) **Drainage.** The Board shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.~~
- ~~c) **R-O-W dedication.** Within six (6) months of site plan approval by the DRC Development Review Committee certification, the School Board shall convey to the Palm Beach County Board of County Commissioners BCC by road R-O-W warranty deed, portions of the site necessary to achieve an ultimate road R-O-W, as indicated on the County Thoroughfare Map, plus turn lane right-of-ways (minimum of 150 280 feet in length, 12 feet in width, with taper lengths of 480 50 feet) all free of encumbrances and encroachments. Locations of all turn lane right-of-ways shall be where warranted as determined by the County Engineer. The Board shall provide Palm Beach the County with sufficient documentation~~

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1 acceptable to the Right of Way Acquisition Section of the Engineering and
2 Public Works Department, to ensure that the property is free of all
3 encumbrances and encroachments. R-O-W conveyances shall also include
4 "Safe Sight Corners" where appropriate at intersections as determined by the
5 County Engineer.

6 (d) **Road improvements.** The Palm Beach County School Board shall fund and
7 construct required road improvements as determined by the County Engineer.
8 These improvements shall include, but not be limited to, paving and drainage, turn
9 lanes, traffic circulation, sidewalks and driveway connections. The road
10 improvements shall be completed prior to school occupancy.

11 ~~e) **Drainage district dedication.** Within six (6) months of Development Review~~
12 ~~Committee certification, the Board shall convey portions of the site necessary to~~
13 ~~achieve ultimate canal rights of way as indicated by drainage district maps. The~~
14 ~~dedications shall be completed by Quit Claim Deed or an Easement Deed subject~~
15 ~~to the preference of the applicable drainage district.~~

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SUBPART 3.8, Table 6.4-1, Use Regulations Schedule, is hereby amended to add and delete language as follows:

TABLE 6.4-1
USE REGULATIONS SCHEDULE

Use Type	Zoning District																				NOTE					
	Agriculture/ Conservation					Residential								Commercial					Indust/ Public							
	P C	AGR	A P	S A	RS ER	AR	CR S	R E	R T	R T S	R T U	RS	RM	RH	C N	C LO	CC	CH O	C G	CR E		I L	I G	PO	I P F	
		A G R	CC S O				R/ E X	US /T																		
Public and civic uses																										
Airplane landing strip, accessory		B	B	B			B													B		B		B	9	
Airport																				A		A	A	A	9	
Assembly, nonprofit institutional		D	D	D		B	A						A	A	A	A		B		P		P	P	B	12	
Assembly, nonprofit membership			D			B												B		D		P		B	12.1	
Cemetery					B		A	A		A	A	A	A	A	A					B			B	A	19	
Church or place of worship		A	B	B	A	B	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B			B	21	
College or university							A	A	A									A	A	A			P	A		
Day camp																				D				D	27.1	
Day care center, general		B	B				A	A	A	A	A	A	A	A	A	A	A	A	B	B	D	B	B	D	B	28
Day care center, limited		D	D	D	B		A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	D	D	D	28	
Government services		D	D	D	B	B	A	A	A	A	A	A	A	A	A	A	D	D	D	D	D	D	P	P	D	46
Heliport or helipad		B		B			A	A		A	A	A		A					D	D	D	D	D	P	D	9
Hospital or medical center					A													A	A	A			P	A	52	
Park, public	D				D	D	B	B	B	A	A	A	A	A	B	B	B		D		D	D	D	P	D	70
School, elementary or secondary					A		A	A	A	A	A	A	A	A	A	A			A	A	A		A	P	A	85
Transportation facility																				B		D	D	P	B	95.1

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SUBPART 3.9, Section 7.2, Off-Street Parking and Loading, is hereby amended to add and delete language as follows:

Table 7.2-1
Minimum Off-Street Parking and Loading Standards

Use Type: <u>Residential uses</u>	Parking Regulations ¹	Loading ²
Single-family, Zero lot line home, Duplex or Townhouse, Mobile home dwelling	2 spaces per unit	N/A
Multi-family	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Accessory dwelling	1 space per unit	N/A
Congregate living facility, Type 1, Type 2*, Type 3*	1 space per three beds; plus 1 space per 200 sq. ft. of office space	N/A C*
Farm residence	2 spaces per unit	N/A
Farm worker quarters	1 space per 4 units	N/A
Grooms quarters	1 space per unit	N/A
Guest cottage	1 space per cottage	N/A
Nursing or convalescent facility	1 space per three beds; plus 1 space per 200 sq. ft. of office space	A
Security or caretaker quarters	1 space per unit	N/A
<u>Use Type:</u> <u>Agricultural uses</u>	<u>Parking Regulations</u>	<u>Loading</u>
Agricultural research/development	1 space per 1000 sq. ft.	B
Agricultural sales and service	1 space per 250 sq. ft.	A
Agricultural transshipment	1 space per 2000 sq. ft.	A
Community vegetable garden	4 spaces per garden	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A

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Use Type: Agricultural uses	Parking Regulations	Loading
1 Kennel, 2 commercial	1 space per 500 sq. ft. of cage and retail area	N/A
3 Nursery, retail	1 space per 200 sq. ft. of retail and office area plus 1 space per 200 sq. ft. of retail area	B
4 Nursery, 5 wholesale	1 space per 20,000 sq. ft. of nursery area	B
6 Packing plant	1 space per 2000 sq. ft.	A
7 Potting soil 8 manufacturing	2 spaces per acre; minimum of 5 spaces	A
9 Stable, 10 commercial	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
11 Sugar mill or 12 refinery	1 space per 2000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A
13 Use Type: Public 14 and Civic uses	Parking Regulations	Loading
15 Airport, landing 16 strip or heliport	1 space per tie-down and hangar space, minimum of 5 spaces	C
17 Assembly, 18 nonprofit 19 institutional, 20 membership	1space per 3 seats	A
21 Cemetery	1 space per 200 sq. ft. of office space; plus 1 space per 500 sq. ft. of maintenance area; plus a minimum of 5 public spaces	N/A
22 Church or place of 23 worship	1 space per 3 seats (schools, auditoriums, day care centers, and other principal uses calculated separately)	N/A
24 College or 25 university	1 space per 2 students; plus 1 space per 4 seats in gymnasiums and auditoriums; plus 1 space per 200 sq. ft. of administrative and educational office space	C
26 Day care center, 27 general	1 space per 250 sq. ft.; plus 5 drop off stalls if capacity is 100 or less; 10 drop off stalls if capacity is more than 100	N/A
28 Day care center, 29 limited	1 space per 250 sq. ft.; plus drop off stall	N/A
30 Government 31 services 32 (except library)	1 space per 200 sq. ft.; or 1 space per 3 seats, whichever is greater	N/A
33 Hospital or medica 34 center	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	C
35 <u>School, Private and</u> 36 <u>Charter</u>	<u>1 space per employee, 1 visitor space for every 50 students,</u> <u>1 space for every 5.5 students in 11th and 12th grade</u>	<u>C</u>
37 School, <u>Public</u> 38 <u>elementary or</u> 39 <u>secondary</u>	In accordance with the State Department of Education requirements for educational facilities	C

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Use Type: Public and Civic uses	Parking Regulations	Loading
Transportation facility; excluding airport	1 space per 200 sq. ft. of office space	N/A
Use Type: Utilities	Parking Regulations	Loading
Air curtain incinerator, permanent	2 spaces per acre; minimum of 5 spaces	N/A
Air curtain incinerator, temporary	2 spaces per acre; minimum of 5 spaces	N/A
Chipping and mulching	2 spaces per acre; minimum of 5 spaces	N/A
Communication tower, commercial	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
Composting facility	2 spaces per acre; minimum of 5 spaces	N/A
Electrical power facility	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Incinerator	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
Recycling center	1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.	N/A
Recycling collection station	2 spaces per station	N/A
Recycling plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Sanitary landfill	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Solid waste transfer station	1 space per 1000 sq. ft.	N/A
Utility, minor	2 spaces <u>1 space</u> per minor utility	N/A
Water or wastewater treatment plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
Use Type: Recreational uses	Parking Regulations	Loading
Amusements, temporary or Special events	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Arena, auditorium or stadium	1 space per 3 seats	B
Bowling alley	3 spaces per lane	N/A
Campground	1 space per campsite	N/A

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Use Type: Recreational uses	Parking Regulations	Loading
Entertainment, indoor (except bowling alley)	1 space per 200 sq. ft.	N/A
Entertainment, outdoor	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
Fitness center	1 space per 200 sq. ft.	N/A
Golf course	4 spaces per hole; plus 1 space per 250 sq. ft. of clubhouse	N/A
Gun club	1 space per target area	N/A
Marine facility	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
Zoo	1 space per 2000 sq. ft. of land area	N/A
Use Type: Commercial uses	Parking Regulations	Loading
Adult entertainment	1 space per 200 sq. ft.	N/A
Auction, enclosed	1 space per 200 sq. ft.	C
Automotive paint or body shop	1 space per 250 sq. ft.	N/A
Automotive service station	1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay	N/A
Bed and Breakfast	1 space for each guest room; plus 2 spaces per dwelling unit	N/A
Broadcasting studio	1 space per 1000 sq. ft.	N/A
Building supplies	1 space per 200 sq. ft.	B
Car wash and auto detailing	1 space per 200 sq. ft.	N/A
Contractor's storage yard	1 space per 500 sq. ft.; plus 1 space per 5000 sq. ft. of outdoor storage area	A
Convenience store, w/ or w/o gas	1 space per 200 sq. ft.	C
Day labor employment service	1 space per 250 sq. ft.	C
Dispatching office	1 space per 250 sq. ft.	N/A
Financial institution	1 space per 200 sq. ft.	N/A
Flea market, enclosed	2 spaces per 200 sq. ft.	C
Flea market, open	1 space per 250 sq. ft. of land area	N/A
Fruit and vegetable market	1 space per 250 sq. ft. including outdoor sales display area	N/A
Funeral home or crematory	1 space per 4 seats	C

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Use Type: Commercial uses	Parking Regulations	Loading
Gas and fuel, wholesale	1 space per 250 sq. ft.	N/A
Hotel*, motel*, SRO, Boarding & Rooming House	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	C* N/A
Landscape maintenance service	1 space per 500 sq. ft.; plus 1 space per 2500 sq. ft. of outdoor storage area	A
Laundry services	1 space per 200 sq. ft.	N/A
Lounge, cocktail	1 space per 3 seats	C
Medical office or dental clinic	1 space per 200 sq. ft.	C
Medical or dental laboratory	1 space per 200 sq. ft.	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2500 sq. ft. of outdoor storage area	N/A
Office, business or professional	1 space per 200 sq. ft.	N/A
Personal services	1 space per 200 sq. ft.	N/A
Printing and copying services	1 space per 250 sq. ft.	B
Real estate sales model	Maximum 10 spaces per manned sales model	N/A
Repair and maintenance, general	1 space per 250 sq. ft.	B
Repair services, limited	1 space per 250 sq. ft.	N/A
Restaurant, fast food	1 space per 3 seats including outdoor seating area	C
Restaurant, specialty		C
Restaurant, quality		C
Restaurant, high turnover sit-down		C
Retail sales, general	1 space per 200 sq. ft.	C
Retail sales, mobile, temporary	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A N/A
Self-service storage	1 space per 200 storage bays; minimum 5 customer spaces; security quarters calculated separately	N/A
Shopping centers	5 spaces per 1000 sq. ft. GFA (centers up to 500,000 sq. ft.) 5 spaces per 1000 sq. ft. of GLA (centers over 500,000sq. ft.)	B

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Use Type: Commercial uses	Parking Regulations	Loading
Swimming pool	1 space per 50 square feet of pool area; and 1 bicycle parking rack shall be provided	N/A
Tennis courts	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
Theater, drive-in	1 space per 250 sq. ft.	N/A
Towing service and storage	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
Vehicle inspection center	1 space per 500 sq. ft.	N/A
Vehicle sales and rental	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5000 sq. ft. of outdoor sales, rental and display area; plus 2 spaces per service bay	A
Veterinary clinic	1 space per 200 sq. ft., excluding animal exercise areas	N/A
Vocational school	1 space per classroom; plus 1 space per 4 students; plus 1 space per 200 sq. ft. of administration, and assembly area	N/A
Wholesaling, general	1 space per 1000 sq. ft.	A
Use Type: Industrial uses	Parking Regulations	Loading
Asphalt or concrete plant	1 space per 1000 square feet	N/A
Data information processing	1 space per 100 sq. ft.	A
Heavy industry	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Laboratory, industrial research	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Manufacturing and processing	2 spaces per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Motion picture production studio	2 space per 1000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1000 sq. ft. over 10,000 sq. ft.	A
Salvage or junk yard	1 space per 200 sq. ft. of office space; plus 1 space per employee	A
Truck stop	1 truck space per 80 sf sq. ft.	
Warehousing	1 space per 1000 sq. ft.; plus 1 space per 200 sq. ft. of office space	A

Notes for Table 7.2-1

- ¹ In addition to the parking requirements of Table 7.2-1, uses with company vehicles shall provide 1 space per company vehicle.
- ² Loading space ratios shall be as required by Sec. 7.2.D.2.

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SUBPART 3.10, Section 6.4.D, Supplementary Use Standards, is hereby amended to add and delete language as follows:

70. Park, public means a publicly-owned or operated park or beach providing opportunities for active or passive recreational activities to the general public. A public park use shall be subject to the following supplementary use standards.

A. CRS district. In the CRS district, a public park use shall not include golf courses and there shall be no outdoor lighting for nighttime activities.

B. Infill neighborhood parks. Infill neighborhood parks shall be permitted uses in all residential zoning districts and planned development districts and shall be subject to the requirements of Sec. 17.G., Infill neighborhood park.

SUBPART 3.11, Section 6.5.K Easement Encroachment, is hereby amended to add and delete language as follows:

K. Easement Encroachment. ...

1. Purpose. ...

2. Prohibition. No construction or landscape installation shall occur within any public or quasi-public drainage or utility easement where such construction or landscaping is inconsistent with the use for which the easement was established, except in strict accordance with the provisions of this section.

No portion of any ~~habitable structure~~ building or structure designed for human occupancy, screen enclosure, pool, or spa, ~~nor any structure that is not easily removable~~ shall be permitted to encroach an easement.

3. Incompatible uses. ...

4. Application process for encroachment into utility easements. Structures which are not prohibited pursuant to Sec. 6.5.K.2, Prohibition, shall be subject to the following: ...

5. Application process for encroachment into drainage easements. Structures which are not prohibited pursuant to Sec. 6.5.K.2, Prohibition, shall be subject to the following: ...

PART 4

SUBPART 4.1, Section 3.2, Definitions, is hereby amended to add and delete language as follows:

Official Zoning Map means the official map upon which the boundaries of each district are designated and established as approved and adopted by the governing body, made a part of the official public records of Palm Beach County, Florida, and shall be the final authority as to ~~amend~~ the zoning status of land and water areas, buildings, and other structures in the unincorporated area of the County and incorporated into this ~~code~~ Code by reference.

SUBPART 4.2, Section 6.4.D, Supplementary Use Standards, is hereby amended to add and delete language as follows:

24. Congregate living facility shall include the following: assisted living facility as defined by Sec. 400.402, Fla. Stat, extended congregate care as defined by Sec. 400.402, Fla. Stat., transitional living facility as defined by Sec. 400.805, Fla. Stat., community

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residential home, as defined by Sec. 419.001, Fla. Stat., and community transitional residence as defined by Sec.393.063, Fla. Stat. A congregate living facility shall comply with the following supplementary use standards.

a. Applicability. ...

b. Permissible occupancy. ...

(1) Type 1. ...

(2) Type 2. ...

(3) Type 3. ...

(4) Occupancy bonus through planned development district.

(a) General. ...

(b) **No double counting density in planned developments.** The gross area of a pod dedicated to an congregate living facility in a planned

development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density of conventional residential development.

c. Location. ...

(1) Location of type 1. ...

(2) Location of type 2 and type 3. ...

(a) **Districts.** A congregate living facility, type 2 shall be permitted in the RM and RH districts as a permitted use, provided that it is not located within a radius of twelve hundred (1,200) feet of another congregate living facility, type 2, and five hundred (500) feet from a single-family residential district.

(b) **Access.** An congregate living facility, type 3 shall have primary access to a collector or arterial roadway, provided that a type 3 facility having twenty-five (25) residents or less may be located on a local street. ...

SUBPART 4.3, Section 6.8.A, Planned Development District Regulations - General, is hereby amended to add and delete language as follows:

A. General

1. Purpose and intent. ...

2. Applicability. ...

3. Residential density and Comprehensive Plan land use categories. ...

4. Regulating Plan. ...

5. Determination of sufficiency. ...

6. Review and certification by DRC. ...

7. Public hearings. ...

8. Action by Development Review Committee (DRC). ...

9. Effect of Preliminary Development Plan DRC Certification. ...

10. Classification of Official Zoning Map. ...

11. Effect of development order for a Planned Development District. ...

12. Amendment to Preliminary Development Plan. ...

13. Phasing controls and platting. ...

14. Unified control. ...

15. Use regulations. ...

16. Design objectives. ...

17. Action by BCC. ...

18. ~~Effect of development order for a Planned Development District. Issuance of a development order for a Planned Development District shall be deemed to~~

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- 1 authorize amendment to the Official Zoning Map consistent with the terms and
2 conditions of the development order.—
- 3 —19. **Parking requirements and access.** PDDs, excluding MHPDs, RVPDs, and
4 SWPDs, shall comply with Sec. 7.2, Off-street parking and loading regulations, and
5 the parking and loading requirements of this section.
- 6 a. **Residential pod.** ...
- 7 b. **Commercial pod or uses within PDDs.** Parking lot requirements for commercial
8 pods and commercial uses within ~~mixed-use land uses~~ PDDs shall comply with
9 Sec. 7.2, Off-street parking and loading regulations, and the requirements listed
10 below:
- 11 (1) **Calculation rate.** Parking spaces shall be calculated at a rate of one (1)
12 space per two hundred (200 s.f.) square feet of gross floor area. The total
13 parking requirement may be lowered by the use of the commercial parking
14 reduction bonus or the shared parking option listed below.
- 15 (2) **Adjacent lots.** Parking lot design and circulation shall allow vehicular
16 access between contiguous lots without accessing a street, subject to a
17 recorded cross-access and shared parking agreement with adjacent lot
18 owners approved by PZB.
- 19 (4 3) **Maximum parking provided.** The total number of parking spaces
20 provided with a commercial pod shall not exceed the minimum number
21 required to serve the development based upon this section and Sec. 7.2,
22 Off-street parking and loading regulations, unless all provisions of Sec.
23 7.2.C.8, Planned Development District parking increase, are met.
- 24 c. **Commercial parking reduction bonus.** Commercial pods or uses within PDDs
25 with a total non-residential gross floor area exceeding one hundred fifty thousand
26 (150,000) square feet may reduce the parking calculation ratio rate for general and
27 special permit uses for the amount of non-residential gross floor area above one
28 hundred fifty thousand (150,000) square feet and equal to or less than two hundred
29 thousand (200,000) square feet. This parking calculation rate reduction is limited
30 to non-residential building area and shall be applied only to gross floor area. The
31 gross floor area within the range identified above may be calculated at a reduced
32 ratio of one (1) space per five hundred (500) square feet of gross floor area.
- 33 d. **Shared parking.** Credit toward reducing the minimum number of required parking
34 spaces for a commercial or mixed-use pod may be given for the submittal and
35 approval of a shared parking study conforming to the requirements of Sec. 7.2.C.9,
36 Shared parking.
- 37 e. **Distance.** Parking spaces shall be located within six hundred (600) linear feet of
38 a public entrance or exit of a building. This measurement shall be taken beginning
39 at the perimeter of a parking space and extend along a pedestrian pathway or
40 vehicular paved drive intended for use by pedestrians for entering or exiting the
41 buildings on site from the parking area.
- 42 f. **Location.** A minimum ten (10) percent of the required parking spaces shall be
43 located at the rear or side of each building it is intended to serve.
- 44 g. **Landscape requirements.** Unless otherwise indicated, off-street parking and
45 interior vehicular use areas within a planned development shall be landscaped
46 according to Sec. 7.3, Landscaping and buffering, and development order
47 conditions.
- 48 h. **Conflict.** In the event of conflict between the Sections, the regulations of Sec. 6.8.
49 shall apply to the extent of the conflict.

50

51 **PART 2. CAPTIONS:** The captions, section headings, and section designations used in this
52 ordinance are intended for the convenience of users only and shall have no effect in the
53 interpretation of the provisions of this ordinance.

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PART 3. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.


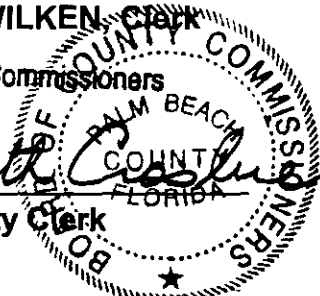
PART 4. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE: The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

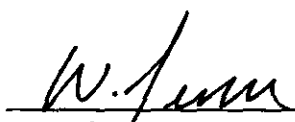
PART 6. EFFECTIVE DATE: The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 24 day of July, 2001.

ATTEST:

DOROTHY H. WILKEN, ~~Clerk~~
Board of County Commissioners
By:  Deputy Clerk


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

By: 
Warren H. Newell, Chairman

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: 
County Attorney

EFFECTIVE DATE:

Filed with the Department of State on the 3rd day of August, 2001.

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