



**TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2018-01**

SUMMARY: The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

- Ordinance Title
- Exhibit A - Definition of Addition
- Exhibit B - Modifications by DRO
- Exhibit C - Art. 2 and Art. 3 Minor Amendments
- Exhibit D - Art. 3.A.3.E.2, Planned Development Districts (PDD)
- Exhibit E - Art. 4.B, Use Regulations
- Exhibit F - Art. 4.B.1.C.4, Single Family and Cottage Homes
- Exhibit G - Art.4.B.2, Electric Vehicle Charging Station
- Exhibit H - Landscape Service & Contractor Storage Yard
- Exhibit I - Equestrian Waste Management Facility
- Exhibit J - Art. 5, Supplementary Standards
- Exhibit K - Art. 5.E.5, Hours of Operation
- Exhibit L - Art. 7.C, Landscape Buffers and Interior Landscape Requirement
- Exhibit M - Art. 9, Archaeological and Historic Preservation
- Exhibit N - Art. 11, Subdivision, Platting and Required Improvements
- Exhibit O - Art. 12, Traffic Performance Standards
- Exhibit P - Art. 14, Environmental Standards

Staff Recommendation: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067, as amended.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on February 28, 2018, March 28, 2018, April 25, 2018, and May 23, 2018. Sitting as the LDRC on May 23, 2018, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: June 25, 2018, Request for Permission to Advertise for First Reading on July 26, 2018: Approved, 7-0. July 26, 2018, Approve on First Reading and Advertise for an Adoption Hearing on August 23, 2018: Approved, 6-0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 3 - OVERLAYS & ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; **ARTICLE 7 - LANDSCAPING:** CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 9 - ARCHAEOLOGICAL AND HISTORIC PRESERVATION:** CHAPTER A, ARCHAEOLOGICAL AND RESOURCE PROTECTION; **ARTICLE 11 - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS:** CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS:** CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; **ARTICLE 14 - ENVIRONMENTAL STANDARDS:** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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EXHIBIT A – Definition of Addition

Part	Article	Reasons
1.	ULDC Art. 1.1.2.A.19, Definitions	[Zoning] Reintroduce the definition of “addition” which was updated by Ordinance 2017-002 and inadvertently deleted by Ordinance 2017-023. The definition is necessary to clarify the type of construction that constitutes an addition to an existing structure. This definition is constantly used as reference by staff working on building permit revisions.

EXHIBIT B – Modifications by the DRO

Part	Article	Reasons
1.	ULDC Table 2.C.5.B - Administrative Modifications to Prior DOs	<p>[FD&O/Zoning] Indicate in Art. 2 a new authority to the Development Review Officer (DRO) to modify prior Development Orders as a cross reference to proposed language in Art. 3.E, Planned Development Districts (PDDs), shown in part 2 below.</p> <p>[Zoning] Art. 3.E.1.E allows a change in housing type, a transfer in density or a density decrease from one Residential pod to another within the same Planned development. This amendment is to establish criteria for staff to evaluate whether the Applicant’s request could be supported. The amendment will not result in an increase in the total number of units approved or modification of pods classification.</p> <p>[FD&O/Zoning] To add an External Access Way by the DRO to a BCC/ZC approved plan on a parcel within the URAO and Zoned UI or UC. The allowance is to comply with interconnectivity (cross access) between different parcels. Criteria included to ensure agreements and easements are in place on both properties and there is no substantial increase in traffic as a result of adding the access.</p>
2.	ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan	<p>[Zoning] Clarify that an Applicant may request to change housing type from one residential pod to another residential pod subject to limitations. The allowable change criteria through the Administrative Review process is consolidated in Art. 2 under Table 2.C.5.B - Administrative Modifications to Prior DOs.</p> <p>[Zoning] Consolidate density transfer and density decrease reference next to the provisions that pertain to change of housing type between pods. The actual standards have been relocated as criteria in Table 2.C.5.B - Administrative Modifications to Prior Development Orders that are allowed through the Zoning Agency Review process.</p> <p>[FD&O/Zoning] To incorporate language authorizing the DRO to add access such as a driveway to a civic pod when:</p> <ul style="list-style-type: none"> • that access supports a Fire Rescue station or other government facilities, • the County Engineer determines that no substantial increase in traffic impacts are above what the BCC approved; and, <p>the District Commissioner is notified of the access point prior to DRO approval.</p>

EXHIBIT C – Art.2, Application Processes and Procedures and Art. 3, Overlays and Zoning Districts Minor Amendments

Part	Article	Reasons
1.	Art. 2.A.2.C.3, Development Review Officer	(Zoning) Proposed to delete Table 2.A.2.C, Development Review Officer Administrative Processes since the same table is repeated in Chapter 2.C under Table 2.C.3.
2.	Art. 2.B.4, Review, Resubmittal and Certification	[Zoning] Amend to indicate it is a date for Resubmittal of applications, and not the original submittal.
3.	Art. 2.C. Administrative Processes	[Zoning] The Administrative Abandonment process for prior approvals was included in Table 2.A.3.C, Development Review Officer and not in Table 2.C.3 – Administrative Processes. Amend the latter Table to include this process. Also clarifies that the Abandonment process can be approved by a Development Review Officer (DRO). If the request is just for an abandonment of a prior approval and does not accompany with additional new request, it may go through a Zoning Agency Review process to be approved by the DRO.

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		Correct scrivener's error – complete sentence to clarify applications for a Development Order (DO). Add Notification requirements and Scheduling of a Public Meeting for the Type 1 Variance, which is subject to the notification requirements of FS286.011. This includes notification to the adjacent property owners and signs with information of the variance request must be posted on the subject property by the applicant.
4.	Art. 2.C.5.D, Type 1 Variances	[Zoning] Type 1 Variance is one of those processes that follow the Public Hearing procedures. After the review, Staff is required to prepare a staff report summarizing the findings and recommendation for the Final Decision Person or Body to approve or deny the application. Proposed to amend this Section of the Code to clarify the process.
5.	ULDC Table 3.B.2.B - Airport Use Regulations	Amend notes to clarify that under Article 4.B, Use Regulations, there are restrictions under the Supplementary Standards of each use.
6.	ULDC Art. 3.B.11.C, Use Regulations	Amend notes to clarify that under Article 4.B, Use Regulations, there are restrictions under the Supplementary Standards of each use.

EXHIBIT D – ULDC Art. 3.A.3.E.2, Planned Development Districts

Part	Article	Reasons
1.	ULDC Art. 3.A.3.E.2, Planned Development Districts	[Zoning] This amendment is to allow a prior Special Exception (SE) for a Planned Industrial Development District (PID) to correspond to the Light Industrial (IL) or General Industrial (IG) Standard Zoning District. Prior Zoning Ordinances established SE provisions for developments that tripped certain thresholds. In many instances, while the SE treated the site as one large development, they were still developed and subdivided in accordance with standards for the district. However, with adoption of the 1992 ULDC, these approvals were assigned to correspond with standards consistent with a MUPD. This, however, created inconsistencies with criteria such as minimum acreage or maximum building standards. This amendment serves to address these inconsistencies where the Multiple Use Planned Development (MUPD) designation resulted in non-conformities.

EXHIBIT E – Article 4.B. – Use Regulations

Part	Article	Reasons
1.	ULDC Art. 4.B.1.C.1.d, Maximum Occupancy	[Zoning] Delete provision that excludes the area utilized by a Congregate Living Facilities from the calculation of density when the use is part of a Planned Development District (PDD). Commercial Uses regulations in the Future Land Use (FLU) Elements of the Comprehensive Plan allows Multiple Use Planned Development (MUPD) or Mixed Use Planned Development (MXPDP) to utilize up to 100% of the underlying residential density. This amendment is done for consistency with the Plan.
2.	ULDC Table 4.B.1.D – Corresponding Accessory Use to a Principal Use	[Facilities] To establish a Caretaker Quarters that is accessory to a Government Facility as a use Permitted by Right. Where provided, a Caretaker Quarters serves to lend direct support to the mission and operation of the principal Government Service use (for example, a residence for the Park Ranger serving a Public Park, full time caregiver for PBSO's Mounted Unit or PBSO's K-9 Unit, or Animal Care and Control Division employees performing overnight observation/treatment to injured animals) although classified and defined as a separate use by the ULDC. [Zoning] Clarify meaning of "D" by indicating it is an administrative approval process applicable to Caretaker Quarters.
3.	ULDC Art. 4.B.1.E, Accessory Residential Use Standards	[FD&O & Zoning] Palm Beach County Facilities is requesting to give allowance to the Parks and Recreation Department and PBSO when replacing and installing new Caretaker Quarters larger than the current maximum allowable square footage. This request is to address aging Caretaker Quarters that need additional square footage to account for: storage, expanded operations, family members, and/or other site-specific factors. In addition, after hurricane the County (Facilities) has experienced a limited inventory of available Caretaker Quarters at the maximum square footage currently allowed in the Code. This amendment will provide a larger inventory of modular for replacement or damaged structures.
4.	ULDC Art. 4.B.2, Commercial Uses	Medical or Dental use was amended in 2005 to create additional standards applicable to Ambulatory Surgical Center. At the time, staff considered recommendations by LDRAB to limit the size of an Ambulatory Surgical Center as it could be as intense as a hospital, and add standards addressing ambulance areas and emergency facilities in case of need. As a result two main standards were added: one that limited the use to 10,000 square feet, subject to the approval applicable to the zoning district in which a Medical Center is allowed; and, allowed the use to be larger on sites with Commercial High (CH) Future Land Use (FLU) designation subject to BCC approval.

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		<p>This amendment is proposing to delete all provisions applicable exclusively to Ambulatory Surgical Center and treat the use as a Medical or Dental Office. An Ambulatory Surgical Center main purpose is to provide elective same-day surgical care and specific regulations from the licensing entity, Agency for Health Care Administration (AHCA), do not allow the use to be part of a hospital or accept patients requiring emergency care. Therefore, the use is within similar characteristics of any Medical or Dental Office.</p> <p>Regulations that address issues of concern such as hours of operation still apply.</p> <p>Add standard to allow a Retail Sales or Veterinary Clinic use to be located in prohibited zoning districts if collocated to an Animal Shelter.</p> <p>A collocated use is described under Use Functions in Article 4 of the ULDC (Art. 4.A.B) as “Certain principal Uses that are not normally permitted within a zoning district by the Use Matrices may be allowed as a collocated use if expressly stated under the Supplementary Use Standards and compliance with all of the Supplemental Use Standards applicable to the use.” Staff established the general language as part of the Use Regulations Project (URP) in an effort to address similar instances collectively rather than individually.</p> <p>If the supplementary use standards in Art. 4 for Animal Shelter specifically call out Retail Sales or Veterinary Clinic as a collocated use, these uses would not be allowed if the permitted use of Animal Shelter ceases.</p> <p>Prior to the Use Regulations Project (URP), a Veterinary Clinic open to the public may be collocated with an Animal Shelter approval (Ord. 2009-040). During the URP, supplementary use standards that addressed collocated uses not identified in the Use Matrix were relocated to the collocated use. This amendment corrects a scrivener’s error made when the Veterinary Clinic reference was not carried over to the Veterinary Clinic use. The collocation of a Veterinary Clinic to an Animal Shelter is consistent with Comprehensive Plan FLUE Policy 2.2.8-a. per Ord. 2008-033. In 2009, the language was added to the ULDC (2009-040).</p>
5.	ULDC Art. 4.B.3, Recreation Uses	<p>[Zoning] Prior to the Use Project, Fitness Center was permitted by right in Planned Development Districts (PDDs) when limited to 15,000 sq ft of gross floor area as indicated in the Supplementary Use Standards. As part of the Use Regulations Project, use matrices were modified to indicate the most restrictive approval process of the uses and the lesser approval, if applicable, was stated in the Supplementary Use Standards. This amendment corrects a scrivener’s error made when the thresholds in the standards were not carried over the new language in the Use Project. This amendment:</p> <ul style="list-style-type: none"> Utilizes the same threshold applicable to the Fitness Center in Community Commercial (CC) Zoning District to allow Multiple Use Planned Development (MUPD) with Commercial Low (CL) Future Land Use (FLU) designation since CC is consistent with CL FLU designation. The use will be in MUPD with CL FLU subject to DRO approval when more than 8,000 sq. ft to 15, 000 sq. ft. or Permitted by Right when less than 8,000 sq. ft. <p>Establishes a threshold for the use to be Permitted by Right in a Commercial Pod of a Planned Unit Development (PUD) when the use is less than 10,000 square feet. This change is made for consistency with existing provisions in Art. 3 applicable to commercial pod of PUD that requires any single use exceeding 10,000 square feet of GFA to obtain approval as a Conditional Use.</p> <p>[FD&O/Zoning] Amend to reflect consistent use of the terminology applicable to Caretaker Quarters through the Code.</p>
6.	ULDC Art. 4.B.4.C.6, Crematory	<p>Update the use definition of Crematory to allow any possible new methods used to reduce dead human body to be considered. Current definition limits the use to incineration which does not address new industry methods. A reference to the definition of “cremation” as contained in State Statutes 497.005 (22) pertaining to Funeral, Cemetery and Consumer Services, is added to provide additional clarification of what the use may include.</p>
7.	ULDC Art. 4.B.10.C.4.f.4), Excavation, Performed by Public Agency, To Provide Drainage For A Public Street	<p>[Facilities] To clarify existing language related to Type 2 Excavations performed by public agencies for public street drainage purposes, to better reflect historic and current practice.</p> <p>[Zoning] Clarify that a Type 2 Excavation made for the drainage of a public street and performed by a public agency is limited to the provisions indicated in this section, and that all other regulations that a Type 2 Excavation is subject to do not apply.</p>

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EXHIBIT F – Art. 4.B.1.C, Single Family and Cottage Homes

Part	Article	Reasons
1.	ULDC Art. 4.B.1.C.3, Definitions and Supplementary Use Standards for Specific Uses related to Multifamily	<p>Background</p> <p>Many municipalities and counties in states such as California, Colorado, Massachusetts, Michigan, New York, Oregon and Texas have adopted zoning regulations to accommodate Cottage Homes (aka Tiny Homes). The City of Rockledge, Florida allows cottage homes in their Redevelopment Mixed Use District (RMU) and Planned Unit Development (PUD). The structures can range from 150 to 700 square feet in size and may be oriented around a commonly shared open/park space.</p> <p>[Zoning] This amendment proposes to include Cottage Homes as a detached, single family housing type for Planned Unit Developments (PUD) Zoning districts as a pilot program. The amended language will establish definitions and property development regulations for this new detached housing type in a fee simple lot or a MF pod.</p> <p>[Zoning] Clarify the maximum square footage for a Cottage Home is 1,000 square feet for those units located in a Multi-family pod of a PUD.</p>

EXHIBIT G – Electric Vehicle Charging Station

Part	Article	Reasons
1.	ULDC Art. 4.B.2, Electric Vehicle Charging Station	[Zoning] To establish requirements and procedures to allow the placement of Electric Vehicle Charging Stations (EVCS) "mechanical devices" as both a principal and accessory use on a residential and nonresidential property. As ownership of electric vehicles expands in South Florida, there is a need for both public and private accessibility to EVCS within the Unincorporated Palm Beach County. The Florida Statute 366.94 Public Utilities, establishes regulations that clarifies EVCS as public non-utility, and does not provide specific provisions for the EVCS equipment. As a result, this proposed amendment will establish a definition for an EVCS as well as minimum regulations such as: approval process, when principal and accessory use, location on a site within building or in parking lot, how to calculate the maximum number of charging stations allowed if an accessory use, and signage on charging units for both commercial and non-commercial properties.
2.	ULDC Table 3.B.2.B, Airport Use Regulations	[Zoning] To add the approval process for EVCS within the AZO, Airport Zoning Overlay
3.	ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations	[Zoning] To add the approval process for EVCS within the WCRAO, Westgate Community Redevelopment Area Overlay
4.	ULDC Art. 1.1.3, Abbreviations and Acronyms	1 [Zoning] To add the acronyms associated with an Electric Vehicle and . Electric Vehicle Charging Station

EXHIBIT H – Landscape Service and Contractor Storage

Part	Article	Reasons
1.	ULDC Art. 4.B.2.C.20, Landscape Service	<p>[Zoning] Home Occupation typically does not require Zoning approval prior obtaining a Business Tax Receipt (BTR). It is mainly to allow a limited area of the residential structure to be used as office to operate a business not opened to the public. This amendment clarifies the approval process for limited Landscape Service allowed through Home Occupation, when located on parcels with three acres or more; zoned Agricultural Residential (AR) Rural Service Area (RSA); and, when an applicant wants to take advantage of existing Home Occupation exceptions. This amendment makes the use subject to Development Review Office (DRO) approval through the Zoning Agency Review (ZAR) process prior obtaining a BTR. The exception allows including up to three more employees, limited outdoor storage of equipment and three additional parking spaces.</p> <p>The intent of the use is to accommodate small landscape operations which are run by a homeowner, and a limited area of the property is utilized for storage of equipment, outdoor storage and home office with a limited number of employees.</p>
2.	ULDC Art. 4.B.5.C.1, Contractor Storage Yard (page 85-86 of 204), is hereby amended as follows:	[Zoning] The current procedure for a Home Occupation through a Business Tax Receipt application does not require Zoning approval.. This amendment clarifies limited that Contractor Storage Yard requested as Home Occupation in the AR/RSA is subject to a DRO approval when the applicant wants to utilize exceptions that allow additional vehicles, employees and outdoor storage beyond the regular requirements for Home Occupation, which provides an opportunity for staff to review to ensure the Code requirements for this use are met.

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3.	ULDC Art. 4.B.1.E.10, Home Occupation	Create cross reference to review additional standard and approval process applicable to Home Occupation issued for limited Landscape Service and limited Contractor Storage Yard.
4.	ULDC Table 2.C.3 – DRO Administrative Processes	Delete Special Permit applicable to limited Contractor Storage Yard as Home Occupation. The Special Permit is being changed to DRO approval as noted in Part 2 above.

Exhibit I – Equestrian Waste Management Facility

Part	Article	Reasons
1.	ULDC Art. 3.A.3.B.1.p, Standard District Exceptions and Limitations	[Zoning] Delete an exception that allows Equestrian Waste Management Facilities in the Agricultural Production (AP) Zoning District since the use is limited to industrial zoning districts or Planned Developments Districts (PDDs) with an Industrial Future Land Use (FLU) designation pursuant to the Use Matrix of Art. 4.B.5.A, Industrial Use.
2.	ULDC Art. 4.B.5.C.4, Equestrian Waste Management Facility	<p>[Zoning] Prohibit this use in those properties that have Agricultural Production (AP) Zoning District with a Specialized Agriculture (SA) Land Use designation since the Board of County Commissioners has adopted Ordinance 2017-033 on October 30, 2017. The Ordinance deleted the policies and definitions related to Equestrian Waste Pilot Project Repeal, and associated changes to the SA FLU designation.</p> <ul style="list-style-type: none"> • Ordinance 2017-005 (allowing the Pilot Project) was adopted in January 2017, with the intent of allowing additional opportunities for equestrian waste management in a more environmentally friendly manner through composting and other methods. • On April 6, 2017, during the review of the first Pilot Project, Horizon Composting FLU designation amendment and zoning applications, local farmers came to the hearings and objected to the use stating that the concentration of equestrian waste composting and recycling in their areas could present a food safety issue, and hinder their ability to sell fresh produce. The hearings were postponed and subsequent meetings were held between Staff, District Commissioner, State Review Agencies and local farmers to discuss further the issues. Both the Agencies and farmers maintained that the Horizon site was not appropriate for the composting and equestrian waste use considering the proximity of the adjacent farms. • At the April 26, 2017 BCC Transmittal Hearing for the Horizon FLU Amendment application, the Planning Director advised that staff would return to the BCC in July with significant deletion or revision of the Pilot Project. <p>[Zoning] The Glades Area Overlay has an area that is classified as Urban/Suburban Tier, and allows certain uses in the Light Industrial (IL) district. The proposed amendment will clarify that Equestrian Waste Management Facility is prohibited in the Glades Tier regardless of the industrial zoning district or industrial FLU designation. In addition, proposed to prohibit this use in the Agricultural Reserve Tier for the same reasons.</p> <p>[Zoning] Clarify that Equestrian Waste Management Facility may be allowed as a collocated use subject to BCC approval to a Potting Soil Manufacturing, Chipping and Mulching, or Composting Facility only if the establishment is located in a parcel with an industrial zoning district or Future Land Use designation.</p>
		[Zoning] Delete the Equestrian Waste Moratorium as the Comprehensive Plan has been amended to eliminate the Equestrian Waste Recycling Pilot Project. The ULDC was amended in 2017 to prohibit any applications for the Waste Recycling facility to be processed until the Comprehensive Plan was amended. However, based on opposition and concerns raised by the local farmers related to pollution, contamination of the groundwater, and citing that this type of use is not compatible or appropriate within the Glades Tier, the BCC directed Staff to eliminate the Pilot Project, and amend the ULDC to restrict this use to only to the industrial zoning districts.
3.	ULDC Art. 4.B.7.C.2, Composting Facility	<p>[Zoning] Delete the Equestrian Waste Moratorium as the Comprehensive Plan has been amended to eliminate the Equestrian Waste Recycling Pilot Project. The ULDC was amended in 2017 to prohibit any applications for the Waste Recycling facility to be processed until the Comprehensive Plan was amended. However, based on opposition and concerns raised by the local farmers related to pollution, contamination of the groundwater, and citing that this type of use is not compatible or appropriate within the Glades Tier, the BCC directed Staff to eliminate the Pilot Project, and amend the ULDC to restrict this use to only to the industrial zoning districts.</p> <p>[Zoning] Clarify that composting of equestrian waste, animal waste and bio solids shall be prohibited in a Composting Facility that is located in the Glades or AGR Tier to address the concerns of the local farmers for the same reasons as stated above. This shall also include prohibition of storage and disposal of the equestrian or animal waste and bio solids.</p>

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EXHIBIT J – Art. 5 - Supplementary Standards]

Part	Article	Reasons
1.	ULDC Art. 5.D.2.G.3., Off Street Parking Requirements	[Parks & Recreation] This amendment is intended to eliminate landscape islands to facilitate navigation and parking when pulling a trailer, maximize the yield of boat/trailer parking stalls, and preclude recurring damage to interior landscape and curbing at the County’s limited inventory of heavily used boat ramps by exempting such stalls from the requirement for landscape islands.
2.	ULDC Art. 5.E, Outdoor Lighting	[Parks & Recreation] The purpose of this amendment is to permit County owned or operated park facilities which are only open from sunrise to sunset to be exempt from outdoor lighting requirements.

Exhibit K – Article 5.E.5 – Hours of Operation

Part	Article	Reasons
1.	ULDC Art. 5.E.5, Hours of Operation	Amend to remove prohibition of stocking activities or deliveries on nonresidential uses when located within 250’ of residential. This amendment clarifies that stocking activities and deliveries are subject to the same hours of operation of the use that it is intended to serve. Reflect measurement from non-residential to residential is based on the non-residential use adjacent to a residential use or a residential Future Land Use (FLU) designation instead of a residential zoning district. Expand to include loading areas in the measurement of hours of operation separation between non-residential and residential uses. Hours of operation are currently applicable to stocking activities or deliveries but it was missing from the measurement reference. Currently hours of operation standards are subject to a Type 2 Variance. This amendment allows hours of operation regulations to be instead waived through a Type 2 Waiver. Applications for waivers are subject to specific standards in Article 2, Application Processes and Procedures that are considered by Board of County Commissioners (BCC) in order to grant or not a waiver.

Exhibit L - Article 7.C. Landscape Buffers and Interior Landscaping

Part	Article	Reasons
1.	ULDC Art. 7.B.4, Type 1 Waiver for Landscaping	[Zoning] Allow an Administrative Waiver process for relocation of trees in perimeter Landscape Buffer in situation where an underground easement may pose an impact to the planting of a required canopy tree. The quantity of the required tree shall be met but allow the relocation of the tree elsewhere on the site.
2	ULDC Art. 7.C.5, Easements in Landscape Buffers	[Zoning] Identify the two types of situations where underground easements overlap a required landscape buffer. All proposed and existing easements must be identified on the Zoning Plans (site or subdivision). This is consistent with the requirements under the Zoning Technical Manual. [Zoning] Relocation of required trees from the buffer to a different area of the subject property must be subject to the review and approval by the Development Review Officer through a Type 1 Waiver for Landscaping.

EXHIBIT M – Art. 9, Archaeological and Historical Preservation

Part	Article	Reasons
1.	ULDC Art. 9.A, Archaeological Resources Protection	[Planning] Update antiquated references and provide consistent terminology per current practices of identifying and reviewing potential archaeological and historical sites. Revise the process for updating the “Map of Known Archaeological Sites and Archaeological Conservation Areas” to reflect contemporary practices in data management and sharing between the State and County. These revisions are consistent with Historic Preservation Element Policy 1.1-c in the County’s Comprehensive Plan which states: “The County shall continue to prepare Florida Master Site File (FMSF) listing for applicable structures and sites, and update the status of resources contained within the FMSF database, as well as including FMSF data by reference in the Map of Known Archaeological Sites and Archaeological Conservation Areas.”

EXHIBIT N - Art. 11, Subdivision, Platting and Required Improvements

Part	Article	Reasons
1.	ULDC Art. 11, Subdivision, Platting and Required Improvements	To allow for delegation of interpretation authority from County Engineer to the Director of Land Development To update code references to reflect current practices.
	Section A	To update reference for consistency with reorganization of Art. 2, Application Processes and Procedures and reflect Development Review

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		Officer (DRO) authority to modify Planned Development subdivision plans is limited to thresholds
	Section B.1	To clarify that the Roadway Production Division reviews construction plans and preliminary plats for all streets; not just Thoroughfare Plan streets.
	Section B.5	To clarify that Record Drawings are no longer required to be printed on mylar sheets since Land Development is making an effort reduce printed paper requirements
	Section B.6	To update reference for consistency with reorganization of Art. 7, Landscaping done in through the amendment Round 2017-02 and reflected in Ord. 2018-002
	Chapter E.2	To clarify that rules applicable to double frontage lots also apply to corner lots.
		To eliminate reference to road cross sections that were never implemented by Land Development.
		To delete reference to street cross sections that were never implemented by Land Development.
		In an effort to reduce the number of subdivision variances being requested, the table is being updated to show that certain roads may be legal access for more types of uses provided that the maximum traffic allowed (ADT) is not exceeded
		To delete cross section streets that were never implemented by the Engineering Department. The Land Development Design Standards Manual was never updated to allow these cross sections and there are provisions to allow modifications to the current sections, where necessary, should a developer wish to utilize one of the cross sections below.
		To update the code for current minimum sidewalk width.
	Section 4.D	To add "as amended" to the SFWMD and Florida Administrative Code references since changes are proposed to both of these.
	Section 4.F	To confirm that maximum slope does not apply to areas where bulk heading is utilized.
	Section 9.A	To allow for consideration of emergency vehicles in determination of block lengths
		To reduce the number of subdivision variance applications for access to major streets when a development is within the Planned Development District. To clarify that through lots may have street frontage on more than two sides. To delete buffering requirements from this article since those regulations are in other parts of the ULDC

Exhibit O – Traffic Performance Standards. [Related to Proportionate Fair -Share Program]

Part	Article	Reasons
1	ULDC, Art. 12, Traffic Performance Standards, Chapter Q, Proportionate Fair - Share Program,	Amendments to the proportionate share Chapter is required to maintain consistency with amendments to Florida Statutes regarding same. Florida law requires local governments that continue to implement a transportation concurrency system to allow applicants to meet required concurrency by entering into a proportionate share agreement.

EXHIBIT P – Art. 14, Environmental Standard

Part	Article	Reasons
1.	. ULDC Art. 14.C.7.B, Application of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and Agriculture of 10 Acres in Size or Greater	[ERM] The intention of this amendment is to eliminate outdated code language in order to provide consistency with a PZ&B document, Residential 1 & 2 Family Checklist.- [ERM] The intention of this amendment is to clarify the sizes of native trees and palms that need to be replaced if they cannot be relocated
2.	ULDC Art. 14.C.8.A, Exemptions	[ERM] The intention of this amendment is to state the exemption from approval for single family and single two unit duplex parcels.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; **ARTICLE 3 - OVERLAYS & ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; **ARTICLE 7 - LANDSCAPING:** CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 9 - ARCHAEOLOGICAL AND HISTORIC PRESERVATION:** CHAPTER A, ARCHAEOLOGICAL AND RESOURCE PROTECTION; **ARTICLE 11 - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS:** CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; **ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS:** CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; **ARTICLE 14 - ENVIRONMENTAL STANDARDS:** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section 1. Adoption

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

1
2 **SUMMARY:** The proposed Ordinance will account for consistency with the Comprehensive Plan,
3 correction of glitches and clarifications, as well as several specific amendments, as follows:
4

- 5 ▪ Exhibit A - Definition of Addition
- 6 ▪ Exhibit B - Modifications by DRO
- 7 ▪ Exhibit C - Art. 2 and Art. 3 Minor Amendments
- 8 ▪ Exhibit D - Art. 3.A.3.E.2, Planned Development Districts (PDD)
- 9 ▪ Exhibit E – Art. 4.B, Use Regulations
- 10 ▪ Exhibit F - Art. 4.B.1.C.4, Single Family and Cottage Homes
- 11 ▪ Exhibit G - Art.4.B.2, Electric Vehicle Charging Station
- 12 ▪ Exhibit H - Landscape Service & Contractor Storage Yard
- 13 ▪ Exhibit I – Equestrian Waste Management Facility
- 14 ▪ Exhibit J - Art. 5, Supplementary Standards
- 15 ▪ Exhibit K - Art. 5.E.5, Hours of Operation
- 16 ▪ Exhibit L - Art. 7.C, Landscape Buffers and Interior Landscape Requirement
- 17 ▪ Exhibit M - Art. 9, Archaeological and Historic Preservation
- 18 ▪ Exhibit N - Art. 11, Subdivision, Platting and Required Improvements
- 19 ▪ Exhibit O - Art. 12, Traffic Performance Standards
- 20 ▪ Exhibit P – Art. 14, Environmental Standards
- 21

22 **Section 2. Interpretation of Captions**

23 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance
24 are intended for the convenience of usage only and have no effect on interpretation.
25

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

27 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
28 repealed to the extent of such conflict.
29

30 **Section 4. Severability**

31 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
32 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
33 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
34 Ordinance.
35

36 **Section 5. Savings Clause**

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

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

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

5

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

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

9

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

12

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Melissa MacKinlay, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

13

14

15 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
16 _____, 20____.

EXHIBIT A
DEFINITION OF “ADDITION”

1
2 Part 1. ULDC Art. 1.I.2.A.19, Definitions (page 31 of 119), is hereby amended as follows:
3 CHAPTER I DEFINITIONS & ACRONYMS
4 Section 2 Definitions
5 A. Terms defined herein or referenced in this Article shall have the following meanings:
6
7 20. Addition (to an existing structure) – means any walled and roofed expansion to the perimeter
8 of a building which is connected to a common load-bearing wall, pursuant to the Florida Building
9 Code, other than a firewall. Any walled and roofed expansion, which is connected by a firewall
10 or is separated by independent perimeter load-bearing walls, is new construction, not an
11 addition.
12 [Renumber Accordingly]
13

Notes:

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EXHIBIT B

MODIFICATIONS BY THE DRO SUMMARY OF AMENDMENTS

1 Part 1. ULDC Table 2.C.5.B - Administrative Modifications to Prior DOs, (page 46-47 of 105), is
2 hereby amended as follows:
3

Table 2.C.5.B - Administrative Modifications to Prior DOs

Request	Allowable Modification	Criteria
Full DRO		
.... External Emergency Access Ways	Addition of emergency access ways	<ul style="list-style-type: none"> Required by the PBC Fire Rescue Department; Notice to the District Commissioner by the Zoning Division; and Access point(s) shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. [Ord. 2015-006]
<u>External Access Way to a Civic Pod</u>	<u>Addition of access ways</u>	<ul style="list-style-type: none"> <u>Pod supports a Fire Rescue station, Government Owned Towers or a Government Facility;</u> <u>Notice to the District Commissioner by the Zoning Division prior to DRO approval; and,</u> <u>No substantial increase in traffic impact above that approved by the BCC as determined by the County Engineer.</u>
<u>External Access Way for Property within the URAO</u>	<u>Addition of access ways for Interconnectivity</u>	<ul style="list-style-type: none"> <u>The property has a UI or UC Zoning district;</u> <u>Interconnectivity shall comply with Art. 3.B.16.F.5. Interconnectivity Standards;</u> <u>Interconnectivity shall align with the existing access way located on an adjacent UI or UC parcel;</u> <u>Both parcels shall have a recorded Cross Access Easement and Agreement;</u> <u>No significant increase in traffic above that approved by the BCC as determined by the County Engineer; and,</u> <u>Notice to the District Commissioner by the Zoning Division,</u>
[Ord. 2018-002]		
Notes:		
(1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review.		
(2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]		
(3) Applicable to the Project Boundary instead of the individual property lines.		
(4) Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.		

4
5 Part 2. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision
6 Plan or Regulating Plan, (page 140- 41 of 212), is hereby amended as follows:

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

8 **Section 1 General**

9 **E. Modifications**

10 **1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating
11 Plan**

12 The DRO shall have the authority to approve modifications to a master plan, subdivision plan,
13 site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In
14 case of a conflict with Art. 2.A.6.B, Plan Requirements and, Art. 2.C.5.B, Administrative
15 Modifications to Prior DOs the following standards shall apply. Modifications which do not
16 comply with these procedures and requirements ~~of~~ of this Section shall require approval by the
17 BCC. **[Ord. 2009-040]**

18
19 **f. Access**

20 Access shall not be added to roads external to the project, internal roads indicated on the
21 Thoroughfare Identification Map, or to roads external to a pod, except for ~~a residential pod;~~
22 1) access to roads external to a residential pod, but internal to the project, may be added
23 in accordance with Article 11, Subdivision, Platting and Required Improvements; [Ord.
24 2015-006] [Relocated from this paragraph, below]
25 2) a Civic Pod supporting a Fire Rescue station, Government Owned Tower, or other
26 Government Facilities having no substantial increase in traffic impact above that
27 approved by the BCC as determined by the County Engineer. Prior to DRO approving
28 modifications, zoning staff shall notify the District Commissioner; and,
29 3) the addition of emergency access ways as required by PBC Fire Rescue. The DRO
30 shall ensure the District Commissioner is notified of this request in advance of final
31 DRO approval. The access point shall be secured by a gate that has the necessary
32 mechanism to ensure it is closed and secured after each Fire Rescue emergency call.
33 Access to roads external to a residential pod, but internal to the project, may be added
34 in accordance with Art. 11, Subdivision, Platting, and Required Improvements. [Ord.
35 2015-006] [Relocated 3.E.1.E.1.f.1),above]

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EXHIBIT C

**ART. 2, APPLICATION PROCESSES AND PROCEDURES AND
ART. 3, OVERLAYS AND ZONING DISTRICTS MINOR AMENDMENTS
SUMMARY OF AMENDMENTS**

1
2 Part 1. Art. 2.A.2.C.3, Development Review Officer (page 13 of 105), is hereby amended as
3 follows:

4 **CHAPTER A GENERAL**

5 **Section 2 Zoning Applications**

6 **C. Application Types and Authorities**

7 **3. Development Review Officer (DRO)**

8 The DRO, shall make a final decision on the following types of applications indicated in Table
9 2.C.3, DRO Administrative Processes: [Ord. 2006-036] [Ord. 2018-002]
10

**Table 2.A.2.C – Development Review Officer
Administrative Processes**

Administrative
Uses indicated as "D" in the Use Matrices in Art. 4, Use Regulations (1)
Table 4.A.9.A – Thresholds for Projects Requiring DRO Approval
Type 1 Waiver
Final Plan with approved DO by the BCC or ZC
Temporary Use
Administrative Modification to an approved DO
ABN for a prior DO approved by the DRO
Type 1 Variance
[Ord. 2006-036] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]
Notes:
1. Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classifications Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.

11
12
13 Part 2. Art. 2.B.4, Review, Resubmittal and Certification (page 25 of 105), is hereby amended as
14 follows:

15 **CHAPTER B PUBLIC HEARING PROCESSES**

16 **Section 4 Review, Resubmittal and Certification**

17 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the
18 timeline specified in the Table below. The processing time may vary based upon the types of requests.
19 [Ord. 2018-002]
20
21

Table 2.B.4 - Review, Resubmittal and Certification

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar .
Sufficiency Review by Staff	10 days from the date of Application Submittal.
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next <u>Submittal-resubmittal</u> date. Refer to the Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.
[Ord. 2018-002]	

22

23
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EXHIBIT C

ART. 2, APPLICATION PROCESSES AND PROCEDURES AND ART. 3, OVERLAYS AND ZONING DISTRICTS MINOR AMENDMENTS SUMMARY OF AMENDMENTS

1 Part 3. Art. 2.C. Administrative Processes (page 43-44 and 48 of 105), is hereby amended as
2 follows:

3 **CHAPTER C ADMINISTRATIVE PROCESSES**

4 **Section 3 General**

5 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
6 request(s), and in accordance with the Table below. The application(s) shall be assigned by the DRO to be
7 reviewed either through the Full DRO, which consists of all applicable County Agencies, or Zoning Agency
8 Review (ZAR), which consists of one to a maximum of five Agencies. An Applicant may also request
9 Sequential or Concurrent Review by the DRO. [Ord. 2018-002]
10

Table 2.C.3 - DRO - Administrative Processes

Requests	Processes	
	Full DRO	ZAR
....	√	
Administrative Approval		
....		
<u>ABN for a prior DO approved by the DRO</u>	√	√
....		
Notes		
....		
[Ord. 2018-002]		

11

12 **Section 4 Review, Resubmittal and Final Decision**

13 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the
14 timeline specified in the Table below. The processing time may vary based upon the types of requests.
15 [Ord. 2018-002]

16

17 **C. Continuance or Postponement**

18 Applications for a DO that are continued or postponed for more than six months by the DRO must
19 obtain approval from the Zoning Director. All applications that have been continued or postponed
20 for more than six months without approval from the Zoning Director, shall be administratively
21 withdrawn. [Ord. 2005 – 002] [Ord. 2018-002]

22 **D. Public Meeting Procedures for Type 1 Variance**

23 **1. Notification**

24 Refer to Art. 2.B.5 - Notification.

25 **2. Scheduling**

26 Once an application has been certified by the DRO, the DRO shall schedule a public meeting
27 in accordance with the dates established in the Annual Zoning Calendar, or such a time as is
28 mutually agreed upon between the Applicant and the DRO. The scheduling of the application
29 for public meeting shall ensure the public notice requirements are satisfied.

30 **a. Number of Meetings**

31 The DRO shall hold at least one public meeting on applications that are subject to the Type
32 1 Variance process.

33 **Section 5. Types of Application**

34

35 **C. Temporary Use**

36
37

Reason for amendments: [Zoning]
4. This amendment completes the reference of Art.4.B.11.C, Definitions and Supplementary Use Standards for Specific Uses in the standards for Temporary Uses paragraph in Article 2.

38

39 **6. Standards**

40 When considering a DO request for a Temporary Use, the DRO shall utilize the Standards a
41 through b, the DRO shall also consider the limitations and criteria stated ~~in the following Table~~
42 for each Temporary Use pursuant to Art. 4.B.11.C, Definitions and Supplementary Use
43 Standards for Specific Uses: [Ord. 2018-002]

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EXHIBIT C

**ART. 2, APPLICATION PROCESSES AND PROCEDURES AND
ART. 3, OVERLAYS AND ZONING DISTRICTS MINOR AMENDMENTS
SUMMARY OF AMENDMENTS**

1
2 **Part 4. Art. 2.C.5.D, Type 1 Variances (page 50 of 105), is hereby amended as follows:**

3 **CHAPTER C ADMINISTRATIVE PROCESSES**

4 **Section 5. Types of Application**

5 **D. Type 1 Variances**

6 **4. Standards**

7
8 When considering a Type 1 Variance request, the DRO shall consider Standards a through g,
9 indicated below. A Type 1 Variance which fails to meet any of these Standards shall be
10 deemed adverse to the public interest, and shall not be approved. **[Ord. 2018-002]**

- 11 a. Special conditions and circumstances exist that are peculiar to the parcel of land, building
12 or structure, that are not applicable to other parcels of land, structures, or buildings in the
13 same district; **[Ord. 2006-036] [Ord. 2018-002]**
- 14 b. Special conditions and circumstances do not result from the actions of the applicant; **[Ord.**
15 **2006-036] [Ord. 2018-002]**
- 16 c. Granting the variance shall not confer upon the applicant any special privilege denied by
17 the Plan and this Code to other parcels of land, structures or buildings in the same district;
18 **[Ord. 2006-036] [Ord. 2018-002]**
- 19 d. Literal interpretation and enforcement of the terms and provisions of this Code would
20 deprive the applicant of rights commonly enjoyed by other parcels of land in the same
21 district, and would work an unnecessary and undue hardship; **[Ord. 2006-036] [Ord. 2018-**
22 **002]**
- 23 e. Granting the variance is the minimum variance that will make possible a reasonable use of
24 the parcel of land, building, or structure; **[Ord. 2006-036] [Ord. 2018-002]**
- 25 f. Granting the variance will be consistent with the purposes, goals, objectives, and policies
26 of the Plan and this Code; and **[Ord. 2006-036] [Ord. 2018-002]**
- 27 g. Granting the variance will not be injurious to the area involved or otherwise detrimental to
28 the public welfare. **[Ord. 2006-036] [Ord. 2018-002]**

29 **5. Staff Report and Recommendation**

30 The DRO or the PBC official responsible for reviewing the application shall prepare a report for
31 the application. The DRO shall incorporate the analysis and Conditions of Approval of the
32 Agencies who are responsible for reviewing the application, and a recommendation of
33 approval, approval with conditions, or denial based on the applicable Standards. The report
34 shall be made available to the public at least five days prior to the hearing date.

35 **[Renumber Accordingly]**

36
37 **Part 5. ULDC Table 3.B.2.B - Airport Use Regulations (page 20- of 212), is hereby amended as**
38 **follows:**

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Utilities / Excavation Uses / Commercial Communication Towers					
....
Notes:					
....					
(2) Reference Art.4, Use Regulations for additional Supplementary Use Standards <u>.which includes exceptions, restrictions or prohibitions.</u> [Ord. 2017-007]					
....					

40
41
42 **Part 6. ULDC Art. 3.B.11.C, Use Regulations [Related to SCGCFO, Sugar Cane Growers**
43 **Cooperative of Florida Protection Area Overlay] (page 38 - of 212), is hereby amended**
44 **as follows:**

45 **CHAPTER B OVERLAYS**

46 **Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay**

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EXHIBIT C

ART. 2, APPLICATION PROCESSES AND PROCEDURES AND ART. 3, OVERLAYS AND ZONING DISTRICTS MINOR AMENDMENTS SUMMARY OF AMENDMENTS

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....
C. Use Regulations

The following uses may be permitted in the SCGCFO, subject to Art. 4, Use Regulations, and the following: **[Ord. 2004-040] [Ord. 2017-007]**

Uses Permitted by Right: (1)	DRO Uses: (1)
....
Class A Conditional Uses:	ZAR:
....	
Notes:	
<u>(1) Reference Art. 4, Use Regulations for additional Supplementary Use Standards, which includes exceptions, restrictions or prohibitions.</u>	
[Ord. 2013-001] [Ord. 2017-007] [Ord. 2018-002]	

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EXHIBIT D

ARTICLE 3.A.3.E.2 – PLANNED DEVELOPMENT DISTRICTS [RELATED TO ZONING DISTRICT CONSISTENCY WITH FLU ATLAS]

- 1
2 Part 1. ULDC Art. 3.A.3.E.2, Planned Development Districts (page 19 of 212), is hereby amended
3 as follows:
- 4 CHAPTER A GENERAL
- 5 Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)
- 6 E. Exemptions/Applicability for Prior Approvals
- 7 2. Planned Development Districts
- 8 The following previous approvals shall correspond to the current districts indicated: **[Ord.**
9 **2011-016]**
- 10 a. Special exceptions for PUDs shall correspond to a PUD. **[Ord. 2011-016]**
- 11 b. Special exceptions for large-scale community or regional shopping centers (30,000 square
12 feet or 50,000 square feet of total floor area or more), Planned Commercial Developments
13 (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General
14 Commercial Developments (PGCDs), and Planned Office Business Parks (POBPs) ~~and~~
15 ~~Planned Industrial Developments (PIDs)~~ shall correspond to a MUPD. **[Ord. 2011-016]**
- 16 c. Special exceptions for Planned Industrial Developments (PIDs) shall correspond to IL or
17 IG Zoning District of the subdivision.
- 18 d. Special exceptions for PIPDs shall correspond to a PIPD. **[Ord. 2011-016]**
- 19 e. Special exceptions for MHPDs shall correspond to a MHPD. **[Ord. 2011-016]**
- 20 f. Special exceptions for RVPDs shall correspond to a RVPD. **[Ord. 2011-016]**
- 21 g. Any of the above where approved as a conditional use approval as opposed to a special
22 exception. **[Ord. 2011-016]**

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EXHIBIT E

ARTICLE 4.B. - USE REGULATIONS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 4.B.1.C.1.d, Maximum Occupancy [Related to Congregate Living Facility],
3 (page 15 of 201), is hereby amended as follows:

4 CHAPTER B USE CLASSIFICATION

5 Section 1 Residential Uses

6 C. Definitions and Supplementary Use Standards for Specific Uses

7 1. Congregate Living Facility (CLF)

8 a. Definition

9 A facility which provides long-term care, housing, food service, and one or more assistive
10 care services for persons not related to the owner or administrator by blood or marriage.

11 b. Licensing

12 Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State
13 Statute 419.001.

14 c. Approval Process - RS Zoning District

15 A Type 3 CLF may be allowed in the RS Zoning District with an HR-8 FLU designation
16 subject to a Class A Conditional Use approval.

17 d. Maximum Occupancy

18 1) Type 1 CLF

19 Six persons, excluding staff.

20 2) Type 2 CLF

21 14 persons, excluding staff.

22 3) Type 3 CLF

23 The maximum occupancy shall be determined by FLUE Table III.C.1 of the Plan and
24 multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to
25 2.39 beds.

26 ~~4) PDD Occupancy Bonus~~

27 ~~The gross area of a pod supporting a CLF in a planned development shall be deducted~~
28 ~~from the gross area of the planned development for the purpose of calculating the~~
29 ~~maximum density allowed in the PDD.~~

30 e. Separation

31 The separation requirements in this Section shall be measured from the nearest point of
32 the existing CLF structure to the nearest point of the proposed CLF structure.

33 1) Type 1 CLF

34 A Type 1 CLF, shall not be located within a radius of 1,000 feet of another Type 1 CLF
35 regulated by F.S. §419.001 and within a radius of 1,200 feet of a Type 2 CLF.

36 2) Type 2 CLF - RM Zoning District

37 A Type 2 CLF located in the RM Zoning District shall not be located within a radius of
38 1,200 feet of another CLF.

39

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Notes:

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EXHIBIT E

ARTICLE 4.B. - USE REGULATIONS SUMMARY OF AMENDMENTS

1 Part 2. ULDC Table 4.B.1.D – Corresponding Accessory Use to a Principal Use (page 20 of 204),
2 is hereby amended as follows:
3

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

	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional, Public and Civic Uses	Recreation Uses	Utilities and Excavation Uses	Transportation Uses
Accessory Use														
....														
Caretaker Quarters (4)	-	-	-	-	-	D	D	D	D	D	D	D	D	D
....														
[Ord. 2018-XXX]														
Notes														
....	<u>D</u> <u>DRO Approval through the ZAR process</u>													
....	<u>(4)</u> <u>Permitted by Right when accessory to Government Facilities.</u>													

4
5
6 Part 3. ULDC Art. 4.B.1.E, Accessory Residential Use Standards [Related to Accessory
7 Quarters and Caretaker Quarters] (page 20 of 204), is hereby amended as follows:

8 **CHAPTER B USE CLASSIFICATION**

9 **Section 1 Residential Uses**

10 **E. Accessory Residential Use Standards**

11 **1. Accessory Quarters**

12 **a. Definition**

13 A complete, separate living facility equipped with a kitchen and provisions for sanitation
14 and sleeping, located on the same lot as the owner occupied principal dwelling.

15 **b. Building Area**

16 The use shall be subject to the following:

- 17 1) On less than one acre: a maximum of 800 square feet.
- 18 2) On one acre or more: a maximum of 1,000 square feet.
- 19 3) The floor area calculation shall include only the living area of the accessory quarter
20 under a solid roof.
- 21 4) Additional floor area under a solid roof that is utilized as a porch, patio, porte-cochere,
22 carport, or garage shall not exceed 500 square feet.

23 **[ReNUMBER Accordingly]**

24 **2. Caretaker Quarters**

25 **a. Definition**

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

28 **b. Building Area, except when accessory to government facilities**

29 The use shall be subject to the following:

- 30 1) On less than one acre: a maximum of 800 square feet.
- 31 2) On one acre or more: a maximum of 1,000 square feet.

32
33 Part 4. ULDC Art. 4.B.2, Commercial Uses (page 45, 53 and 61 of 204), is hereby amended as
34 follows:

35 **CHAPTER B USE CLASSIFICATION**

36 **Section 2 Commercial Uses**

37 **....**
38 **C. Definitions and Supplementary Use Standards for Specific Uses**
39 **....**

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EXHIBIT E

ARTICLE 4.B. - USE REGULATIONS SUMMARY OF AMENDMENTS

23. Medical or Dental Office

a. Definition

An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

b. Typical Uses

A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or urgent care center.

c. INST FLU Designation

A Medical or Dental Office may be allowed subject to DRO approval, within the boundaries of the following five site specific FLUA amendments:

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005;
- 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005;
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008;
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and,
- 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017.

d. Zoning Districts – CN, CLO and CHO

~~May be~~ Permitted by Right when not exceeding 3,000 square feet of GFA.

~~e. Ambulatory Surgical Center~~

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

~~1) Building Area~~

- ~~a) An Ambulatory Surgical Center up to 10,000 square feet of GFA may be allowed subject to the approval process for a Medical or Dental Office.~~
- ~~b) An Ambulatory Surgical Center greater than 10,000 square feet of GFA may only be allowed in developments with a CH FLU designation, subject to Class A Conditional Use approval.~~

~~2) Elective Surgical Care~~

~~Ambulatory Surgical Centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, Ambulatory Surgical Centers may be allowed to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute.~~

.... 34. Retail Sales

a. Definition

An establishment providing general retail sales or rental of goods, but excluding uses specifically classified as another use type.

~~g. Collocated Use~~

~~A Retail Sales use may be Permitted by Right in the IL, IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter.~~

~~[Renumber Accordingly]~~

.... 41. Veterinary Clinic

a. Definition

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

~~g. Collocated Use~~

- ~~1) A Veterinary Clinic may be Permitted by Right in the IG, PO, IPF Zoning District or MUPD with an INST FLU designation when collocated to an Animal Shelter.~~
- ~~2) Veterinary Clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public.~~

Part 5. ULDC Art. 4.B.3, Recreation Uses (page 68-69 of 204), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 3 Recreation Uses

Notes:

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EXHIBIT E

ARTICLE 4.B. - USE REGULATIONS SUMMARY OF AMENDMENTS

1
2 **C. Definitions and Supplementary Use Standards for Specific Uses**

3
4 **5. Fitness Center**

5 **a. Definition**

6 An establishment containing multi-use facilities for conducting recreational sport activities.

7 **b. Typical Activities**

8 Typical sport activities may include but is not limited to aerobic exercises, weight lifting,
9 running, swimming, racquetball, handball, squash, dance studios and martial arts studios.

10 **c. Approval Process—**

11 **1) CC Zoning District and MUPD with CL FLU Designation**

12 **4a)** A Fitness Center that has less than 8,000 square feet of GFA shall be Permitted
13 by Right.

14 **2b)** A Fitness Center with more than 8,000 square feet but less than 15,000 square
15 feet shall be subject to DRO approval.

16 **2) Commercial Pod of PUD**

17 A Fitness Center less than 10,000 square feet may be Permitted by Right.

18 **d. Zoning District - CN Zoning District**

19 The use shall be limited to 3,000 square feet of GFA when located in CN Zoning District
20 and shall not include outdoor activities.

21 **e. Existing Approvals – IL Zoning District and Industrial Light pod of PIPD**

22 A Fitness Center legally established in the IL Zoning District or Industrial Light pod of a
23 PIPD prior to March 2, 2017 shall be considered legal conforming.

24
25 **9. Park, Public**

26 **c. Collocated Uses**

27 The following shall be collocated uses Permitted by Right in the PO Zoning District when
28 included as part of a Public Park:

29 1) Outdoor Shooting Range limited to non-mechanical equipment archery;

30 2) Arena or Stadium or Amphitheater separated at least 1,500 feet from parcels of land
31 with a Conservation and Residential FLU designation or use.

32 **43)** Commercial Equestrian Arena;

33 **54)** Marina limited to docks, wet slips or boat ramps; and,

34 **65)** ~~Security or Caretakers~~ Quarters.

35
36
37
38 **Part 6. ULDC Art. 4.B.4.C.6, Crematory (page 75 of 208), is hereby amended as follows:**

39 **CHAPTER B USE CLASSIFICATION**

40 **Section 4 Institutional, Public and Civic Uses**

41 **C. Definitions and Supplementary Use Standards for Specific Uses**

42
43 **6. Crematory**

44 **a. Definition**

45 A facility ~~used for the incineration that employs various methods of processing of~~ human
46 or animal remains, consistent with F.S. 497.005, as periodically amended.

47 **b. Equipment Location**

48 Crematory equipment shall be located within a fully enclosed building.

49 **c. Services Prohibited**

50 Services such as public observances, sermons or other similar activities shall be
51 prohibited, unless collocated with an approved funeral home.

52 **d. Collocated Use**

53 In the RM Zoning District, a Crematory may be collocated with a Cemetery subject to Class
54 A Conditional Use approval, provided the use is restricted to those being buried within that
55 Cemetery.

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EXHIBIT E

ARTICLE 4.B. - USE REGULATIONS SUMMARY OF AMENDMENTS

1 Part 7. ULDC Art. 4.B.10.C.4.f.4), Excavation, Performed by Public Agency, To Provide Drainage
2 For A Public Street (page 186 of 204), is hereby amended as follows:

3 CHAPTER B USE CLASSIFICATION

4 Section 10 Excavation Uses

5
6 C. Definitions and Supplementary Use Standards for Excavation Uses

7
8 4. Type 2 Excavation

9
10 f. Use Approval and Procedures

11
12 4) Excavation, Performed by Public Agency, To Provide Drainage For A Public
13 Street

14
15 b) For the purpose of Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC,
16 FDOT or a Water Control District to construct public streets shall constitute a valid
17 Development Order. The excavation design and activity shall only be required to
18 comply with these standards indicated below: No other provision applicable to
19 Type 2 Excavation as contained in this Article shall apply.

- 20 (1) Notice of Intent to Construct pursuant to Article 4.B.10.B.6, Notice of Intent to
21 Construct;
- 22 (2) Operational and Construction standards pursuant Article 4.B.10.B.7.a,
23 Operational Standards and Requirements, Article 4.B.10.B.7.b, Construction
24 Standards, and Article 4.B.10.B.7.a.10), Hauling Standards;
- 25 (3) Littoral zone and general upland reclamation requirements pursuant to Article
26 4.B.10.B.7.c, Reclamation Standards; and,
- 27 (4) Maintenance and Monitoring requirements pursuant to Article 4.B.10.B.7.e,
28 Maintenance and Monitoring.

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EXHIBIT F

ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES

1
2 Part 1. ULDC Art. 4.B.1.C.3, Definitions and Supplementary Use Standards for Specific Uses
3 related to Multifamily (page 16 of 204), is hereby amended as follows:

4 CHAPTER B USE CLASSIFICATION

5 Section 1 Residential Uses

6 C. Definitions and Supplementary Use Standards for Specific Uses

7 3. Multifamily

8 d. Zoning District

9

10 3) Cottage Homes in MF Pod

11 A maximum of 1,000 square feet per unit.

12

13
14 Part 2. ULDC Art. 4.B.1.C.4, Definitions and Supplementary Use Standards for Specific Uses
15 related to Single Family (page 17 of 204), is hereby amended as follows:

16 C. Definitions and Supplementary Use Standards for Specific Uses

17

18 4. Single Family and Cottage Homes

19 a. Definition for Single Family

20 The use of a lot or a structure for one detached dwelling unit.

21 b. Definition for Cottage Home

22 The use of a lot or a structure for one detached dwelling unit with reduced property
23 development regulations than a typical Single Family lot and unit.

24 c. Cottage Homes in SF Pod

25 A maximum of 1,000 square feet per unit.

26

27
28
29 Part 3. ULDC Art. 3.D.1.D.2, Multifamily Separation related to Setbacks (page 123 of 212), is
30 hereby amended as follows:

31 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

32 Section 1 PDRs for Standard Zoning Districts

33 D. Setbacks

34 2. Multifamily Separations

35 The minimum separation for multifamily structures in the RM district shall correspond to the
36 setback regulations in Table 3.D.1.A, Property Development Regulations.

37 a. Cottage Homes

38 The minimum separation for Cottage Homes that are located in a MF Pod of a PUD may
39 be reduced from 15 feet to ten feet subject to the approval by the Fire Department and the
40 Building Division.

41
42
43 Part 4. ULDC Table 3.D.2.E – Cottage Home Property Development related to PDRs for Specific
44 Housing Type (page 134 of 212), is hereby amended as follows:

45 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

46 Section 2 PDRs for Specific Housing Types

47

48

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EXHIBIT F

ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES

E. Cottage Homes

Cottage Homes shall comply with the following PDRs:

Table 3.D.2.E – Cottage Home Property Development Regulations (1) (2)

Lot Dimensions			Height	Building Coverage	Setbacks			
Size	Width and Frontage	Depth			Front	Side (3)	Side Street	Rear
1,000 sf to 2,500 sf (max)	20 ft. to 30 ft. – (max) 30 ft. – side street home (max).	50 ft.	35 ft. (max)	40% (max)	20 ft	5 ft	10 ft	5 ft
[Ord. 2018-XXX]								
Notes:								
1. Minimum Property Development Regulations except where it stated as maximum.								
2. For Cottage Homes that are located in a MF pod , apply the RM PDRs pursuant to Table 3.D.1.A, Property Development Regulations								

....

Part 5. ULDC Table 3.E.2.D – PUD Property Development Regulations (page 148 of 212), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

D. Property Development Regulations (PDRs)

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

POD	Lot Dimensions			Density		FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A-17, Property Development Regulations. <u>Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations.</u>										
ZLL	Refer to Art. 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Art. 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-17, Property Development Regulations.										

Part 6. ULDC Table 5.B.1.A – Screen Enclosure Setbacks (page 26 of 110), is hereby amended as follows:

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

Table 5.B.1.A - Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single Family	28 feet	10.5 feet	18 feet	10.5 feet
<u>Cottage Home</u>	<u>20 feet</u>	<u>5 feet</u>	<u>12 feet</u>	<u>5 feet</u>
ZLL	13 feet	ZLL: 3 feet Non-ZLL: 5 feet	13 feet	5 feet
Townhouse	Parking Tract: 13 feet Street: 28 feet	3 feet	18 feet	5 feet
Multi-Family	28 feet	18 feet	28 feet	15 feet
Neighborhood Recreation Facility less than 1 acre	25 foot setback or separation to the nearest residential lot line			
Neighborhood Recreation Facility 1 acre or more	50 foot setback or separation to the nearest residential lot line			
[Ord. 2013-001]				

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EXHIBIT F

ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES

1 Part 7. ULDC Table 5.B.1.A – Screen Enclosure Setbacks (page 26 of 110), is hereby amended
2 as follows:

3 **CHAPTER B ACCESSORY USES AND STRUCTURES**

4 **Section 1 Supplementary Regulations**

5 **A. Accessory Uses and Structures**
6

Table 5.B.1.A - Screen Enclosure Setbacks

Setback	Front	Side Interior	Side Street	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
<u>Cottage Home</u>	<u>20 feet</u>	<u>2 feet</u>	<u>10 feet</u>	<u>2 feet</u>
Multi-family	25 feet	15 feet	25 feet	12 feet
ZLL				
Interior lot	Parking Tract: 10 feet	Non-ZLL: 2 feet ZLL: 0 feet	N/A	2 feet
Corner lot		0 feet	10 feet	
Side street home	R-O-W: 25 feet	2 feet	10 feet	
Townhouse	Front (Setback)	Side (Setback/ Separation)	Side Street (Setback)	Rear (Setback/Separation)
Property line	Parking Tract: 10 feet	0 feet	Property line: 3 feet Street - 15 feet	0 feet
From Inside edge of landscape buffer or PUD-or tract boundary		R-O-W: 25 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Recreation Parcels	Front	Side	Side Street	Rear
Property Line	25 feet	20 feet	20 feet	20 feet

7
8 Part 8. ULDC Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements (page 4
9 of 40), is hereby amended as follows:

10 **CHAPTER A PARKING**

11 **Section 1 General**

12 **B. Applicability**
13

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use Classification: Residential	Parking	Loading (1)
Congregate Living Facility, Type 1, Type 2, Type 3	1 space per unit or 2 beds whichever is greater; plus 1 space per 200 sq. ft. of office space	(12)
Multifamily	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
Single Family, <u>Cottage Home</u> , Zero Lot Line Home, Townhouse, or Mobile Home Dwelling	2 spaces per unit	N/A
Accessory Quarters	1 space per unit	N/A
Caretaker Quarters	1 space per unit	N/A
Farm Residence	2 spaces per unit	N/A
Farm Worker Quarters	1 space per 4 units or	N/A
Garage Sale	N/A	N/A
Grooms Quarters	1 space per unit	N/A
Guest Cottage	1 space per cottage	N/A
Home Occupation	N/A	N/A
Kennel, Type 1	1 space per 500 sq. ft. of cage or kennel area.	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007] [Ord. 2017-025]		
Loading Key:		
Standard "A"	One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA	
Standard "B"	One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA	
Standard "C"	One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA	
Standard "D"	One space for each 50 beds for all facilities containing 20 or more beds.	
Standard "E"	One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.	
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT F

ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES

1
2 Part 9. ULDC Art. 7.C.2.B.2 – Exemptions related to Compatibility Buffer (page 16 of 53), is
3 hereby amended as follows:

4 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS**

5 **Section 2 Types of Landscape Buffer**

6 **B. Compatibility Buffer**

7 A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be
8 used as a substitute for Canopy trees. [Ord. 2018-002]

9
10 **2. Exemption**

11 Compatibility Buffers shall not be required for the following: [Ord. 2018-002]

- 12 a. Single Family residential subdivisions or pods adjacent to Single Family residential
13 subdivisions or pods. Cottage Home pods adjacent to Cottage Home pods; [Ord. 2018-
14 002]

15

16
17 Part 10. ULDC Art. 7.C.2.C – Incompatibility Buffer Types (page 18 of 53), is hereby amended as
18 follows:

19 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS**

20 **Section 2 Types of Landscape Buffer**

21 **C. Incompatibility Buffer**

22 **Table 7.C.2.C - Incompatibility Buffer Types**

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
<u>Residential, Single Family and ZLL</u>	↔	<u>Residential, Cottage Homes</u>	<u>Type 1</u>
Residential, Detached	↔	Residential, Attached (3)	Type 1
Residential, Detached	↔	Type 3 CLF	Type 2
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Institutional, Public and Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016] [Ord. 2018-002]			
Notes:			
1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation. [Ord. 2018-002]			
2. Buffer for Minor Utilities or Electric Distribution Substation shall be determined by the DRO. [Ord. 2017-007] [Ord. 2018-002]			
3. Shall also apply to a Type 2 CLF. [Ord. 2018-002]			

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EXHIBIT F

ARTICLE 4.B.1.C. – SINGLE FAMILY AND COTTAGE HOMES

1 Part 11. ULDC Table 7.C.3.A – Interior Landscaping Requirements related to Interior
 2 Landscaping (page 20 of 53), is hereby amended as follows:
 3

Reason for amendments: [Zoning]	
1.	Add tree planting requirement for Cottage Homes.

4 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS**

5 **Section 3 Interior Landscaping**

6 **A. Calculation of Interior Landscaping**
 7

Table 7.C.3.A – Interior Landscaping Requirements

	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Min. Tree Quantities			
Residential lot – SF, <u>Cottage Homes</u> , ZLL, TH and MF	1 per 1,250 sq. ft. (max. 15 trees) (1) (2)	1 per 1,000 sq. ft. (max. 30 trees)(1) (2)	1 per 800 sq. ft. (max. 30 trees)(1) (2)
Non-residential Vehicular Use Area (3)	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Min. Shrub Quantities			
Residential lot – SF, <u>Cottage Homes</u> , ZLL, TH and MF	3 per 1,250 sq. ft. (max. 45 trees) (1) (2)	3 per 1,000 sq. ft. (max. 90 trees) (1) (2)	3 per 800 sq. ft.(max. 90 trees) (2)
Non-residential Vehicular Use Area (3)	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2018-002]			
Notes:			
(1) Tree and shrub planting requirement calculations for Residential Lots shall be based on the pervious surface areas of the lot. <u>For Cottage Homes that have less than 1,250 sq. ft. of lot size, a minimum of one flowering tree or palm shall be provided.</u> [Ord. 2014-025] [Ord. 2018-002] (2) No maximum for lots with Multi-family units. [Ord. 2018-002] (3) Interior quantity of trees and shrubs shall be based on ten percent of the gross paved areas of the vehicular use area, excluding preservation, lakes, and retention areas. [Ord. 2018-002]			

8

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EXHIBIT G

ARTICLE 4.B.2 – ELECTRIC VEHICLE CHARGING STATION

1
2 Part 1. ULDC Art. 4.B.2, Electric Vehicle Charging Station (page 38 of 204), is hereby amended
3 as follows:

4 CHAPTER B USE CLASSIFICATION

5 Section 2 Commercial Uses

6
7
8
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16
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Notes:

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EXHIBIT G

ARTICLE 4.B.2 – ELECTRIC VEHICLE CHARGING STATION

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....
C. Definitions and Supplementary Use Standards for Specific Uses

....
10. Electric Vehicle Charging Station Facility

a. Definitions

A facility that provides infrastructure that supplies electric energy for the charging of electric vehicles. Electric vehicles shall include, but not limited to: Battery-powered electric vehicles, Plug-in hybrid electric vehicles, Electric motorcycles, and Fuel cell vehicles. The service is provided to the public and the facility can be manned or unmanned.

b. Location Criteria for Principal Use

1) An EVCS facility shall comply with Art. 5.E.2, Location Criteria.

2) An EVCS facility with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria.

3) I-95 or Turnpike Interchanges

A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 or Turnpike interchange shall be exempt from the location criteria listed above.

c. Design and Construction Standards for Stations for Principal or Accessory Use

1) The location of the EVCS (charger and/or charging space(s)) shall not be located in the following areas:

a) required loading areas;

b) required landscape buffers, islands, or medians; and

c) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility.

2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle;

3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs;

4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit;

5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information:

a) Voltage and amperage levels;

b) Any applicable usage fees;

c) Safety information; and

d) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station.

6) A generator, if provided, shall comply with Art. 5.B.1.A.18.b, Permanent Generator

d. Accessory Use

EVCS shall be permitted as an accessory use to residential or nonresidential uses when a parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or vehicular service area of a principal use for public or private use. An accessory EVCS may be located in any Zoning district subject to DRO approval.

1) Accessory to Nonresidential Uses

Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or, whichever is less.

2) Accessory Residential

a) EVCS that is accessory to a home (SF, ZLL or TH) is permitted and exempt from the regulations in this Section.

b) An EVCS located within a common parking area shall comply with the provisions for Accessory to Non Residential uses listed above.

.... [Renumber Accordingly]

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EXHIBIT G

ARTICLE 4.B.2 – ELECTRIC VEHICLE CHARGING STATION

1 Part 2. ULDC Table 3.B.2.B, Airport Use Regulations (page 21 of 212), is hereby amended as
2 follows:

3 **CHAPTER B OVERLAYS**

4 **Section 2 AZO, Airport Zoning Overlay**

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarter	S	S	CG or IG		All
Commercial Uses					
Auction, Indoor		D	CG	2	All
Auction, Outdoor		A	CG	2	All
Car Wash		D	CG or IL	4	All
Catering Service	P	D	CG or IL	5	All
Cocktail Lounge	P	A	CG	6	All
Convenience Store		D	CG	7	All
Dispatching Service	P	D	CG	8	All
Dog Daycare	P	D	CG	9	All
<u>Electric Vehicle Charging Station Facility</u>		<u>A</u>	<u>CG</u>	<u>10</u>	<u>All</u>
Financial Institution	P	P	CG	10-11	All
Financial Institution with Drive Thru Facilities	P	D	CG	11-12	All
....				
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]					

5
6 Part 3. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 46 of 212), is hereby
7 amended as follows:

8 **CHAPTER B OVERLAYS**

9 **Section 14 WCRAO, Westgate Community Redevelopment Overlay**

Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
Residential Uses								
....								
Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Convenience Store	X	X	X	X	-	-	-	4.B.2.C.7
Employment Agencies (5)	X	X	X	X	X	X	X	4.B.2.C.25
<u>Electric Vehicle Charging Station Facility</u>	<u>X</u>	<u>4.B.2.C.10</u>						
....								
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007] [2017-002] [Ord. 2017-007] [Ord. 2018-002]								
Notes:								
....								
Key:								
X Prohibited in Sub-area.								
- Subject to Use Regulations of zoning district.								
P Permitted by Right. [Ord. 2007-013] [2009-040]								
A Class A Conditional Use [Ord. 2017-007]								

10
11 Part 4. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 114 of 118), is hereby amended as
12 follows:

13 **CHAPTER I DEFINITIONS & ACRONYMS**

14 **Section 3 Abbreviations and Acronyms**

- EvPA Everglades Protection Area [Ord. 2014-025]
- EV Electric Vehicle
- EVCS Electric Vehicle Charging Station
- FAA Federal Aviation Administration

15

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EXHIBIT H

ARTICLE 4 – USE REGULATIONS [RELATED TO LANDSCAPE SERVICE AND CONTRACTOR STORAGE YARD] SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 4.B.2.C.20, Landscape Service (page 43-44 of 204), is hereby amended as
3 follows:

4 CHAPTER B USE CLASSIFICATION

5 Section 2 Commercial Uses

6 C. Definitions and Supplementary Use Standards for Specific Uses

7 20. Landscape Service

8 An establishment engaged in the provision of landscape maintenance or installation services,
9 such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and
10 landscape installation.

11 a. AR District in RSA

12 A landscape ~~s~~ervice as a principal use shall be located on a collector or arterial street
13 on a minimum of three acres.

14 b. AGR District

15 Shall be permitted subject to DRO approval as an accessory use only in conjunction with
16 a retail or wholesale nursery, excluding those that meet the limitations of a home
17 occupation.

18 c. Landscape Buffer

19 An Incompatibility Buffer ~~as required by Art. 7.C.2.C, Incompatibility Buffer,~~ may be ~~waived~~
20 ~~exempt~~ if the use is adjacent to farm worker quarters or mobile home accessory to a Bona
21 Fide Agriculture use.

22 d. Storage

23 Outdoor storage of debris shall be prohibited.

24 e. Accessory Use

25 May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three
26 acres.

27 f. Yard Waste Storage

28 Landscape service with storage of yard waste shall front on a collector or arterial street,
29 and shall comply with the following requirements:

30 1) Setbacks

31 Loading and service areas shall be located a minimum of 50 feet from all property lines
32 and 100 feet from adjacent property with residential use or FLU designation.

33 2) Standards

- 34 a) Only one yard waste storage area shall be permitted on site;
35 b) Shall not exceed 30 by 40 feet;
36 c) Yard waste shall be screened on three sides by a wall with a maximum height of
37 12 feet. The open end of the wall shall not face any property with residential use
38 or FLU designation;
39 d) Yard waste piles shall not exceed the height of the wall;
40 e) Surface of the storage area shall be paved with concrete and have positive
41 drainage; and,
42 f) Yard waste that is not generated by the landscape service shall be prohibited on
43 site.

44 g. Home Occupation

45 A ~~limited l~~andscape ~~s~~ervice, not including yard waste or landscape installation services,
46 may be ~~approved~~ allowed as a ~~h~~ome ~~o~~ccupation subject to the requirements of Art.
47 4.B.1.E.10, Home Occupation. ~~and this section, subject to the following exemptions or~~
48 ~~requirements:~~

49 1) Exception – AR/RSA Zoning District

50 A limited Landscape Service on a lot *three acres or more* may be allowed as follows:
51 **[Partially relocated from 4.B.2.C.20.g.2), AR District in RSA, below]**

52 a) Subject to DRO approval through the ZAR process prior to issuance of a Business
53 Tax Receipt;

54 1) **Buffers**

55 ~~The use shall be exempt from incompatibility buffer requirements.~~ **[Relocated to Art.**
56 **4.B.2.C.20.g.2), below]**

57 2) ~~AR District in RSA~~

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EXHIBIT H

ARTICLE 4 – USE REGULATIONS [RELATED TO LANDSCAPE SERVICE AND CONTRACTOR STORAGE YARD] SUMMARY OF AMENDMENTS

1 A landscape service may be permitted subject to the limitations of Art. 4.B.1.E.10,
2 Home Occupation, except that parcels ~~three acres or more~~ in size may also be eligible
3 for the following: **[Partially relocated to 4.B.2.C.20.g.1), Exception]**

4 ab) A maximum of three persons living outside of the home may be employed under
5 ~~the home occupation~~ the DRO approval

6 bc) ~~The use shall also be exempt from the outside storage limitations of Art.~~
7 ~~4.B.1.E.10.j, Outside Outdoor Storage, provided that outside storage is shall be~~
8 limited to equipment such as lawnmowers, hedgers, weed eaters, and a small
9 trailers. Storage shall not include heavy equipment ~~associated with landscape~~
10 ~~installation services,~~ such as bobcats, loaders, dump trucks, or heavy equipment
11 trailers. ~~;~~ and

12 ed) Storage areas shall be screened from view from any R-O-W or parcel of land with
13 a Residential FLU designation or use through the use of opaque fences, walls or
14 existing or newly planted native vegetation. ~~provided the material provides an~~
15 ~~opaque screen within one year of the issuance of the business tax receipt. No~~
16 ~~additional vegetation shall be required where equipment is screened from view~~
17 ~~behind permitted fences or other structures.~~

18 e) Parking spaces shall be provided for every employee in addition to the spaces
19 required for a Single Family. All vehicle parking or storage areas shall utilize
20 improved surfaces such as asphalt, pavement or shell rock.

21 2) Home Occupation having Landscape Service shall be exempt from the incompatibility
22 buffer requirements. **[Relocated to Art. 4.B.2.C.20.g.1), Buffers, above]**

23

24
25 Part 2. ULDC Art. 4.B.5.C.1, Contractor Storage Yard (page 85-86 of 204), is hereby amended as
26 follows:

27 CHAPTER B USE CLASSIFICATION

28 Section 5 Industrial Uses

29 C. Definitions and Supplementary Use Standards for Specific Uses

30 1. Contractor Storage Yard

31 a. Definition

32 The storage of construction material, mechanical equipment used in construction activity,
33 or commercial vehicles used by building trades and services, other than construction sites.

34 b. Overlay - WCRAO

35 1) Approval Process

36 The use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class
37 A Conditional Use approval.

38 2) Accessory Office

39 The use shall include a structure required to comply with the provisions of Table
40 3.B.14.F – WCRAO Sub-area PDRs.

41 3) Nonconformities

42 Uses approved prior to March 2, 2017 shall be considered legal conforming uses.

43 c. Home Occupation ~~–AR/RSA~~

44 A limited Contractor Storage Yard ~~use~~, may be allowed as a Home Occupation ~~subject to~~
45 ~~a DRO approval through the ZAR Process, when located in the Agriculture Residential~~
46 ~~(AR) Zoning District within the Rural Service Area (RSA) on lots a minimum of five acres~~
47 ~~in size,~~ subject to the requirements of Art. 4.B.1.E.10, Home Occupation, ~~and the~~
48 ~~following:~~ **[Ord. 2018-002] [Partially relocate to Art. 4.B.5.C.1.c.1, Exception – AR/RSA**
49 **/Zoning District, below]**

50 1) Exception – AR/RSA Zoning District

51 A limited Contractor Storage Yard on a lot five acres or more, may be allowed as
52 follows: **[Partially relocate from Art. 4.B.5.C.1.c, Home Occupation, above]**

53 a) Subject to a DRO approval through the ZAR Process prior to issuance of a
54 Business Tax Receipt; **[Partially relocate from Art. 4.B.5.C.1.c, Home**
55 **Occupation, above]**

56 b) A maximum of three persons living outside of the home may be employed under
57 the DRO approval. **[Partially relocated from Art. 4.B.5.C.1.c.1.c, Additional**
58 **Employees, below]**

59 1) ~~General~~

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EXHIBIT H

ARTICLE 4 – USE REGULATIONS [RELATED TO LANDSCAPE SERVICE AND CONTRACTOR STORAGE YARD] SUMMARY OF AMENDMENTS

- 1
2 **a) ~~Buffers~~**
3 ~~The use shall be exempt from incompatibility buffer requirements.~~ [Relocate
4 below under Art. 4.B.5.C.1.c.2), below]
- 5 **bc) Hours of Operation**
6 The loading or unloading, or movement of any stored vehicles, equipment, or other
7 similar activities, or additional employees shall be prohibited between the hours of
8 8:00 p.m. and 6:00 a.m.
- 9 **c) ~~Additional Employees~~**
10 **d) ~~A maximum of three persons living outside of the home may be employed under~~**
11 **~~the Home Occupation, provided parking spaces for every employee vehicles~~**
12 **~~shall not be is added to the site parked on unimproved surfaces nor in the front or~~**
13 **~~side yard unless within the business owner's driveway or enclosed storage~~**
14 **~~area.~~** [Partially relocated to Art. 4.B.5.C.1.c.1, Exception]
- 15 **de) Outdoor Storage**
16 1) ~~Where additional vehicles Semi-truck, trailer or equipment are allowed below,~~
17 ~~the use may be exempt from the outside storage limitations of Art. 4.B.1.E.10.j,~~
18 ~~provided that~~ outside storage areas of equipment shall be screened from view
19 from any R-O-W or parcel of land with a rResidential FLU designation or use,
20 through use of opaque fences, walls or existing or newly planted native
21 vegetation, ~~prior to issuance of the Business Tax Receipt;~~
22 (2) No additional vegetation shall be required where equipment is screened from
23 view behind permitted opaque fences or other structures;
24 (3) Outdoor storage shall be prohibited within the front yard, and shall be setback
25 a minimum of 15 feet, or 25 feet for vehicles or equipment greater than eight
26 feet in height, from any abutting parcel with a residential FLU or use; and,
27 **(4f) ~~A maximum of three~~ vehicles or equipment shall only be permitted,**
28 **~~unless the acreage requirements is met.~~**
29 **(5g) ~~All vehicle parking or storage areas shall utilize where parked or stored on~~**
30 **~~improved surfaces such as asphalt, pavement or shell rock.~~**
- 31 **eh) Ownership**
32 ~~Any additional p~~Permitted vehicles or equipment shall be owned or leased by the
33 Home Occupation license holder, except for semi-trucks operated by the license
34 holder, that are stored not more than two days per week at the home.
- 35 **i2) Trucks and Equipment**
36 The following additional vehicles or equipment owned by the business owner, may
37 be permitted allowed for each additional 10 acres, and in accordance with the
38 outdoor storage provisions above:
39 **(1a) ~~One~~ Semi truck with or without trailer; or, ~~b) ~~One~~ dump truck; and,~~**
40 **(2e) ~~One~~ trailer and,**
41 **(3) ~~One~~ item of heavy equipment, such as a bobcat or loader, but excluding large**
42 **equipment such as cranes.**
- 43 **3) ~~Additional Vehicles or Equipment~~**
44 ~~One additional vehicle, trailer or piece of equipment permitted under Trucks and~~
45 ~~Equipment above may be allowed for each additional 10 acres.~~ [Partially
46 relocated above]
- 47 **2) Home Occupation having Contractor Storage Yard shall be exempt from the**
48 **incompatibility buffer requirements.** [Relocated from Art. 4.B.5.C.1.c.1)a), Buffers,
49 above]
- 50
- 51 **Part 3. ULDC Art. 4.B.1.E.10, Home Occupation (page 23 of 204), is hereby amended as follows:**
- 52 **CHAPTER B USE CLASSIFICATION**
- 53 **Section 1 Residential Uses**
- 54 **E. Accessory Residential Use Standards**
- 55 **10. Home Occupation**
- 56 **a. Definition**
- 57 A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling
58 unit for commercial gain by a resident of the unit. A Home Occupation shall not include

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EXHIBIT H

ARTICLE 4 – USE REGULATIONS [RELATED TO LANDSCAPE SERVICE AND CONTRACTOR STORAGE YARD] SUMMARY OF AMENDMENTS

- 1 those businesses—that are open to the public including those required by State of Florida
2 agencies.
- 3 **b. Incidental Nature**
4 Shall be clearly incidental and subordinate to the residential use of the dwelling property.
- 5 **c. Location**
6 With the exception of outdoor instructional services, a Home Occupation shall be
7 conducted within the principal dwelling or off-site, and shall not be conducted within any
8 accessory building or structure or within any open porch or carport that is attached to and
9 part of the principal structure. Instructional services, which by their nature must be
10 conducted outside of the principal structure, such as swimming lessons, shall be located
11 in a rear or side yard.
- 12 **d. No Change to Character of Dwelling**
13 The residential character of the dwelling in terms of exterior appearance and interior space
14 shall not be altered or changed to accommodate a home occupation.
- 15 **e. Employees**
16 Shall be conducted by members of the immediate family residing in the dwelling unit only.
17 A maximum of one person who is not a member of the immediate family may assist in the
18 operation of the home occupations at the residence.
- 19 **f. Advertising**
20 No external evidence or sign shall advertise, display, or otherwise indicate the presence of
21 the home occupation, nor shall the street address of the home occupation be advertised
22 through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be
23 limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or
24 Chapter 67-1876 of the PBC Contractor’s Certification Division Manual.
- 25 **g. Cottage Foods**
26 No food preparation shall be allowed, except as allowed in accordance with F.S. Section
27 500.80 cottage food operations, as amended.
- 28 **h. On-Premise Sale of Goods and Services**
29 A Home Occupation shall not involve the sale of any stock, trade, supplies, products, or
30 services on the premises, except for instructional services or incidental retail sales where
31 the Home Occupation is a mail order or internet business.
- 32 **i. Instructional Services**
33 Instructional services shall meet the following additional regulations:
34 **1) Home Instruction, Inside**
35 Teaching which takes place inside the dwelling unit of the instructor. Typical instruction
36 includes music lessons and academic tutoring.
37 **2) Home Instruction, Outside**
38 Teaching which takes place outside the dwelling unit, on the property of the instructor.
39 This type of instruction is limited to subject matter which necessitates outside
40 instruction. Typical instruction includes tennis, swimming lessons, dog training and
41 equestrian lessons.
42 **3) Hours of Operation**
43 Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.
44 **4) Number of Students**
45 A maximum of three students at a time may be allowed to receive instruction during a
46 lesson.
47 **5) Parking**
48 No more than two vehicles associated with the lessons may be allowed to be parked
49 at the instructor’s home at any time.
50 **6) Resident**
51 The instruction must be conducted by a resident of the dwelling where lessons are
52 provided. Only one instructor may be allowed to provide instruction.
- 53 **j. Home Occupation in the AR/RSA**
54 Additional standards and approval process apply to Home Occupation with limited
55 Landscape Service or limited Contractor Storage Yard pursuant to Art. 4, Use Regulations.
- 56 **k. Outside Storage**
57 No equipment or materials used in the home occupation shall be stored or displayed
58 outside of the dwelling, including driveways.
- 59 **kl. Nuisances**
60 No Home Occupation shall involve the use of any mechanical, electrical or other
61 equipment, materials or items which produce noise, electrical or magnetic interference,
62 vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building.

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EXHIBIT H

**ARTICLE 4 – USE REGULATIONS
[RELATED TO LANDSCAPE SERVICE AND
CONTRACTOR STORAGE YARD]
SUMMARY OF AMENDMENTS**

1 There shall be no storage of hazardous or noxious materials on the site of the home
2 occupation. There shall be no noise of an objectionable nature from the Home Occupation
3 audible at adjoining property lines.

4 **lm. Violations or Hazard**

5 If any of the above requirements are violated, or if the use, or any part thereof, is
6 determined by the Zoning Director to create a health or safety hazard, then the business
7 tax receipt may be revoked.

8 **mn. Vehicles**

9 One business related vehicle per dwelling unit not over one ton rated capacity may be
10 parked at the home, provided the vehicle is registered to a resident of the dwelling,
11 commercial vehicles are prohibited.

12

14 **Part 4. ULDC Table 2.C.3 – DRO Administrative Processes (page 43 of 105), is hereby amended
15 as follows:**

Table 2.C.3 - DRO - Administrative Processes

Requests	Processes	
	Full DRO	ZAR
....		
Administrative Approval		
....		
Special Permit pursuant to Art. 4.B.5.C.1.c, Home Occupation in AR/RSA related to limited Contractor Storage Yard and Art. 8.H.2, Billboards		(6)
....		
Notes		
....		
6. Shall be processed as a Special Permit.		
[Ord. 2018-002]		

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EXHIBIT I

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 3.A.3.B.1.p, Standard District Exceptions and Limitations (page 18 of 212), is
2 hereby amended as follows:

3 CHAPTER A GENERAL

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

5 B. Standard Districts

6 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation
7 indicated in the table below.

8 1. Standard District Exceptions and Limitations

9 The following list of exceptions shall be permitted:

10
11 ~~p. The AP District is consistent with the Special Agriculture (SA) FLU designation where~~
12 ~~necessary to accommodate an Equestrian Waste Management Facility. [Ord. 2017-007]~~

15 Part 2. ULDC Art. 4.B.5.C.4, Equestrian Waste Management Facility (page 86 of 204), is hereby
16 amended as follows:

17 CHAPTER B USE CLASSIFICATION

18 Section 5 Industrial Uses

19 C. Definitions and Supplementary Use Standards for Specific Uses

20
21 4. Equestrian Waste Management Facility

22 a. Definition

23 An establishment used for the recovery, recycling, or transfer of equestrian waste, provided
24 used bedding is limited to organic materials, such as wood shavings, chips or sawdust,
25 straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles or
26 sand. Recovery may include collection, separation or sorting, or limited processing
27 necessary to reduce volume, render materials safe for transport, storage or disposal, or
28 the cleaning and packaging of materials for reuse. The facility may include manufacturing
29 of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer,
30 pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from
31 smaller vehicles used for collection to larger vehicles for shipment to another destination.

32 b. ~~Approval Process – AP Zoning District with SA FLU Designation~~

33 ~~An Equestrian Waste Management Facility may be allowed in the AP Zoning District with~~
34 ~~an SA FLU designation, subject to BCC approval as a Class A Conditional Use-~~
35 ~~Glades and AGR Tiers~~
36 ~~Equestrian Waste Management Facility shall be prohibited in the Glades Tier and the AGR~~
37 ~~Tier.~~

38 c. Location

39 Shall have frontage and access from an Arterial or Collector Street. Access from
40 residential streets shall be prohibited.

41 ~~d.c.~~ Separation Distance

42 An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet
43 from a food processing or packing plant. In addition to Art. 2.B.1.B.2, Standards for
44 Conditional Uses and Development Order Amendments, the BCC shall consider whether
45 the proposed 1,000 foot separation is adequate for this use at this location as part of the
46 findings for the final decision of the request.

47 d. Collocated Use

48 Equestrian Waste Management Facility may be collocated with a Potting Soil
49 Manufacturing, Composting Facility, or Chipping and Mulching subject to a Class A
50 Conditional Use approval, only when located in a parcel with an industrial zoning district or
51 FLU designation.

52 e. Landscaping Adjacent to Residential

53 ~~The landscape buffer for any Any~~ Equestrian Waste Management Facility located within
54 250 feet of a parcel with a residential use or FLU designation, shall ~~be upgraded provide~~
55 ~~to~~ a Type 3 Incompatibility Buffer. This Buffer shall be a minimum of 30 feet in width, and
56 shall consist of a two-foot high berm, and double the number of required trees, planted in
57 two staggered rows. Where outdoor activities are permitted within this distance but an
58 Incompatibility Buffer is not required, the buffer shall also be upgraded to include a
59 minimum six-foot hedge, fence or wall. Measurement shall be taken from property line of
60 the Facility to the property line of the adjacent parcel of land.

Notes:

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EXHIBIT I

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

1 **f.—Accessory Use**

2 ~~Manufacturing and Processing shall be limited to a maximum of 30 percent new material~~
3 ~~for supplementing recycling horse bedding, or for the production of other useful products~~
4 ~~comprised of Equestrian Waste.~~

5 **gf. Storage or Waste Processing Areas**

6 **1) Best Management Practices**

7 All storage areas, including the temporary or overnight parking of loaded trucks or
8 trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A,
9 Storage Related to Storage or Spreading of Livestock Waste].

10 **2) U/S Tier**

11 Outdoor storage shall be prohibited in the U/S Tier.

12 **3) Outdoor Storage**

13 Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and
14 bollards shall be provided to delineate pile locations and height, tied to a finished grade
15 location designated on site.

16 **h-g. Application Requirements – Operation Functions**

17 An application for an Equestrian Waste Management Facility shall include a Justification
18 Statement and supporting documentation demonstrating acceptable industry design,
19 configuration and operational standards, including but not limited to:

20 **1) Site Plan**

21 The Plan shall illustrate how the operation functions, including circulation routes, and
22 the location and size of loading and processing areas, and storage piles.

23 **2) Waste Volume**

24 An explanation of the quantity of waste to be received, expressed in cubic yards per
25 day or tons per day.

26 **3) Dust Control Program**

27 A program to address how dust generated from traffic, storage and processing areas
28 will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

29 **4) Odor and Pest Control Program**

30 A program to address how odors and pests resulting from any vehicles transporting
31 waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4,
32 Objectionable Odors.

33 **i.—Equestrian Waste Moratorium**

34 ~~1) The Board of County Commissioners of Palm Beach County does hereby impose a~~
35 ~~moratorium beginning on the effective date of this Ordinance, upon the acceptance of~~
36 ~~zoning applications and all applicable requests for zoning approval for an Equestrian~~
37 ~~Waste Management Facility, or any Composting use that includes equestrian waste,~~
38 ~~animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach~~
39 ~~County. While the moratorium is in effect the County shall not accept, process or~~
40 ~~approve any application relating to the zoning approval of an Equestrian Waste~~
41 ~~Management Facility, or any Composting use that includes equestrian waste, animal~~
42 ~~waste or bio solids. This moratorium does not prohibit accessory uses to Bona fide~~
43 ~~Agriculture or composting facilities with County approvals as of June 6, 2017. [Ord.~~
44 ~~2017-042]~~

45 ~~2) This Ordinance shall expire upon the earlier of the following: one year from the effective~~
46 ~~date of this Ordinance, or upon the effective date of ULDC amendments dealing with~~
47 ~~Equestrian Waste Management Facility or Composting uses that includes equestrian~~
48 ~~waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC. [Ord.~~
49 ~~2017-042]~~

50
51 **Part 3. ULDC Art. 4.B.7.C.2, Composting Facility (page 115-116 of 204), is hereby amended as**
52 **follows:**

53 **CHAPTER B USE CLASSIFICATION**

54 **Section 7 Utility Uses**

55 **C. Definitions and Supplementary Use Standards for Specific Uses**

56 **2. Composting Facility**

57 **a. Definition**

58 A facility designed and used for transforming yard waste, clean wood and other organic
59 material into soil or fertilizer through biological decomposition.

60 **b. Approval Process**

61 **1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning**
62 **District may be Permitted by Right.**

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EXHIBIT I

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

2) A Composting Facility may be allowed in the AR Zoning District in the RSA with a SA FLU designation, subject to Class A Conditional Use approval.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and setback from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Outdoor Storage

1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.

2) Outdoor storage of material shall be limited to 45 days

3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended.

4) The height of materials shall be tied to a finished grade benchmark delineated on site.

5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. Operation Functions

The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and, the location and size of loading and processing areas and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. Backyard Composting

This use does not include backyard-composting bins serving individual families.

j. Glades and AGR Tiers Equestrian Waste Moratorium

The composting, storage or disposal of equestrian and other animal waste, and bio solids shall be prohibited in the Glades and AGR Tiers. This provision does not prohibit accessory uses to Bonafide Agriculture or Composting Facilities with County approval in the AGR Tier as of the effective date of this ordinance.

~~1) The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this Ordinance, upon the acceptance of zoning applications and all applicable requests for zoning approval for an Equestrian Waste Management Facility, or any Composting use that includes equestrian waste, animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach County. While the moratorium is in effect the County shall not accept, process or approve any application relating to the zoning approval of an Equestrian Waste Management Facility, or any Composting use that includes equestrian waste, animal waste or bio solids. This moratorium does not prohibit accessory uses to Bonafide Agriculture or composting facilities with County approvals as of June 6, 2017. [Ord. 2017-042]~~

~~2) This Ordinance shall expire upon the earlier of the following: one year from the effective date of this Ordinance, or upon the effective date of ULDC amendments dealing with Equestrian Waste Management Facility or Composting uses that includes equestrian waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC. [Ord. 2017-042]~~

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EXHIBIT J

ARTICLE 5 – SUPPLEMENTARY STANDARDS [RELATED TO ART. 5.D.2.G.3.A, LANDSCAPE ISLANDS (PUBLIC PARKS) AND ART. 5.E.4.E, OUTDOOR LIGHTING] SUMMARY OF AMENDMENTS

- 1
2 Part 1. ULDC Art. 5.D.2.G.3., Off Street Parking Requirements (page 59 of 107), is hereby
3 amended as follows:
- 4 CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS
- 5 Section 2 Types of Parks
- 6 G. Public Park Landscape Standards
- 7 3. Off Street Parking Requirements
- 8 a. Landscape Islands
- 9 One landscape island a minimum of ten feet in width shall be required per ten spaces, in
10 all Tiers (maximum 100 feet apart), excluding spaces that are designated for vehicles with
11 trailers. [Ord. 2006-004]
12
13
- 14 Part 2. ULDC Art. 5.E, Outdoor Lighting, (page 66 and 68 of 110), is hereby amended as follows:
- 15 CHAPTER E PERFORMANCE STANDARDS
- 16 Section 4 Nuisances
- 17 E. Outdoor Lighting
- 18 2. Applicability
- 19 ...
- 20 c. Exemptions
- 21 The following uses shall be exempt to the extent listed below: [Ord. 2005-041]
22
23 5) Public Park and Recreation Facilities
24 Government owned or operated public parks and recreational facilities that are only
25 open between dawn and dusk, shall not be subject to the requirements of this Section.

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EXHIBIT K

ARTICLE 5.E.5 – HOURS OF OPERATION SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 5.E.5, Hours of Operation, (page 69-70 of 110), is hereby amended as follows:

3 CHAPTER E PERFORMANCE STANDARDS

4 Section 5 Hours of Operation

5 Hours of operation relate to the time during which the use is open to the public for business. For uses not
6 open to the public, hours of operation shall be the time in which the use has employees working. [Ord.
7 2017-007]

8 A. Proximity to Residential

9 Any non-residential use shall be subject to the hours of operations indicated in Table 5.E.5.A, Hours
10 of Operation, when located within 250 feet of a parcel of land with a Residential FLU designation
11 or use, unless stated otherwise. Mixed uses located in the following zoning districts shall not be
12 considered residential uses for the purposes of hours of operation: Neighborhood General (NG),
13 Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI,
14 MXP, and TMD. [Ord. 2017-007] [Ord. 2017-025]

15
16 Table 5.E.5.A - Hours of Operation

Nonresidential Use Classification	Hours (1)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public and Civic	6:00 a.m. to 11:00 p.m.
Industrial with outdoor activities	7:00 a.m. to 7:00 p.m. (Monday – Saturday)
Industrial without outdoor activities	6:00 a.m. to 11:00 p.m. (Monday – Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Nonresidential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord. 2017-007]	
Notes:	
1 Stocking activities or deliveries outside of the permitted hours of operation are prohibited for nonresidential uses <u>are subject to the hours listed above when</u> located within 250 feet of <u>a parcel of</u> <u>land with a</u> residential <u>use or FLU designation</u> .	

17
18 B. Measurement

19 Measurement shall be taken by drawing a straight line from the ~~closest point on the perimeter of~~
20 property line of the residential ~~district use or FLU designation~~ to the closest point ~~on of~~ the loading
21 area, perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-
22 040] [Ord. 2017-007]

23 C. Existing Uses

24 Uses existing prior to this amendment may comply with the requirements existing at the time the
25 use was established, unless modified by a subsequent Development Order. [Ord. 2009-040] [Ord.
26 2017-007]

27 D. Exemptions

28 Uses owned or operated by a governmental entity that provide essential services for the public, as
29 determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Ord.
30 2017-007]

31 E. Type 2 Waiver

32 Hours of Operation may be altered pursuant to Art. 2.B.7.D, Type 2 Waiver.

33 Part 2. ULDC Art. 2.B.7.D.2, Applicability [Related to Type 2 Waivers] (page 36 of 105), is hereby
34 amended as follows:

35 CHAPTER B PUBLIC HEARING PROCESSES

36 Section 7 Types of Application

37 D. Type 2 Waiver

38 1. Purpose

39 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or
40 architectural design, site design or layout, where alternative solutions can be allowed, subject
41 to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific
42 financial hardship nor circumvent the intent of this Code. A Type 2 Waiver may not be granted
43 if it conflicts with other sections of this Code, or the Florida Building Code. [Ord. 2011-016]
44 [Ord. 2012-027] [Ord. 2018-002]

45 2. Applicability

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EXHIBIT K

ARTICLE 5.E.5 – HOURS OF OPERATION SUMMARY OF AMENDMENTS

1 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC
2 or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
3

Table 2.B.7.D - Summary of Type 2 Waivers

....	
<u>Hours of Operation</u>	<u>Art. 5.E.5.E, Type 2 Waiver</u>
Large Scale Commercial Development - Parking	Art. 6.A.1.D.2.c.1)d), Type 2 Waiver for Parking Location
[Ord. 2018-002]	

4
5 **3. Standards for a Type 2 Waiver**

6 When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards
7 indicated below and any other standards specific to a Type 2 Waiver as contained in this Code.
8 For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below, and for a
9 Commercial Communication Tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2
10 Waiver. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse
11 to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-
12 002]

- 13 a. The Waiver does not create additional conflicts with other requirements of the ULDC, and
14 is consistent with the stated purpose and intent for the zoning district or overlay; [Ord.
15 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
- 16 b. The Waiver will not cause a detrimental effect on the overall design and development
17 standards of the project, and will be in harmony with the general site layout and design
18 details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
- 19 c. The alternative design option recommended as part of the Waiver approval, if granted, will
20 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-
21 002]
- 22 d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.34.h, the BCC
23 shall make the determination that the location of a medical marijuana dispensing facility
24 promotes the health, safety and welfare of the community. [Ord. 2017-028] [Ord. 2018-
25 002]

26

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EXHIBIT L

ARTICLE 7.C, LANDSCAPE BUFFERS AND INTERIOR LANDSCAPE REQUIREMENTS SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 7.B.4, Type 1 Waiver for Landscaping (page 13 of 53), is hereby amended as
2 follows:

3 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

4 **Section 4 Type 1 Waiver for Landscaping**

5 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table
6 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to
7 be modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.
8 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.
9 2.C.5.E.3, Standards for Type 1 Waiver, and the applicable Criteria in the following Table have been met.
10 **[Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]**

11 **A. Applicability**

12 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same
13 requirements. **[Ord. 2018-002]**
14

Table 7.B.4.A –Type 1 Waivers for Landscaping

Article/Table Reference and Title	Maximum Waiver	Criteria
Landscape Islands and Parking Structures		
Table 7.C.4.A, Landscape Island and Divider Median - Planting and Dimensional Requirements, Landscape Island Width	Allow the reduction of width of landscape island to 5 feet excluding curbs.	<ul style="list-style-type: none"> For infill sites with less than 25 parking spaces.
Table 7.C.4.A, Landscape Island and Divider Median - Planting and Dimensional Requirements, Divider Median Shrub Planting	Allow relocation of shrubs from divider medians to other areas of the site.	<ul style="list-style-type: none"> For industrial developments that do not have significant public visitation and the nature of the use does not benefit from interior plantings in parking areas.
Art. 7.C.4.A.1, Landscape Island Maximum Spacing	Allow to increase the number of spaces or distance to provide larger interior islands.	<ul style="list-style-type: none"> To allow existing vegetation to be preserved or existing vegetation to be relocated within parking areas.
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement to be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation. The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.
<u>Art. 7.C.5.A.1, Underground or Overhead Easement - Relocation of Trees</u>	<u>Allow required trees to be relocated on the same site.</u>	<ul style="list-style-type: none"> <u>There is no reduction in the total quantity of the required trees;</u> <u>A maximum of ten percent of the required trees within the same buffer may be relocated; and,</u> <u>The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree.</u>
<u>Art. 7.C.5.B.3, Easements in Off-Street Parking, Existing Utilities</u>	<u>Allow existing easements to overlap the landscape islands</u>	<ul style="list-style-type: none"> <u>The Applicant shall provide documentation from the Utility easement holder that the easement(s) are recorded, and are not subject to a change in the location;</u> <u>The Applicant may utilize a small tree or a palm to satisfy the canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site;</u> <u>The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, may be reduced to 50 percent and palms may be increased up to 50 percent, and,</u> <u>The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree.</u>
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002]		

15

16
17 Part 2. ULDC Art. 7.C.5, Easements in Landscape Buffers (page 30 of 52), is hereby amended
18 as follows:

19 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS**

20 **Section 5. Easements in Landscape Buffers and Off-Street Parking Areas**

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EXHIBIT L

ARTICLE 7.C, LANDSCAPE BUFFERS AND INTERIOR LANDSCAPE REQUIREMENTS SUMMARY OF AMENDMENTS

A. Easements in Landscape Buffers

1. Underground Utilities

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Art. 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall be identified ~~prior to the preparation of on the Zoning Plans prior to the application for Building Permit, site or subdivision plans and any proposed overlap shall be approved by the DRO or Zoning Division.~~ [Ord. 2018-002]

A2. Overhead Utilities

Trees planted within any easement with overhead utilities shall comply with the placement and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines.

3. Type 1 Waiver for Landscaping

Plants required in the easement area may be planted elsewhere on the same site, in the vicinity of the required location subject to a Type 1 Waiver for Landscaping. ~~In order to maintain tree and plant spacing when a landscape buffer is traversed by a utility easement, a larger overlap may be allowed with the written approval of the relevant utility service company. Where a utility easement crosses a R-O-W Buffer, plant material spacing may be adjusted, provided there is no reduction in the amount of required plant material.~~ [Ord. 2018-002]

B. Easements in Off-Street Parking Areas

1. Underground Utilities

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below.

a. PBC Water Utilities Separation

A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD) may allow the separation distance be reduced to seven feet if tree root barriers are installed. See Figure 7.C.5, Water Utility Separation.

b. Fire Rescue Utility Separation

A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant to the pit where the tree is to be planted.

c. Existing Utilities

For sites where existing underground utilities are encroaching into landscape islands, and there is not a sufficient area for the growth of the required tree within the same island, the relocation of the required tree may be requested subject to a Type 1 Waiver for Landscaping.

d. Other Utility Authorities - Root Barrier and Separation Requirement

Proposed landscaping near non-PBC Utilities shall be subject to that Utility's separation requirements.

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Notes:

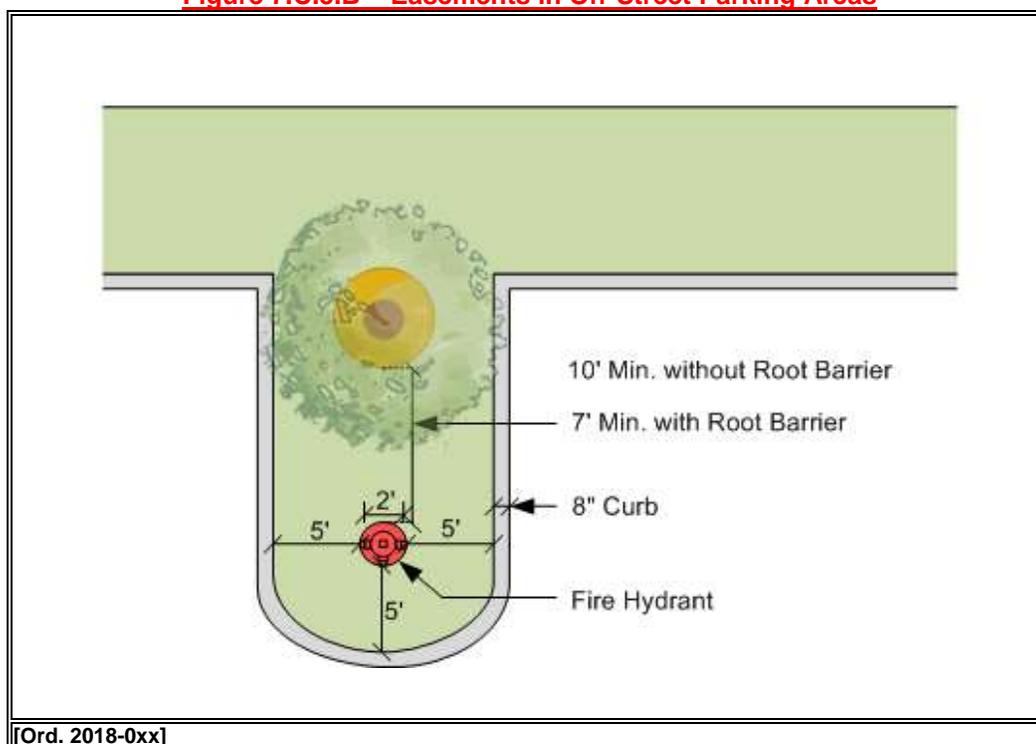
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EXHIBIT L

ARTICLE 7.C, LANDSCAPE BUFFERS AND INTERIOR LANDSCAPE REQUIREMENTS SUMMARY OF AMENDMENTS

1

Figure 7.C.5.B – Easements in Off-Street Parking Areas



2
3
4
5
6

BC. Detention or Retention Areas, Swales, and Drainage Easements

Detention or retention areas, drainage easements, and sloped, directional swales greater than one foot below finished grade, may overlap required landscape buffers provided a minimum of five feet remains for planting. [Ord. 2006-004] [Ord. 2016-042] [Ord. 2018-002]

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EXHIBIT M

ARTICLE 9 – ARCHAEOLOGICAL AND HISTORIC PRESERVATION SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 9.A, Archaeological Resources Protection (page 3-7 of 16), is hereby amended
3 as follows:

4 CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

5 Section 3 Procedures

6

7 **B. Map of Known Archaeological Sites**

8 A Map of Known Archaeological Sites and Archaeological Conservation Areas shall be ~~adopted by~~
9 ~~the BCC maintained by the County Archaeologist and Planning Director~~. The above referenced
10 map ~~may be amended by resolution or ordinance adopted by the BCC pursuant to F.S. § 125.66~~
11 ~~shall consist of Florida Master Site File (FMSF) data provided by the Florida Department of State,~~
12 ~~Division of Historical Resources~~. The map shall be ~~amended upon determination~~ revised by PBC
13 ~~that additional sites of significant archaeological value have been discovered or in some instances,~~
14 ~~destroyed whenever updated information is provided by the FMSF~~. At a minimum, the map and
15 the ~~Florida Master Site File (FMSF)~~, shall be reviewed annually by department staff and the County
16 Archaeologist ~~for possible map amendment to ensure the map is consistent with FMSF data~~. [Ord.
17 2005 – 002] [Ord. 2008-037]

18

19 **E. Single Family Homeowner Certificate to Dig**

20 **1. Application**

21 A Single-Family Homeowner Certificate To Dig (SFHCTD) will be issued to individuals whose
22 properties are ~~located within an archaeological conservation zone as~~ depicted in the Map of
23 Known Archaeological Sites and Archaeological Conservation Zones Areas or when previously
24 unknown archaeological or historic resources are encountered during construction or other
25 means of exposure. There is no fee associated with this certificate and the County
26 Archaeologist will perform the initial investigation at no charge upon receiving the permit for
27 review.

28

29 **2. Single-Family Homeowner Certificate To Dig Report Requirements**

30

31 Regardless if significant historic resources are recovered or not the Map of Known
32 Archaeological ~~Resources~~ Sites and Archaeological Conservation Areas will be modified to
33 reflect the actual status of the property. [Ord. 2008-037]

34

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EXHIBIT N

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 11, Subdivision, Platting and Required Improvements (page 7, 15, 22, 33-34,
2 36-37, 39, 42 and 45 of 46), is hereby amended as follows:

3 CHAPTER A GENERAL REQUIREMENTS

4 Section 1 General Provisions

5 A. Applicability

6 The regulations set forth in this Article shall be applicable to all subdivision of land in unincorporated
7 PBC, Florida, or as hereafter established. Pursuant to Art. 2.G.4, Staff Officials, the Director of
8 Land Development shall be responsible for review and rendering interpretations on behalf of the
9 County Engineer. Deviations from the provisions of this Article may be permitted for development
10 supporting government facilities within the PO Zoning District, subject to approval by the County
11 Engineer utilizing the following standards: **[Ord. 2007-013]**
12

13 Section 5 Previously Approved or Platted Subdivisions

14 A. Active Subdivision Development

15 All active subdivision developments and all modifications to previously platted subdivisions shall be
16 subject to the requirements of this Article in accordance with the provisions of Article 1.E, PRIOR
17 APPROVALS.
18

19 2. Modifications to an Active Subdivision Plan or Preliminary Plat

20 Modifications to an active subdivision plan or preliminary plat shall subject the development to
21 the requirements of this Article when:

- 22 a. The modification of an active subdivision plan for a planned development cannot be
23 approved by the DRO ~~in accordance with the authority granted to it under Article 2.D.1,~~
24 ~~Development Review Officer if it exceeds threshold of Art. 2.C.5.B, Administrative~~
25 ~~Modifications to Prior DOs;~~ or
- 26 b. The modification of an active subdivision plan or preliminary plat constitutes more than a
27 minor deviation such that, in the opinion of the County Engineer, the construction plans for
28 the required improvements require a new submittal and review.
29

30

31 CHAPTER B SUBDIVISION REQUIREMENTS

32 Section 1 Technical Compliance

33 C. Review of the Technical Compliance Submittal

34 1. Agency Comments

35 The County Engineer shall forward copies of appropriate submittal documents to the following
36 agencies for written comments regarding conformance with requirements of their respective
37 regulations and program responsibilities: **[Ord. 2014-025]**

- 38 a. Director, Land Development Division of DEPW: construction plans and preliminary plat;
- 39 b. Director, Traffic Division of DEPW: construction plans and preliminary plat;
- 40 c. Director, Survey Section of DEPW: preliminary plat;
- 41 d. Director, Zoning Division of PZB: preliminary plat;
- 42 e. Addressing Section, Administration Division of PZB: preliminary plat;
- 43 f. Director, Parks and Recreation Department: preliminary plat;
- 44 g. Director, Roadway Production Division of DEPW: construction plans and preliminary plat;
45 ~~for Thoroughfare Plan streets;~~

46

47 Section 5 Construction of Required Improvements

48

49 F. Administration of Construction

50

51 4. Engineer's Certificate of Completion

52 The required improvements shall not be considered complete until a certificate of completion,
53 certifying to construction in conformance with the approved plans, and the final project records
54 have been submitted to, reviewed, and approved by the County Engineer. The certificate shall
55 be signed and sealed by the developer's engineer and shall be in a form established by the
56 County Engineer, as prescribed in the Land Development Forms Manual. Said certificate shall

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ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS SUMMARY OF AMENDMENTS

1 make specific reference to, and be accompanied by copies of measurements, tests and reports
2 made on the work and materials during the progress of construction, along with a Record
3 Drawing copy of each of the construction plans ~~on a high quality, time stable, reproducible~~
4 ~~mylar~~, showing the original design in comparison to the actual finished work with all material
5 deviations noted thereon.
6

....

7 Section 6 Supplemental Procedures

8 A. Construction and Landscaping in Lake Maintenance Easements and Water Management 9 Tracts

10 11 5. Structures or Plantings

12 The provisions herein shall be applied to required approvals by the County Engineer for the
13 installation of structures or plantings in, on, or over lake maintenance easements. The following
14 criteria shall apply to the installation of such structures and plantings:

- 15 a. No structure or above grade construction, except that which may be easily removed, shall
16 be permitted in lake maintenance easements. Examples of impermissible structures are
17 houses, garages, screened enclosures, concrete block walls, concrete decks, affixed
18 permanent sheds, and pools. Examples of permissible structures are thatch sheds, wood
19 decks, and non concrete fences, contingent on said structures not being structurally affixed
20 to the ground;
- 21 b. Trees or shrubs shall not be planted, nor structures placed, in the lake maintenance
22 easement where the planting or placement of such would obstruct access by equipment to
23 outfalls or water control structures;
- 24 c. A removal declaration in a form acceptable to the County Attorney shall be recorded, at
25 the expense of the property owner;
- 26 d. The POA consent to the specific structure(s), tree(s), or shrub(s) shall be required where
27 a POA has responsibility for lake maintenance. If any other entity has a beneficiary interest
28 in the easement or a responsibility for lake maintenance, that entity's consent shall be
29 required; and
- 30 e. Trees or shrubs planted pursuant to this Subsection shall be limited to those species
31 permitted ~~pursuant to Article 7.D, Landscape Standards~~ under Art. 7, Landscaping,
32 Appendix A – PBC's Preferred Species List, as amended, and shall not include any portion
33 of the minimum site landscaping required pursuant to Art. 7.C, Landscape Buffer and
34 Interior Landscaping Requirements.
35

....

36 CHAPTER E REQUIRED IMPROVEMENTS

37

38 Section 2 Access and Circulation Systems

39 A. Vehicular Circulation Systems

40

41 42 4. Double Frontage Lots and Corner Lots

43 Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

44 a. Residential Lots

45 Where a lot abuts both a street of non-plan collector or higher classification and a local
46 street, access to said lot shall be by the local street. **[Ord. 2014-025]**

47 b. Non-Residential Lots

48 Where a lot abuts streets of local or higher classification, access to the lot shall be by the
49 street of lower classification, unless otherwise permitted by this Code; provided, however,
50 that access shall not be permitted on a local residential or residential access street as
51 prescribed on Table 11.E.2.A-2, Chart of Minor Streets ~~or Table 11.E.2.A-3, MGTS Cross~~
52 ~~Section Streets, as applicable, unless the street cross section is improved to meet local~~
53 commercial standards.
54

....

55 13. Pavement Widths

56 Pavement widths for streets shall be in accordance with Table 11.E.2.A-2, Chart of Minor
57 Streets ~~or Table 11.E.2.A-3, MGTS Cross Section Streets, as applicable.~~
58

....
59

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EXHIBIT N

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS SUMMARY OF AMENDMENTS

1

Table 11.E.2.A-2 - Chart of Minor Streets

CLASSIFICATION	MINIMUM WIDTH (FT.) STREET (b) PAVEMENT (c)		MAXIMUM ALLOWABLE ADT	ALLOWED AS LEGAL ACCESS FOR (a)	
	COMMERCIAL	RESIDENTIAL			
Non-Plan Collector	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (d)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial	80	24	13,100	X	X
Residential Access (e)					
One Sidewalk	40	20	800		X
No Sidewalk (f)	32	20	40		X

[Ord. 2014-025]

Notes:

(a) An 'x' under the commercial or residential column indicates the corresponding street classification is allowed as legal access.

(b) Street width refers to standard R-O-W or private street tract width.

(c) Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.

(d) Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, Streets streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.

(e) Use is restricted to private streets providing access to townhouse and zero lot line units within a Planned Development district.

(f) Use is restricted to private streets providing access to up to four lots. **[Ord. 2014-025]**

2

Table 11.E.2.A-3 – MGTS Cross Section Streets

CLASSIFICATION	MINIMUM WIDTH (FT.): (e)		MAXIMUM ALLOWABLE ADT (d)	ALLOWED AS LEGAL ACCESS FOR: (a)	
	STREET	PAVEMENT (e)		COMMERCIAL	RESIDENTIAL
Plan Collector-Urban/Suburban Tier					
Standard	62	22	13,100	X	
Variation	64	22	13,100	X	
Plan Collector-Exurban/Rural/Ag Reserve Tiers					
Standard	104	24	1,500	X	
Non Plan Collector-Urban/Suburban Tier					
Standard	110	24	13,100	X	
Non Plan Collector-Exurban/Rural/Ag Reserve Tiers					
Standard	102	24	13,100	X	
Local Commercial-All Tiers (f)					
Standard	46	22	10,000	X	
Local Residential-All Tiers (f)					
Standard	57	20	1,500		X
Variation	63	20	1,500		X

[Ord. 2014-025]

Notes:

(a) An 'X' under the commercial or resident column indicates the corresponding street classification is allowed as:

(b) Street width refers to standard R-O-W or private street tract width.

(c) Pavement width and does not include the additional width of paved shoulder, where required, or parking.

(d) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.

(e) Required for all TDD's.

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EXHIBIT N

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS SUMMARY OF AMENDMENTS

- 1
2 **B. Pedestrian Circulation System**
3 **1. Requirement for Sidewalks**
4 Except as provided in this Section, sidewalks shall be constructed on both sides of all streets.
5 For frontage roads and streets with a width of less than 50 feet and greater than 32 feet, a
6 sidewalk on one side at a minimum dimension of ~~six-five~~ feet is required. No sidewalk is
7 required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by
8 the Developer except as provided in Article 11.E.1.A.1, Access and Circulation Systems. **[Ord.**
9 **2014-025]**
10
- 11 **Section 4 Stormwater Management**
12
13 **D. Design Flood Elevation Determination**
14 Unless otherwise specified by a particular design or performance standard, the 100-year flood
15 elevation applicable to a development site shall be determined as the highest of:
16 1. The base flood elevation specified for the area of development located within zones designated
17 A, AH, or A1-30 as delineated on the appropriate FIRM;
18 2. The wind or current driven wave elevation specified for the area of development located within
19 zones designated V1-V30 as delineated on the appropriate FIRM;
20 3. The inundation elevation obtained by adding the depth of shallow flooding to the area-weighted
21 mean pre-development elevation of the area of development located within zones designated
22 A0 as delineated on the appropriate FIRM;
23 4. The 100-year inundation elevation established by SFWMD within specific sub-areas of the C-
24 51 Canal and C-18 Canal watersheds pursuant to Chapter 40E-41, F.A.C., and as amended;
25 or
26 5. Where not otherwise established by Chapter 40E-41, F.A.C., as amended, or by a PBC
27 drainage plan adopted pursuant to the Plan, the maximum inundation elevation resulting from
28 the total on-site storage of runoff produced by the 100-year, 3-day rainfall event assuming fully
29 developed site conditions and no discharge of surface water from the development site.
30
31 **F. Secondary Stormwater System Design and Performance**
32
33 5. Dry detention/retention facilities designed for storage in open impoundments shall have side
34 slopes no steeper than four(H): one(V), except where bulk heading is approved.
35
- 36 **Section 9 Subdivision Design and Survey Requirements**
37 **A. Maximum length of Blocks**
38 Block lengths shall not exceed 1320 feet between intersecting streets. Provided, however, that
39 greater lengths may be approved by the County Engineer on an individual basis after considering
40 such factors such as but not limited to, lot size, the ADT, number of through streets, street layout,
41 emergency vehicle accommodations and other engineering considerations, in accordance with
42 acceptable engineering practices. **[Ord. 2014-025]**
43
44 **2. Lots Abutting Major Streets**
45 a. Residential - When lots are platted abutting a major street or non-plan collector street,
46 access shall be provided by and limited to local streets or residential access streets. No
47 access from individual lots shall be permitted directly to a major street.
48 b. Non-Residential – When lots are subdivided abutting a major street, no access from
49 individual lots shall be permitted directly to a major street. This does not apply to lots in
50 the Planned Development zoning district that have multiple uses sharing common access
51 drives to major streets.
52 **3. Through Lots with Street Frontage on Two or More Sides**
53 Double Multiple frontage lots or through lots shall be avoided except where essential to provide
54 separation of residential development from major streets or to overcome specific
55 disadvantages of topography or orientation. ~~Where double frontage lots are developed they~~
56 ~~shall be buffered as required by this Code.~~
57

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EXHIBIT O

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS [RELATED TO PROPORTIONATE SHARE PROGRAM] SUMMARY OF AMENDMENTS

1
2 **Part 1. ULDC, Art. 12, Traffic Performance Standards, Chapter Q, Proportionate Fair - Share**
3 **CHAPTER Q PROPORTIONATE ~~FAIR~~-SHARE PROGRAM**

4 **Section 1 Purpose and Intent**

5 The purpose of this ~~Chapter ordinance~~ is to establish a program that meets the requirements of section
6 163.3180(5)(h), F.S., as may be amended, by allowing an applicant to satisfy the traffic concurrency
7 requirements of ULDC and the Plan by entering into a binding agreement to pay for or construct its
8 proportionate share of required improvements method whereby the impacts of development on
9 transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be
10 known as the Proportionate Fair Share Program, as required by and in a manner consistent with
11 §163.3180(16), F.S. [Ord. 2006-043]

12 **Section 2 Applicability**

13 The Proportionate ~~Fair~~-Share Program shall apply to all Projects that fail to meet the standards of this Article
14 on a collector or arterial road that is not the responsibility of a municipality, or that fail to meet the standards
15 of this Article on a transportation facility maintained by FDOT ~~pursuant to the requirements of Section 3.~~
16 The Proportionate ~~Fair~~-Share Program does not apply to Developments of Regional Impact (DRIs) using
17 proportionate ~~fair~~-share under ~~§s~~ 163.3180(12), F.S., or to ~~p~~Projects exempted from this Article. **[Ord.**
18 **2006-043]**

19 **Section 3 General Requirements**

- 20 A. An applicant may ~~choose to~~ satisfy the transportation concurrency requirements of Palm Beach
21 County by making a proportionate ~~fair~~-share contribution, pursuant to the following requirements:
22 **[Ord. 2006-043]**
- 23 1. The proposed development is consistent with the comprehensive plan and applicable land
24 development regulations. **[Ord. 2006-043]**
 - 25 2. ~~The road improvement necessary to maintain the adopted LOS is specifically identified for~~
26 ~~construction in the five-year schedule of capital improvements in the CIE of the Plan and~~
27 ~~identified for construction in the adopted Five-Year County Road Program. **[Ord. 2006-043]**~~
- 28 B. Any improvement project proposed to meet the developer's ~~fair~~-share obligation must meet Palm
29 Beach County's design standards for locally maintained roadways and those of the FDOT for the
30 state highway system. **[Ord. 2006-043]**
- 31 3. The proportionate share contribution is applied toward one or more mobility improvements that
32 will benefit a regionally significant transportation facility.
 - 33 4. For Projects located within a municipality, any Proportionate Share Agreement required by an
34 applicant in order to meet traffic concurrency must be entered into by the applicant and PBC
35 prior to receiving a DO from the municipality. The County Engineer may rescind a traffic
36 concurrency approval in the event the Project receives a municipal DO prior to entering into a
37 Proportionate Share Agreement with PBC.

38 **Section 4 Intergovernmental Coordination**

39 Pursuant to policies in the Intergovernmental Coordination Element of the Plan, Palm Beach County shall
40 coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under
41 the jurisdiction of the local government receiving the application for proportionate ~~fair~~-share mitigation. An
42 interlocal agreement may be established with other affected jurisdictions for this purpose. **[Ord. 2006-043]**

43 **Section 5 Application Process**

- 44 A. In the event of a lack of capacity to satisfy transportation concurrency, the applicant shall have the
45 opportunity to satisfy transportation concurrency through the Proportionate ~~Fair~~-Share Program
46 pursuant to the requirements of Section 3. ~~If the impacted facility is on the SIS, then the FDOT~~
47 ~~shall be notified and invited to participate in a pre-application meeting. **[Ord. 2006-043]**~~
- 48 B. Eligible applicants shall submit an application to the County Engineer ~~on a form provided for by the~~
49 ~~County Engineer.~~ The County may establish an application fee that does not exceed the cost to
50 the County of reviewing the application. **[Ord. 2006-043]**
- 51 C. The County Engineer shall review and evaluate the application as part of the Traffic Impact Study
52 as set forth in Article 12.D, Procedure and certify that the application is sufficient and complete
53 within 15 business days. If an application is determined to be insufficient, incomplete or
54 inconsistent with the general requirements of the Proportionate Fair Share Program as indicated
55 in Section 3, then the applicant will be notified in writing of the reasons for such deficiencies within

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ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
[RELATED TO PROPORTIONATE SHARE PROGRAM]
SUMMARY OF AMENDMENTS

- 1 ~~15 business days of submittal of the application. If such deficiencies are not remedied by the~~
- 2 ~~applicant within 30 days of receipt of the written notification, then the application will be deemed~~
- 3 ~~abandoned. [Ord. 2006-043]~~
- 4 ~~D. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair share mitigation for development~~
- 5 ~~impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit~~
- 6 ~~evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate~~
- 7 ~~fair share agreement. [Ord. 2006-043]~~
- 8 ~~ED. When an application is deemed sufficient, complete, and eligible, and approved pursuant to ULDC~~
- 9 ~~Art. 12.B, Standards, the applicant shall be advised in writing and a proposed proportionate fair-~~
- 10 ~~share obligation and binding agreement will be prepared by the County Engineer or the applicant~~
- 11 ~~and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed~~
- 12 ~~proportionate fair share mitigation on a SIS facility, no later than 60 days from the date at which~~
- 13 ~~the applicant received the notification of an eligible application. [Ord. 2006-043]~~
- 14 ~~FE. No pProportionate fair sShare aAgreement will be effective until approved by the County. [Ord.~~
- 15 ~~2006-043]~~

16 **Section 6 Determining Proportionate Fair-Share Obligation**

- 17 A. Proportionate fair-share mitigation for concurrency impacts may include, without limitation,
- 18 separately or collectively, private funds, ~~contributions of land,~~ and construction and contribution of
- 19 facilities. [Ord. 2006-043]
- 20 B. A Project eligible for participation under the Proportionate Fair-Share Program shall not be required
- 21 to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share
- 22 mitigation for the impacted facilities shall not differ regardless of the method of mitigation. [Ord.
- 23 2006-043]
- 24 C. The methodology used to calculate a Project's proportionate fair-share obligation shall be as
- 25 provided for in ~~§s. 163.3180(5)(h)(42),~~ F.S., as follows:
- 26

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR
Proportionate Fair-Share = Σ [(Development Trips_i) / (SV Increase_i)] x Cost_i

Where:

Development Trips = Those trips from the stage or phase of development under review that are assigned to roadway segment "I" and have triggered a deficiency per TPS

SV Increase = Service volume increase provided by the eligible improvement to roadway segment "I" per Section 3,

Cost Adjusted cost of the improvement to segment "I". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred. [Ord. 2006-043]

- 27
- 28 D. For the purposes of determining proportionate fair-share obligations, the County Engineer shall
- 29 determine ~~improvement costs based upon the actual and/or anticipated costs~~ of the improvement
- 30 ~~in the year that construction will occur at the time of application, but shall be subject to an~~
- 31 ~~adjustment calculation to account for changes in road development costs that may occur between~~
- 32 ~~the date of Proportionate Share Agreement and the date each Proportionate Share Payment is~~
- 33 ~~due. The method of calculating said adjustment and appropriate Producer Price Index for~~
- 34 ~~Commodities shall be included in the Proportionate Share Agreement. [Ord. 2006-043]~~
- 35 E. If the County has accepted an improvement proposed by the applicant, then the value of the
- 36 improvement shall be based on an engineer's certified cost estimate provided by the applicant and
- 37 approved by the County Engineer or other method approved by the County Engineer. [Ord. 2006-
- 38 043]
- 39 ~~F. If the County has accepted right-of-way dedication for the proportionate fair share payment, credit~~
- 40 ~~for the dedication of the right-of-way shall be valued on the date of the dedication at 120 percent of~~
- 41 ~~the most recent assessed value by the Property Appraiser, or at the option of the applicant, by fair~~
- 42 ~~market value established by an independent appraisal approved by the County at no expense to~~
- 43 ~~the County. This appraisal shall assume no approved development plan for the site. All right-of-~~
- 44 ~~way dedicated must be part of a roadway segment that triggered the deficiency per TPS, and must~~

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[RELATED TO PROPORTIONATE SHARE PROGRAM]
SUMMARY OF AMENDMENTS

~~not be site related. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the County at no expense to the County. If the estimated value of the right-of-way dedication proposed by the applicant based on a County approved appraisal is more than the county estimated total proportionate fair share obligation for the development, then the County will give the applicant road impact fee credit for the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations. [Ord. 2006-043]~~

Section 7 Impact Fee Credit for Proportionate Fair-Share Mitigation

- A. Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by Article 13, Impact Fees. [Ord. 2006-043]
- B. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due pursuant to Article 13, Impact Fees. Once the credit has been exhausted, payment of road impact fees shall be required for each permit issued. The impact fee credit shall be established when the proportionate fair-share contribution is received by the County, or when the fair-share amount is secured by Performance Security. [Ord. 2006-043]
- C. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed pProject. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed pProject cannot be transferred to any other pProject. [Ord. 2006-043]

Section 8 Proportionate Fair-Share Agreements

- A. Upon execution of a pProportionate fair-sShare aAgreement (“Agreement”), the applicant shall receive a certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months, then the Agreement shall be considered null and void, and the applicant shall be required to reapply. [Ord. 2006-043]
- B. Payment of the proportionate fair-share contribution ~~is due in full no later than issuance of the first building permit, and shall be non-refundable. If the payment is submitted more than six months from the date of execution of the Agreement, then the proportionate fair share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 6 and adjusted accordingly.~~ [Ord. 2006-043]
- C. In the event an Agreement requires the applicant to build one or more road improvements, all such improvements must be commenced prior to issuance of a development permit and assured by a binding agreement that is accompanied by a Performance Security sufficient to ensure the completion of all required improvements. It is the intent of this Section that any required improvements be completed before issuance of certificates of occupancy. [Ord. 2006-043]
- ~~D. Dedication of necessary R-O-W for facility improvements pursuant to a proportionate fair share agreement must be completed prior to issuance of the first building permit but shall not include a building permit issued for a dry model. [Ord. 2006-043]~~
- ED. Any requested change to a development pProject subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation. [Ord. 2006-043]
- FE. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs paid to Palm Beach County will be non-refundable. [Ord. 2006-043]
- GF. Palm Beach County may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility. [Ord. 2006-043]

~~**Section 9 Appropriation of Fair-Share Revenues**~~

- ~~A. Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the CIE, or as otherwise established in the terms of the proportionate fair share agreement. Proportionate fair share revenues may be used as the 50 percent local match for funding under the FDOT TRIP, or any other matching requirement for State and Federal grant programs as may be allowed by law. [Ord. 2006-043]~~
- ~~B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same~~

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[RELATED TO PROPORTIONATE SHARE PROGRAM]
SUMMARY OF AMENDMENTS

1 ~~corridor or Impact Fee Benefit Zone that would mitigate the impacts of development pursuant to~~
2 ~~the requirements of Section 3. [Ord. 2006-043] [Ord. 2011-016]~~

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EXHIBIT P

ARTICLE 14 – ENVIRONMENTAL STANDARDS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 14.C.7.B, Application of Development for Commercial Projects, Government
3 Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects
4 Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 33 of 52), is
5 hereby amended as follows:

6 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

7

8 Section 7 Application, Process, and General Standards

9 A. Single Family Dwellings

10 All newly constructed single family dwellings in a residential subdivision will automatically receive
11 a Building Division Residential 1 & 2 Family Checklist with standard native and non-native
12 vegetation removal conditions as part of the building permit process. For the purposes of this
13 Chapter, a single family residential parcel also includes single two unit (duplex) residences and
14 associated accessory structures, and shall comply with the following standards: [Ord. 2008-040]
15 [Ord. 2012-027]

- 16 1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the
17 purpose of the site plan. ~~A site plan that eliminates or nearly eliminates native vegetation will~~
18 ~~not be approved under this Article. The Building Division Checklist shall include requirements~~
19 ~~that ensure the intent of this provision is implemented.~~ [Ord. 2008-040]
- 20 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in
21 Appendix 5 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
22 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
23 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited
24 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is
25 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
26 additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord.
27 2006-004]

28 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
29 single family residences, single two unit (duplex) residences and accessory structures
30 associated with single family residential parcels in existence as of the date of the adoption of
31 this Chapter are void and of no effect, and all pending enforcement actions related thereto are
32 dismissed. Single family residential property owners are encouraged to maintain preserved
33 native vegetation after site development is completed and to minimize the removal of native
34 vegetation damaged by an extreme weather event such as a storm, hurricane or other natural
35 disaster. [Ord. 2008-040] [Ord. 2014-001]

36

37 38 B. Approval of Development for Commercial Projects, Government Projects, Schools, New 39 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and 40 Agricultural Operations 10 Acres in Size or Greater

41 42 2. Standards of Approval

43 No approval shall be issued unless the application demonstrates that the project: [Ord. 2008-
44 040]

- 45 a. Will not result in a net loss of wetland functions and values; [Ord. 2008-040]
- 46 b. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.; [Ord.
47 2008-040]
- 48 c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely
49 affect recreational fisheries or their habitats; [Ord. 2008-040]
- 50 d. Will not adversely impact endangered or threatened species, and species of special
51 concern, or their habitat; [Ord. 2008-040]
- 52 e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to
53 native vegetation. Existing native vegetation shall be incorporated into the site plan and
54 protected during construction. Parcel improvement features shall be configured to
55 minimize removal of existing native vegetation and maximize the use of areas dominated
56 by prohibited and invasive non-native vegetation. Existing native vegetation that cannot
57 be preserved in place shall be relocated to appropriate buffer and open space areas on
58 the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may
59 be considered surplus. There is no requirement to provide vegetation for surplus. Non-
60 relocatable native vegetation with trunk diameters equal to or greater than 6 inches that
61 cannot be maintained on the parcel shall be mitigated in accordance with Table 7.E.3.C,

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EXHIBIT P

ARTICLE 14 – ENVIRONMENTAL STANDARDS SUMMARY OF AMENDMENTS

1 Tree Credit and Replacement or through planting equivalent native vegetation, accepted
2 by ERM prior to the receipt of the Certificate of Occupancy for single unit projects or 75
3 percent completion of construction of multi-unit projects, based on either total square
4 footage or number of units to be constructed. Native palms with gray wood equal to or
5 greater than 8 feet that cannot be relocated must be replaced with native palms of like size.
6 A planting plan that clearly delineates proposed mitigation plantings from any required
7 landscape plantings must be approved by ERM prior to the issuance of the first building
8 permit for the project. [Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040]

9

10 **Part 2. ULDC Art. 14.C.8.A, Exemptions (page 39 of 52), is hereby amended as follows:**

11 **Section 8 Exemptions**

12 The following activities do not require an approval under this Chapter: [Ord. 2008-040]

13

14
15 Q. Removal of native vegetation on a single family residential parcel or a single two-unit duplex
16 residential parcel without a recorded Conservation Easement.

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