

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
APRIL 25, 2018 MEETING

AMENDMENTS TO THE AGENDA
(Updated 04/24/17)

1

#1	Exhibit B –Page 7 of 18
	Reschedule Reasonable Accommodation amendment to May 23, 2018 LDRAB/LDRC meeting. This change allows the Medical Uses LDRAB Subcommittee to meet on May 7, 2018 to ensure the proposed language is addressing issues discussed on April 20, 2018.

2

#2	Exhibit C – Part 2, Page 8 of 18, (lines 16 to 49) and Page 9 of 18, (lines 1 to 38)
	Delete proposed amendment to the Glades Overlay in Article 3. The amendment to prohibit Equestrian Waste Management Facilities in the Glades Tier is included in the proposed provisions of the use in Article 4, Use Regulations. Consequently, there is no need to repeat such provisions in the Glades Overlay. In addition, as the Glades Overlay area is not the same area as the Glades Tier, having the standard in the overlay could be confusing.

3
4
5 ~~Part 2. ULDC Art. 3.B.4.D, Approval Process [Related to Glades Area Overlay] (page 29 of 212),~~
6 ~~is hereby amended as follows:~~
7

Reason for amendments: [Zoning]
1. 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.

8 ~~CHAPTER B OVERLAYS~~

9 ~~Section 4 GAO, Glades Area Overlay~~

10 ~~D. Approval Process~~

11 ~~1. DRO and BCC Thresholds~~

12 ~~The density, intensity and acreage thresholds of Table 4.A.9.A, Thresholds for Projects~~
13 ~~Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring BCC Approval,~~
14 ~~shall be multiplied by two within the GAO. [Ord. 2016-016] [Ord. 2018-002]~~

15 ~~2. Administrative Approvals~~

16 ~~a. General~~

17 ~~Uses shown in a Use Matrix as Permitted by Right (P), or Development Review Officer~~
18 ~~(DRO) shall remain subject to the same approval process shown in the Use Matrix. [Ord.~~
19 ~~2014-025]~~

20 ~~b. Conditional Uses~~

21 ~~Uses allowed as Conditional Uses in a non-residential Zoning district may be approved by~~
22 ~~the DRO after compliance with Art. 2.B.7.B.2, Standards. [Ord. 2016-016] [Ord. 2018-~~
23 ~~002]~~

24 ~~c. Nonconformities~~

25 ~~1) Nonconforming Use~~

26 ~~A nonconforming use permitted to expand subject to DRO approval may be expanded~~
27 ~~through the ZAR process. [Ord. 2006-036] [Ord. 2014-025] [Ord. 2016-016] [Ord.~~
28 ~~2018-002]~~

29 ~~2) Permitted Uses and Uses Subject to DRO Approval within Nonconforming~~
30 ~~Structures~~

31 ~~Uses permitted by right and uses subject to DRO approval may exceed the allowable~~
32 ~~percentages of Table 1.F.1.C, Nonconformities – Percentage and Approval Process~~
33 ~~for Maintenance, Renovation and Natural Disaster Damage Repair, provided all the~~
34 ~~standards below are met: [Ord. 2016-016]~~

35 ~~a) Exterior Building and Site Elements Improvements~~

36 ~~A minimum 25 percent of the total maintenance, renovation, or natural disaster~~
37 ~~damage repair improvement value shall be dedicated to exterior building and site~~
38 ~~elements. Of that percentage, a minimum of ten percent shall be dedicated to~~
39 ~~façade improvements abutting the R-O-W (frontage and side street frontages) and~~
40 ~~a minimum ten percent shall be dedicated to landscape improvements; [Ord.~~
41 ~~2016-016]~~

42 ~~b) Limitation~~

43 ~~The total maintenance, renovation, or natural disaster damage repair~~
44 ~~improvements for the proposed use(s) may be allowed only if the proposed~~
45 ~~improvements will not cause an increase in building square footage or generate~~
46 ~~additional parking, unless the additional parking requirements or design is required~~
47 ~~to bring the site into compliance with the ULDC to the greatest extent possible;~~
48 ~~and, [Ord. 2016-016]~~

49 ~~c) Certification of Improvements~~

Notes:

Double underlined indicates new text or previously stricken text to remain.

~~Double Stricken~~ indicates text to be ~~deleted~~.

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

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

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
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~~The detailed justification statement of compliance to the above standards and calculations of the improvements, including the total improvement value for the project, shall be signed and sealed by the architect of record for the project, and shall be reviewed and certified by the Zoning Division Permitting Section for compliance with this section prior to submittal to the Building Division. [Ord. 2016-016]~~

~~**d) Exceptions for Glades Area Housing Authorities**~~

~~The following developments shall be exempt from limits on maintenance, renovations and natural disaster damage repairs for conforming residential, administrative, recreational or maintenance uses in nonconforming structures, provided that any addition or expansion is in compliance with the ULDC: [Ord. 2016-016]~~

~~1) Pahokee Housing Authority, Padgett Island and Fromd Village developments. [Ord. 2016-016]~~

~~2) Belle Glade Housing Authority, Everglades and Ocooca developments. [Ord. 2016-016]~~

~~**3. Public Hearing Approvals**~~

~~**a. Prohibited Uses in Non-Residential Districts**~~

~~Uses not otherwise permitted in a non-residential Zoning district may be approved as a Class A Conditional Use provided the BCC makes a finding that the proposed use meets the following: [Ord. 2014-025] [Ord. 2016-016] [Ord. 2018-002]~~

~~1) Increases jobs or provides needed housing; [Ord. 2016-016]~~

~~2) Does not adversely affect adjacent land uses; and [Ord. 2016-016]~~

~~3) Helps to support existing or encourage additional Glades Area economic development or the GRMP. [Ord. 2016-016]~~

~~**b. Equestrian Waste Management Facility**~~

~~Shall be prohibited in the Glades Tier.~~

#3	Exhibit C – Part 3, Page 9 of 18, (line 41)
	Renumber Part 3 to Part 2 and correct the reference to the article of the code to be amended

#4	Exhibit C – Part 3, Page 10 of 18, (lines 19 to 20)
	As a recommendation by the Subcommittee members on April 23, 2018 to protect food from contamination, staff is proposing to prohibit Equestrian Waste Management Facility in the Agricultural Reserve (AGR) Tier in order to prevent location of the use in the industrial parcels in that Tier.

b. Glades and AGR Tiers

Equestrian Waste Management Facility shall be prohibited in the Glades Tier and the AGR Tier.

#5	Exhibit C – Part 4, Page 11 of 18, (line 46)
	Renumber Part 4 to Part 3 due to proposed deletion of Part 2.

#6	Exhibit C – Part 4, Page 12 of 18, (line 47)
	Clarify that Composting Facilities located in the Glades and AGR Tiers are not allowed to use animal waste including equestrian waste or bio-solids in their composting operation. This provision is added to reflect the original intent of the moratorium.

i. Glades and AGR Tiers

The composting, storage or disposal of equestrian and other animal waste; and bio solids shall be prohibited in the Glades and AGR Tiers.

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April 18, 2018

**Department of Planning,
Zoning & Building**

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

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228

www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

- Melissa McKinlay, Mayor
- Mack Bernard, Vice Mayor
- Hal R. Valeche
- Paulette Burdick
- Dave Kerner
- Steven L. Abrams
- Mary Lou Berger

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

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

RE: April 25, 2018 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB Meeting on Wednesday, April 25, 2018.

The meeting will commence at **2:00 p.m.** in the Vista Center, 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,

Jon MacGillis, ASLA
Zoning Director

JM/mc

Attachments: April 25, 2018 LDRAB Agenda

- c: Faye W. Johnson, Assistant County Administrator
- Patrick Rutter, Executive Director, PZB
- Lorenzo Aghemo, Planning Director, PZB
- Scott Rodriguez, Senior Planner, Planning
- Joanne Keller, Land Development Director, PZB
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Maryann Kwok, Deputy Zoning Director, PZB
- Monica Cantor, Senior Site Planner, Zoning, PZB

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 25, 2018

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

Dr. Lori Vinikoor, Vice-Chair (District 5)

Michael J. Peragine(District 1)

Drew Martin, (District 2)

Philip L. Barlage (District 3)

James Knight (District 4)

Vacant (District 6)

Robert J. Harvey (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Anna Yeskey (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Xavier Salas (American Institute of Architects)

Vacant (Environmental Organization)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Derek Zeman (Fl. Surveying and Mapping Society)

Charles Drawdy (Association Gen. Cont. of America)

Abraham Wein (Member at Large/Alternate)

Winifred Park Said (Member at Large/Alternate)

Board of County Commissioners

Melissa McKinlay
Mayor, District 6

Mack Bernard
Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Verdenia C. Baker
County Administrator



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, APRIL 25, 2018 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of March 28, 2018 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2.C.5.F, Reasonable Accommodation
2. Exhibit C - Equestrian Waste Management Facility
3. Exhibit D - Animal Shelter
4. Exhibit E - Art. 5.E.5, Hours of Operation
5. Exhibit F - Art. 7.C, Landscape Buffers and Interior Landscaping

C. PUBLIC COMMENTS

D. STAFF COMMENTS

E. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 3/28/18)

Minutes of March 28, 2018 LDRAB Meeting

On Wednesday, March 28, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair, Wesley Blackman called the meeting to order at 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 16

Wesley Blackman (PBC Planning Congress)
Michael Peragine (District 1)
Drew Martin (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Robert J. Harvey District 7)
Terrence Bailey (Florida Eng. Society)*
Derek Zeman (Fl. Surveying & Mapping)
Frank Gulisano (PBC Board of Realtors)
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey (PBC League of Cities)*
Charles Drawdy (Assoc. Gen Contractors of America)
Xavier Salas, (AIA)*
Abraham Wein (Member at Large, Alt. 1)
Winifred Park Said(Member at Large, Alt. 2)

Vacancies: 2

District 6
Environmental Organization

County Staff Present: 5

Jon MacGillis, Zoning Director
Maryann Kwok, Deputy Zoning Director
Leonard Berger, County Attorney
Jehan Wallace, Site Planner, Code Rev.
Zona Case, Zoning Technician, Code Rev.

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions, substitutions or deletions.

Motion by Mr. Gulisano to honor former LDRAB member, David Carpenter, prior to adopting the Agenda, seconded by Mr. Peragine. Motion passed (14 – 0).

*Messrs. Xavier Salas and Terrence Bailey joined the meeting at 2:05 p.m.

3. Former LDRAB Member Recognition

The Chair expressed pleasure in presenting a plaque to Mr. David Carpenter, former member of the Land Development Review Advisory Board (LDRAB), in recognition of his long and invaluable contribution to the Board.

Mr. Carpenter thanked the Chair and members, and said it had been a privilege and a pleasure to serve with such a wonderful group, and he was grateful to accept the plaque. He went on to recount the history of his membership on the Citizens Task Force (CTF), the re-write of the Zoning Code, and the organization of the Land Development Review Advisory Board. The Chair expressed thanks for the historical information.

4. Motion to Adopt Agenda

Motion to adopt the agenda by Dr. Vinikoor, seconded by Mr. Gulisano, and to include in the adoption the acceptance of Mr. Peragine to serve on the Medical Uses Subcommittee and Mr. Walesky to serve on the Proportionate Share subcommittee. Motion passed (16 - 0).

5. Adoption of February 28, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Peragine, seconded by Dr. Vinikoor. Motion passed (16 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Administrative Modifications to Prior DOs

Ms. Jehan Wallace explained that the amendment clarifies the criteria for DRO approval for interconnectivity between parcels within the URAO, ensuring that the addition of cross-access complies with all requirements related to both properties.

Motion to approve by Mr. Peragine, seconded by Dr. Vinikoor. Motion passed (16-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 3/28/18)

Minutes of March 28, 2018 LDRAB Meeting

2. Exhibit C - Article 2.C.5.C.6 –Temporary Use

Ms. Wallace indicated that the added text is to complete the reference for the standards for Temporary Uses in Article 2.

Dr. Vinikoor referred to both exhibits presented so far, and suggested that staff include more existing text which is not being modified, to give better context and a clearer understanding of the amendment. Ms. Kwok agreed that this would assist Board members to understand the big picture and said she would ensure that this is done.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (16-0).

3. Exhibit D - Article 3, Special Exceptions for PIDs

Ms. Wallace clarified that the 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, and will address the inconsistencies where the Multiple Use Planned Development (MUPD) designation resulted in non-conformities.

Motion to approve by Mr. Peragine, seconded by Mr. Knight. Motion passed (16-0).

4. Exhibit E - Art. 4.B.1.C, Single Family and Cottage Homes

Ms. Maryann Kwok presented a brief background to the proposal to include Cottage Homes as a detached single family housing type in a fee simple lot or a Multi-family pod, as a pilot program in PUD zoning districts. She highlighted the following points:

- Definition for Cottage Home
- A maximum of 1,000 square feet per unit.
- Minimum separation for Cottage Homes located in a MF Pod of a PUD may be reduced from 15 feet to ten feet subject to Fire Department and Building Division approval.
- Cottage Home Property Development Regulations in Table 3.D.2.E.
- Pods can be changed to Cottage Homes or vice versa based on the intensity of housing classification
- Setback regulations for pools and screen enclosures on a lot with Cottage Homes
- Parking space; landscape buffer and tree planting requirements.

A discussion about setback and separation ensued, and there was general support from the Board.

Mr. Martin expressed concern about parking, reduction in trees, losing too much tree canopy by planting palms only. Mr. Gulisano expressed the need for an increase in density.

There was also discussion on staff requiring 2 parking spaces for each unit and Ms. Kwok explained that due to minimum lot size, realistically only 1 car could be accommodated. She stated that larger lots could accommodate more spaces and she would look at addressing the Board's comments prior to final LDRAB. She also indicated that although there is a lot of unused density, Planning will be asked to look at density to see if a demand exists.

Motion to approve by Mr. Peragine, seconded by Mr. Zeman. Motion passed (16-0).

6. Exhibit G - Art 4.B.2, Electric Vehicle Charging Station

Ms. Wallace explained that increased ownership of electric vehicles in South Florida has led to demand for increase in Electric Vehicle Charging Stations (EVCS). The exhibit is to establish requirements and procedures to allow (EVCS) "mechanical devices" as both a principal and accessory use on residential and nonresidential property. The proposed language addresses: definition for an EVCS; 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.

Ms. Wallace also highlighted page 18 which shows the approval process in the Commercial Use matrix, page 20 which shows the approval process in both the Airport Zoning Overlay and the Westgate Overlay, and page 21 which shows the acronyms associated with the Use.

Motion to approve by Mr. Peragine, seconded by Mr. Martin. Motion passed (16-0).

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

(Updated 3/28/18)

Minutes of March 28, 2018 LDRAB Meeting

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

1. Review LDRAB Rules of Procedure

Mr. Berger expressed the importance of reviewing the LDRAB Rules of Procedure occasionally and he highlighted the rules on subcommittee membership, Rules of Debate, Substitute Motion and Motion to Close the Debate, and commented that he was pleased with the performance of the members and had not found it necessary to add more rules.

2. Subcommittees – Status Update

Mr. MacGillis informed the Board that under the direction of the BCC, there was no need to reconvene the Landscape subcommittee. Mr. Martin expressed dis-satisfaction as he had hoped to be able to voice his concern about the removal of too many trees.

Mr. MacGillis also advised the Board that the Equestrian Waste Subcommittee Meeting was convened on March 19th, and the Medical Uses Subcommittee will be on March 29, 9 – 11 a.m.

Motion by Mr. Knight, for Mr. Bailey to be on the Proportionate Share subcommittee, seconded by Mr. Peragine.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by:

Zona Case, Zoning Technician

Date

EXHIBIT B

ART. 2.C.5.F - REASONABLE ACCOMMODATION SUMMARY OF AMENDMENTS

(Updated 04/06/18)

1
2 Part 1. ULDC Art. 2.C.5.F.2, Applicability [Related to Reasonable Accommodation] (page 52-54
3 of 105), is hereby amended as follows:
4

Reason for amendments: [Zoning]

1. In order to expedite the reasonable accommodation process required pursuant to the Fair Housing Amendments Act and Americans with Disabilities Act, applications for reasonable accommodation of facilities of 10 or less residents shall not be required to apply for the applicable development review process.

5 **CHAPTER C ADMINISTRATIVE PROCESSES**

6 **Section 5. Types of Application**

7 **F. Reasonable Accommodation**

8 **1. Purpose**

9 The purpose of this section is to establish procedures for processing requests for Reasonable
10 Accommodation from the County's Unified Land Development Code and related rules, policies,
11 practices and procedures, for persons with disabilities as provided by the Federal Fair Housing
12 Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities
13 Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying
14 entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this
15 section. [Ord. 2011-016] [Ord. 2018-002]

16 **2. Applicability**

17 An applicant shall be required to apply for all applicable Development Review processes
18 available in the ULDC prior to filing a request for Reasonable Accommodation, unless
19 compliance with available Development Review processes would deprive the Applicant, or
20 persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy
21 housing. A recovery residence, as defined in 397.311(37) Fla. Stat. (2017) that is not licensed
22 by one of the licensing entities referenced in Chapter 419, Fla. Stat. (2017) may request a
23 Reasonable Accommodation from the definition of Family contained in Article 1 of the ULDC,
24 from not more than 4 unrelated persons occupying a dwelling unit to not more than 10 unrelated
25 persons occupying a dwelling unit, without being required to apply for all applicable
26 Development Review processes available in the ULDC prior to filing the request. [Ord. 2015-
27 006] [Ord. 2018-002]

28 **3. Notice to the Public of Availability of Accommodation**

29 The County shall endeavor to provide notice to the public, advising that disabled individuals or
30 qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016] [Ord. 2018-
31 002]

32 **4. Application Procedures**

33 The application forms and requirements for submitting a request for Reasonable
34 Accommodation shall be on forms specified by the County Administrator or designee. [Ord.
35 2011-016] [Ord. 2018-002]

36

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EXHIBIT C

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

(Updated 04/18/2018)

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

Reason for amendments: [Zoning]

- | |
|---|
| 1. 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. |
|---|

4 **CHAPTER A GENERAL**

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

6 **B. Standard Districts**

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

9 **1. Standard District Exceptions and Limitations**

10 The following list of exceptions shall be permitted:

11

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

14
15
16 Part 2. ULDC Art. 3.B.4.D, Approval Process [Related to Glades Area Overlay] (page 29 of 212),
17 is hereby amended as follows:
18

Reason for amendments: [Zoning]

- | |
|---|
| 1. 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. |
|---|

19 **CHAPTER B OVERLAYS**

20 **Section 4 GAO, Glades Area Overlay**

21 **D. Approval Process**

22 **1. DRO and BCC Thresholds**

23 The density, intensity and acreage thresholds of Table 4.A.9.A, Thresholds for Projects
24 Requiring DRO Approval, and Table 4.A.9.B, Thresholds for Projects Requiring BCC Approval,
25 shall be multiplied by two within the GAO. [Ord. 2016-016] [Ord. 2018-002]

26 **2. Administrative Approvals**

27 **a. General**

28 Uses shown in a Use Matrix as Permitted by Right (P), or Development Review Officer
29 (DRO) shall remain subject to the same approval process shown in the Use Matrix. [Ord.
30 2014-025]

31 **b. Conditional Uses**

32 Uses allowed as Conditional Uses in a non-residential Zoning district may be approved by
33 the DRO after compliance with Art. 2.B.7.B.2, Standards. [Ord. 2016-016] [Ord. 2018-
34 002]

35 **c. Nonconformities**

36 **1) Nonconforming Use**

37 A nonconforming use permitted to expand subject to DRO approval may be expanded
38 through the ZAR process. [Ord. 2006-036] [Ord. 2014-025] [Ord. 2016-016] [Ord.
39 2018-002]

40 **2) Permitted Uses and Uses Subject to DRO Approval within Nonconforming**
41 **Structures**

42 Uses permitted by right and uses subject to DRO approval may exceed the allowable
43 percentages of Table 1.F.1.G, Nonconformities – Percentage and Approval Process
44 for Maintenance, Renovation and Natural Disaster Damage Repair, provided all the
45 standards below are met: [Ord. 2016-016]

46 **a) Exterior Building and Site Elements Improvements**

47 A minimum 25 percent of the total maintenance, renovation, or natural disaster
48 damage repair improvement value shall be dedicated to exterior building and site
49 elements. Of that percentage, a minimum of ten percent shall be dedicated to

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EXHIBIT C

EQUESTRIAN WASTE MANAGEMENT FACILITY
SUMMARY OF AMENDMENTS

(Updated 04/18/2018)

- 1 façade improvements abutting the R-O-W (frontage and side street frontages) and
- 2 a minimum ten percent shall be dedicated to landscape improvements; [Ord.
- 3 2016-016]
- 4 **b) Limitation**
- 5 The total maintenance, renovation, or natural disaster damage repair
- 6 improvements for the proposed use(s) may be allowed only if the proposed
- 7 improvements will not cause an increase in building square footage or generate
- 8 additional parking, unless the additional parking requirements or design is required
- 9 to bring the site into compliance with the ULDC to the greatest extent possible;
- 10 and, [Ord. 2016-016]
- 11 **c) Certification of Improvements**
- 12 The detailed justification statement of compliance to the above standards and
- 13 calculations of the improvements, including the total improvement value for the
- 14 project, shall be signed and sealed by the architect of record for the project, and
- 15 shall be reviewed and certified by the Zoning Division Permitting Section for
- 16 compliance with this section prior to submittal to the Building Division. [Ord. 2016-
- 17 016]
- 18 **d) Exceptions for Glades Area Housing Authorities**
- 19 The following developments shall be exempt from limits on maintenance,
- 20 renovations and natural disaster damage repairs for conforming residential,
- 21 administrative, recreational or maintenance uses in nonconforming structures,
- 22 provided that any addition or expansion is in compliance with the ULDC: [Ord.
- 23 2016-016]
- 24 1) Pahokee Housing Authority, Padgett Island and Fremd Village developments.
- 25 [Ord. 2016-016]
- 26 2) Belle Glade Housing Authority, Everglades and Osceola developments. [Ord.
- 27 2016-016]
- 28 **3. Public Hearing Approvals**
- 29 **a. Prohibited Uses in Non-Residential Districts**
- 30 Uses not otherwise permitted in a non-residential Zoning district may be approved as a
- 31 Class A Conditional Use provided the BCC makes a finding that the proposed use meets
- 32 the following: [Ord. 2014-025] [Ord. 2016-016] [Ord. 2018-002]
- 33 1) Increases jobs or provides needed housing; [Ord. 2016-016]
- 34 2) Does not adversely affect adjacent land uses; and [Ord. 2016-016]
- 35 3) Helps to support existing or encourage additional Glades Area economic development
- 36 or the GRMP. [Ord. 2016-016]
- 37 **b. Equestrian Waste Management Facility**
- 38 Shall be prohibited in the Glades Tier.
- 39
- 40

Part 3. ULDC Art. 3.B.5.C.4, Equestrian Waste Management Facility (page 86 of 204), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <p>1. 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>2. 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</p>
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EXHIBIT C

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

(Updated 04/18/2018)

Management Facility is prohibited in the Glades Tier regardless of the industrial zoning district or industrial FLU designation.
3. 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.
4. 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.

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 5 Industrial Uses**

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

4

5 **4. Equestrian Waste Management Facility**

6 **a. Definition**

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

16 **b. Approval Process – AP Zoning District with SA FLU Designation**

17 ~~An Equestrian Waste Management Facility may be allowed in the AP Zoning District with~~
18 ~~an SA FLU designation, subject to BCC approval as a Class A Conditional Use.~~

19 **Glades Tier**

20 Equestrian Waste Management Facility shall be prohibited in the Glades Tier.

21 **c. Location**

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

24 ~~d.c.~~ **Separation Distance**

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

30 **d. Collocated Use**

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

35 **e. Landscaping Adjacent to Residential**

36 ~~The landscape buffer for any Any~~ Equestrian Waste Management Facility located within
37 250 feet of a parcel with a residential use or FLU designation, shall ~~be upgraded provide~~
38 ~~to a Type 3 Incompatibility Buffer. This Buffer shall be~~ a minimum of 30 feet in width, and
39 shall consist of a two-foot high berm, and double the number of required trees, planted in
40 two staggered rows. Where outdoor activities are permitted within this distance but an
41 Incompatibility Buffer is not required, the buffer shall also be upgraded to include a
42 minimum six-foot hedge, fence or wall. Measurement shall be taken from property line of
43 the Facility to the property line of the adjacent parcel of land.

44 ~~f.~~ **Accessory Use**

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

48 ~~gf.~~ **Storage or Waste Processing Areas**

49 **1) Best Management Practices**

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EXHIBIT C

EQUESTRIAN WASTE MANAGEMENT FACILITY
SUMMARY OF AMENDMENTS

(Updated 04/18/2018)

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

2) U/S Tier

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

3) Outdoor Storage

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

h-g. Application Requirements – Operation Functions

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

1) Site Plan

The 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 Program

A program 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) Odor and Pest Control Program

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

i. Equestrian Waste Moratorium

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 Bona-fide
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]

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

Table with 1 column: Reason for amendments: [Zoning]
1. 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.

CHAPTER B USE CLASSIFICATION

Section 7 Utility Uses

C. Definitions and Supplementary Use Standards for Specific Uses

2. Composting Facility

a. Definition

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

Notes:

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EXHIBIT C

EQUESTRIAN WASTE MANAGEMENT FACILITY SUMMARY OF AMENDMENTS

(Updated 04/18/2018)

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- b. **Approval Process**
 - 1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
 - 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. **Equestrian Waste Moratorium**~~
 - ~~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 Bona-fide 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.~~~~

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Notes:

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EXHIBIT D
ANIMAL SHELTER
SUMMARY OF AMENDMENTS
(Updated 4/18/18)

1 Part 1. ULDC Art. 4.B.2, Commercial Uses (page 53 and 61 of 204), is hereby amended as
2 follows:
3

<p>Reasons for Amendments: [Planning]</p> <p>1. 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 “<i>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.</i>” 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>
--

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 2 Commercial Uses**

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

7 **34. Retail Sales**

8 **a. Definition**

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

11

12 **g. Collocated Use**

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

15

<p>Reasons for Amendments: [Planning]</p> <p>2. 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>

16
17 **41. Veterinary Clinic**

18 **a. Definition**

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

21

22 **g. Collocated Use**

23 1) A Veterinary Clinic may be Permitted by Right in the IG, PO, IPF Zoning District or
24 MUPD with an INST FLU designation when collocated to an Animal Shelter.

25 2) Veterinary Clinics operated by a licensed veterinarian for the care of the animals kept
26 in the shelter facility may also offer veterinary services to the public.

27
28

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Notes:

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EXHIBIT E

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

(Updated 04/17/18)

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

Reason for amendments: [Zoning]
1. 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.
2. 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.
3. 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.
4. 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.

CHAPTER E PERFORMANCE STANDARDS

Section 5 Hours of Operation

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

A. Proximity to Residential

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

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 land with a residential use or FLU designation</u> .	

B. Measurement

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

C. Existing Uses

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

D. Exemptions

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

E. Type 2 Waiver

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

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EXHIBIT E

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

(Updated 04/17/18)

1
2 Part 2. ULDC Art. 2.B.7.D.2, Applicability [Related to Type 2 Waivers] (page 36 of 105), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning]
1. Expand the list of Type 2 Waivers to include Hours of Operation as some of those provisions are proposed to be subject to waivers.

5 CHAPTER B PUBLIC HEARING PROCESSES

6 Section 7 Types of Application

7 D. Type 2 Waiver

8 1. Purpose

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

15 2. Applicability

16 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC
17 or indicated in the following Table. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
18

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

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

19 3. Standards for a Type 2 Waiver

20 When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards
21 indicated below and any other standards specific to a Type 2 Waiver as contained in this Code.
22 For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below, and for a
23 Commercial Communication Tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2
24 Waiver. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse
25 to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-
26 002]

- 27
- 28 a. The Waiver does not create additional conflicts with other requirements of the ULDC, and
29 is consistent with the stated purpose and intent for the zoning district or overlay; [Ord.
30 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
 - 31 b. The Waiver will not cause a detrimental effect on the overall design and development
32 standards of the project, and will be in harmony with the general site layout and design
33 details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
 - 34 c. The alternative design option recommended as part of the Waiver approval, if granted, will
35 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-
36 002]
 - 37 d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.34.h, the BCC
38 shall make the determination that the location of a medical marijuana dispensing facility
39 promotes the health, safety and welfare of the community. [Ord. 2017-028] [Ord. 2018-
40 002]

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EXHIBIT F

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

(Updated 4/17/18)

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

Reason for amendments: [Zoning]
1. Allow an Administrative Waiver process for relocation of trees in perimeter Landscape Buffer in situation where either an underground or overhead 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.

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]		

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Notes:

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EXHIBIT F

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

(Updated 4/17/18)

1 Part 2. ULDC Art. 7.C.5, Easements in Landscape Buffers (page 30 of 52), is hereby amended
2 as follows:
3

Reason for amendments: [Zoning]	
1.	Identify the two types of situations where either underground or overhead 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.
2.	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.

4 CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS

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

6 A. Easements in Landscape Buffers

7 1. Underground Utilities

8 Easements may overlap a required landscape buffer by a maximum of five feet, provided there
9 remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a
10 minimum of ten clear feet for planting is required. The landscape buffer may be traversed by
11 easements or access ways as necessary to comply with the standards of this Article, and Art.
12 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall
13 be identified ~~prior to the preparation of on the Zoning Plans prior to the application for Building~~
14 ~~Permit, site or subdivision plans and any proposed overlap shall be approved by the DRO or~~
15 ~~Zoning Division.~~ [Ord. 2018-002]

16 A.2. Overhead Utilities

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

23 3. Type 1 Waiver for Landscaping

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

30 B. Easements in Off-Street Parking Areas

31 1. Underground Utilities

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

36 a. PBC Water Utilities Separation

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

41 b. Fire Rescue Utility Separation

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

44 c. Existing Utilities

45 ~~For sites where existing underground utilities are encroaching into landscape islands, the~~
46 ~~relocation of the required tree may be requested subject to a Type 1 Waiver for~~
47 ~~Landscaping.~~

48 d. Other Utility Authorities - Root Barrier and Separation Requirement

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

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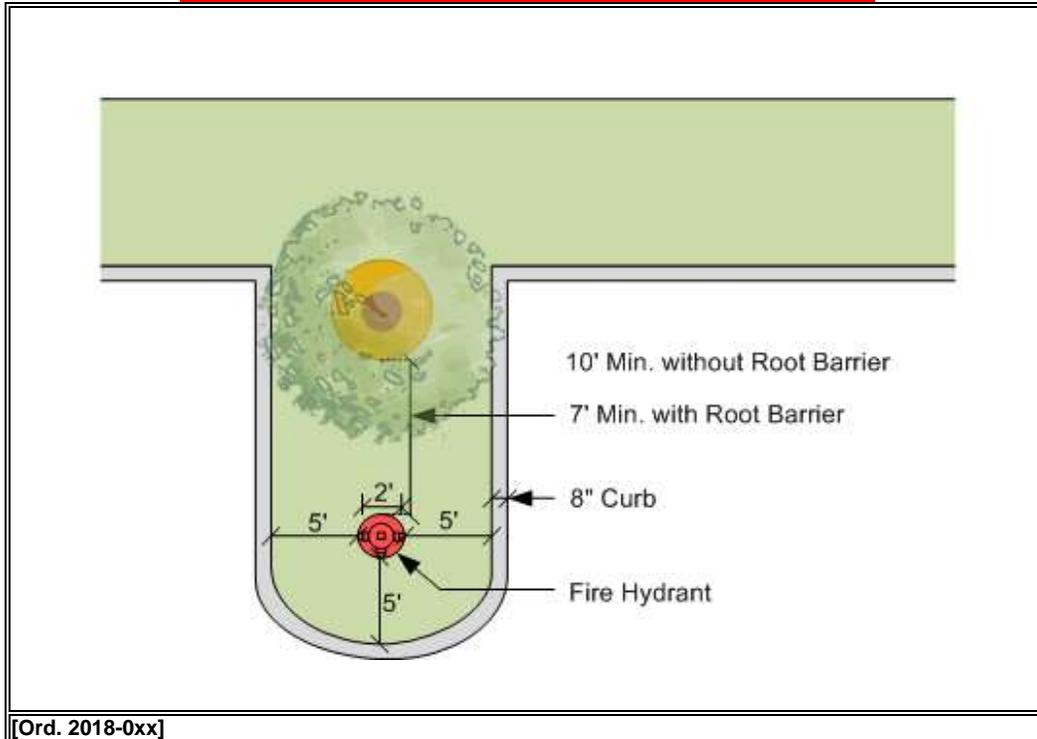
EXHIBIT F

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

(Updated 4/17/18)

1

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



2

3

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

4

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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