



July 19, 2017

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
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Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
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**Palm Beach County
Board of County
Commissioners**

Paulette Burdick, Mayor
Melissa McKinlay, Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

County Administrator

Verdenia C. Baker

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

RE: July 26, 2017 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC Meeting on Wednesday, July 26, 2017.

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 me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: July 26, 2017 LDRAB Agenda

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

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PALM BEACH COUNTY

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

JULY 26, 2017

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Philip L. Barlage (District 3)

James Knight (District 4)

Dr. Lori Vinikoor (District 5)

Dr. Rena Borkhataria (District 6)

Robert J. Harvey (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Vacant (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

James M. McKay (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

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

Derek Zeman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

Abraham Wein (Member at Large/Alternate)

Vacant (Member at Large/Alternate)

Board of County Commissioners

Paulette Burdick
Mayor, District 2

Melissa McKinlay
Vice Mayor, District 6

Hal R. Valeche
Commissioner, District 1

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Mack Bernard
Commissioner, District 7

Verdenia C. Baker
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200

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

**WEDNESDAY, JULY 26, 2017 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. Former LDRAB Member Recognition
5. Adoption of May 24, 2017 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Art. 18, Flood Damage Prevention
 - Exhibit B-1 - Art. 1, General Provisions
 - Exhibit B-2 - Art. 18, Flood Damage Prevention
2. Exhibit C - Medical Marijuana Dispensing Facility
3. Exhibit D - Equestrian Waste Moratorium
4. Exhibit E - Art. 4.B.2.C.6, Cocktail Lounge
5. Exhibit F - Phase 2 PIA for PIPD Regional Recreation Pod and Outdoor Entertainment (AKA Surf Ranch Florida)

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination - See Exhibits B-1 through F listed above.

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

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

(Updated 7/19/17)

Minutes of May 24, 2017 LDRAB Meeting

On Wednesday, May 24, 2017 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

Vice-Chair, David Carpenter called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Michael Peragine (District 1)
Philip Barlage (District 3)
Jim Knight (District 4)
Dr. Lori Vinikoor (District 5)
Dr. Rena Borkhataria (District 6)
Terrence Bailey (Florida Eng. Society) *
Tommy Strowd (Environmental Organization)
Daniel Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mapping)
James McKay (AIA)
Abraham Wien (Member at Large, Alt. #2)

Members Absent: 2

Frank Gulisano (PBC Board of Realtors)
Robert J. Harvey (District 7)

Vacancies: 3

PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #1

County Staff Present:

Jon MacGillis, Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Leonard Berger, Assistant County Attorney
Scott Rodriguez, Senior Planner, Planning Division
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions substitutions or deletions to the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (13-0).

4. Former LDRAB Member Recognition

The Chair expressed pleasure in presenting a plaque to Ms. Joni Brinkman, former member of the Land Development Review Advisory Board (LDRAB), in recognition of her long and invaluable contribution to the Board.

Ms. Brinkman thanked the Chair and members, and said it had been a privilege and a pleasure to serve with such a wonderful group, and she was grateful to accept the plaque.

5. Adoption of April 24, 2017 Minutes (Exhibit A)

Motion to adopt by Mr. Peragine, seconded by Ms. Vinikoor. Motion passed (13 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Mobile Home Owner Disclosure Requirements to Potential Buyers

Mr. Cross explained that the Mayor requested the amendment to provide additional notification over and above State requirements intended to safeguard existing tenants in mobile home parks slated for redevelopment. The additional notice is intended to forewarn any potential purchasers of a mobile home unit in such parks, where the buyer may not be aware that the unit may be required to be relocated, which is oftentimes unfeasible with older units.

Motion to approve by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (13 – 0).

2. Exhibit C - Art. 1.C.1, Rules of Construction

Mr. Cross indicated that the amendment clarifies the standards which would permit the rounding of numbers up or down to the nearest whole number, for itemized requirements such as parking spaces or loading zones. Rounding of numbers used to calculate a final product would not be permitted, with any resulting fraction of 0.5 or greater, to be rounded up to the nearest whole number; and, any fraction of less than 0.5 rounded down to the nearest whole number. In response to an inquiry from Mr. Blackman, he confirmed that there is a separate provision for rounding of numbers related to density calculations.

EXHIBIT A

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

(Updated 7/19/17)

Minutes of May 24, 2017 LDRAB Meeting

Motion to approve by Mr. Knight, seconded by Dr. Vinikoor. Motion passed (13 - 0).

3. **Exhibit D – Art. 3.B.14.F, Property Development Regulations [Related to WCRAO]**

Mr. Cross explained that specific Westgate Community Redevelopment Area Overlay (WCRAO) related to Property Development Regulations was frequently misconstrued as requiring plazas and squares, with the amendment clarifying that plazas and squares are optional.

The amendment also clarifies provisions that allow for administrative reductions for required building frontage in certain scenarios involving lots with limited frontage or access.

Dr. Vinikoor requested the addition of a graphic description to the amendment to further clarify the content, which staff noted had been suggested by the Zoning director as well.

Motion to approve by Ms. Vinikoor including the addition of the aforementioned graphic, seconded by Mr. Peragine. Motion passed (13 - 0).

4. **Exhibit E - Art. 4.B, Use Classification [Related to URAO]**

Ms. Cantor explained the amendments were necessary to reinstate a note related to the Urban Redevelopment Area Overlay (URAO), which was inadvertently deleted when the Use Matrices in Article 4 were consolidated as part of the Use Regulations Project. The affected uses were Permitted by Right in General Commercial (CG) Zoning District prior to the establishment of the Urban Center (UC) and Urban Infill (UI) Zoning Districts, and the note serves to acknowledge that the uses may continue to be Permitted by Right when no external modifications or additional parking requirements are triggered, among other requirements.

Motion to approve by Mr. Peragine, seconded by Mr. Stowd. Motion passed (13 - 0).

5. **Exhibit F - Art. 5.B.1.A, Accessory Uses and Structures – General Exceptions**

Mr. Cross explained that Exhibits F, G and H were inter-related in that they address prohibitions applicable to accessory structures in front or side-street yards adopted under the 2003 Managed Growth Tier System code rewrite. Exhibit F recognizes that there are a number of smaller accessory structures, such as mailboxes that have long been accommodated within such setbacks.

Dr. Vinikoor pointed out that the reason for amendment referred to “clothes-lines” as one of the structures not considered appropriate in the front yard and recalled that there is a Florida Statute that protects the prohibition under the umbrella of using all methods for saving energy. A discussion ensued on the possible pre-emption contained in Statutes 163.04 and 720.3075, which Dr. Vinikoor identified as the Right to Dry Law that precludes local government to regulate location of solar devices in residential parcels. Initial discussion suggested that the laws did not pre-empt the reasonable regulation of clotheslines, but staff concurred that additional follow up would be completed to verify this.

Motion to approve by Dr. Vinikoor, with the understanding that Florida Statute 163.04, Right to Dry Law, would be looked at to determine if it relates to clothes-lines, seconded by Mr. Peragine. Motion passed (13 - 0).

6. **Exhibit G – Art. 5.B.1.A, Accessory Uses and Structures – Exceptions for Buildings Accessory to Residential**

Mr. Cross noted that Exhibit G was based on the same issue as the Exhibit F, but served to further recognize that several types of larger structures such as Accessory Dwellings, could be accommodated within front or side street yards, subject to additional considerations such as standards for compatibility and setbacks applicable to the principal buildings.

Motion by Mr. Peragine, seconded by Mr. Barlage. Motion passed (13 – 0).

7. **Exhibit H - Accessory Solar Energy Systems**

Mr. Cross clarified that Exhibit H is also related to exceptions to structures in front and side street yards, and was primarily driven by collaboration with Florida Power and Light representatives promoting educational solar trees, and well as to clarify longstanding County policy of allowing for solar panels.

EXHIBIT A

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

(Updated 7/19/17)

Minutes of May 24, 2017 LDRAB Meeting

Motion to approve by Mr. Knight, seconded by Mr. Zeman. Motion passed (13 – 0).

8. Exhibit I - Art. 5.B.1.B, Temporary Structures – Portable Storage Containers and Shipping Containers

Ms. Cantor informed the Board that the amendment codifies a new industry trend to allow portable storage containers to be temporarily located on sites with residential uses to accommodate renovation or storage of household items. Regulations related to dimensions, duration, setbacks, etc., are also outlined in the amendment.

Mr. Walesky pointed out that in the case of Zero Lot Line parcels, a setback of 7.5 is not allowed on the zero side, which is where the garage is usually located. Staff indicated that the amendment will be reviewed to address his concern.

Ms. Cantor also noted that the amendment allows the use of shipping containers for temporary storage on a construction site subject to Building Division requirements. She further noted that the amendment clarified longstanding County policy that shipping containers that met and complied with Florida Building Code, and any other applicable development requirements, were permitted.

Motion to approve with modifications related to Zero Lot Line parcels, by Mr. Peragine, seconded by Mr. Strowd. Motion passed (13 – 0).

9. Exhibit J – Art. 16, Airports and F.S. 333.

Ms. Cantor introduced Ms. Colleen Walter, a consultant from Urban Design Kilday Studio, who was contracted by the Department of Airports to process this amendment.

Ms. Walter informed the Board that in 2016 changes were made to Chapter 333, Florida Statutes (FS), Airport Zoning which requires amendments to Article 16, Airport Regulations and consequently Articles 1, 2, 3 and 4, are also amended for consistency with the changes.

Ms. Walter highlighted various parts of the amendments as follows:

Article 1:

- Clarifies structures and other obstructions considered as nonconforming for the purpose of review.
- Clarifies the regulated areas that are exempt from the requirements.
- Proposes terminology consistent with the definition of substantial modification.
- Chapter 333 amendment establishes 50 per cent as the new threshold for improvement cost.
- New and amended definitions which are related to Article 16, for consistency with the definitions in chapter 333.

Article 2: addresses variances and removes the opportunity to seek an airport variance.

Article 3: addresses revised terminology related to the height of buildings and structures.

Article 4: Expands on provisions applicable to Landfill or Incinerator in the Airport Land Use compatibility zone.

Article 16: Revises various sections mainly related to obstructions and hazards, as follows:

- Amendments to reflect the terminology in Chapter 333 for determining incompatible uses on properties surrounding airports.
- The establishment of a procedure for review of land uses in proximity to airports to comply with Chapter 333.
- Amendment to reference the prohibited uses by the naming convention used in Article. 4, Use Regulations.
- Removal of the opportunity to seek a variance due to amendments in Chapter 333, where the legislature removed the variance provisions.
- The amendment reflects the process by which airport signage is currently reviewed and implemented.
- Amendment to references to indicate where maps and other documents are available.

Ms. Walter noted that a minor clarification would be required to the Zoning Commission's authority under Article 2, related to changes to variances under Article 16.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION**
(Updated 7/19/17)

Minutes of May 24, 2017 LDRAB Meeting

Motion to approve with changes by Mr. Peragine, seconded by Mr. Zeman. Motion passed (13 – 0).

10. Exhibit K – Requested Use Reference

Ms. Cantor explained that this relates to the Requested Use process reference not deleted from the Code through the Use Regulations Project (URP). The Requested Use approval process was removed from the ULDC and replaced by Class A Conditional Use, to reference Board of County Commission approval.

Motion by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (13 – 0).

* Mr. Bailey leaves.

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to accept proof of publication by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (12 - 0).

2. Consistency Determination

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Mr. Scott Rodriguez stated that the proposed amendments in Agenda items, B through T are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Carpenter, seconded by Mr. Peragine. The motion passed (12- 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

Ms. Cantor asked for volunteers for subcommittee meetings in June and July to discuss amendments to Article 2, Development Review Process, to facilitate the presentation of the amendments to this Board in October.

Motion by Ms. Vinikoor to accept Mr. Knight, Mr. Walesky and Mr. Wein to be members of the subcommittee, seconded by Mr. Zeman

Ms. Cantor also asked for volunteers for the Landscape subcommittee. Dr. Borkhataria volunteered to join the Subcommittee.

Motion by Ms. Vinikoor to accept Dr. Borkhataria, seconded by Mr. Carpenter. Motion passed (12- 0).

Mr. Cross indicated that Surf Ranch Privately Initiated Amendment (PIA) may be presented to this board in July or August.

G. 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.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 30 - 113 of 119), is hereby amended as
2 follows:
3

Reason for amendments: [Building] Article 1 is being amended to be consistent with the proposed amendments to Art. 18, Flood Damage Prevention. These amendments are based on the Model Floodplain Management Ordinance prepared by the Florida Division of Emergency Management. The Model Ordinance is coordinated with the Florida Building Code and approved by the Federal Emergency Management Agency.

4 CHAPTER I DEFINITION & ACRONYMS

5 Section 2 Definitions

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

7
8 ~~19. Addition — for the purposes of Art. 18 (to an existing building), means any walled and roofed~~
9 ~~expansion to the perimeter of a building in which the addition is connected by a common load-~~
10 ~~bearing wall other than a firewall. Any walled and roofed expansion, which is connected by a~~
11 ~~firewall or is separated by independent perimeter load-bearing walls, is new construction, not~~
12 ~~an addition. [Ord. 2004-013]~~

13
14 67. Alteration of a Watercourse - for the purposes of Art. 18, a dam, impoundment, channel
15 relocation, change in channel alignment, channelization, or change in cross-sectional area of
16 the channel or the channel capacity, or any other form of modification which may alter, impede,
17 retard or change the direction and/or velocity of the riverine flow of water during conditions of
18 the Base Flood.

19
20 77. Appeal - for the purposes of Art. 18, a request for a review of the Floodplain Administrator's
21 interpretation of any provision of Art. 18, which is filed with the Flood Damage Prevention
22 Board.

23
24 ~~88. Area of Shallow Flooding — for the purposes of Art. 18, a designated AO or AH Zone on 1the~~
25 ~~latest edition of FEMA issued FIRM for the county with Base Flood depths from one to three~~
26 ~~feet where a clearly defined channel does not exist, where the path of flooding is unpredictable~~
27 ~~and indeterminate, and where velocity flow may be evident. Such flooding is characterized by~~
28 ~~ponding or sheet flow. [Ord. 2004-013]~~

29 ~~89. Area of Special Flood Hazard — for the purposes of Art. 18, (see Special Flood Hazard Area~~
30 ~~(SFHA) the land in the floodplain which is subject to a one percent or greater chance of flooding~~
31 ~~in any given year (100-Year floodplain as defined by FEMA), and land developed into building~~
32 ~~sites without a master stormwater drainage system. [Ord. 2004-013]~~

33
34 98. ASCE 24 - for the purposes of Art. 18, a standard titled Flood Resistant Design and
35 Construction that is referenced by the Florida Building Code. ASCE 24 is developed and
36 published by the American Society of Civil Engineers, Reston, VA.

37 **[Renumber accordingly]**

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

39
40 **6. Base Flood -**
41 ~~a. —the flood having a one percent chance of being equaled or exceeded in any given year.~~
42 ~~b. — for the purposes of Art. 18, the flood event having a one percent chance of being equaled~~
43 ~~or exceeded in any given year (also called the “100-Year Flood” and the “Regulatory~~
44 ~~Flood”). [Ord. 2004-013] a flood having a one-percent chance of being equaled or~~
45 ~~exceeded in any given year. The Base Flood is commonly referred to as the "100 year~~
46 ~~flood" or the “one-percent-annual-chance flood.”~~

47 **7. Base Flood Elevation (BFE) – for the purposes of Art. 18, ~~the highest water surface elevation~~**
48 ~~associated with the Base Flood, set by FEMA in SFHAs. [Ord. 2004-013] the elevation of the~~
49 ~~Base Flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD),~~
50 ~~North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate~~
51 ~~Map (FIRM).~~

52 **8. Basement - for the purposes of Art. 18, the portion of a Building having its floor subgrade**
53 ~~(below ground level) on all sides.~~

54 **[Renumber accordingly]**

Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

48. Breakaway Walls –

- a. any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable Building material, that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.
- b. ~~for the purposes of Art. 18, a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

....
54-55. Building -

- a. Any Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For purposes of this Code, tanks (including but not limited to water, gas and other types of storage tanks) and water towers will not be considered Buildings. **[Ord. 2007-013]**
- b. For the purposes of Art. 18, a Structure that encloses an area for any use and shall not include Structures such as walls, playground equipment or gas tanks. The terms Structure and Building are interchangeable in the National Flood Insurance Program. **[Ord. 2004-013]**

[Renumber accordingly]

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

....
36. Coastal Construction Control Line - for the purposes of Art. 18, the line established by the State of Florida, pursuant to section 161.053, F.S., which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

36-37. Coastal High Hazard Area -

- a. ~~The area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis regulated by F.S. §163.3178(2)(h), as amended. The area is designated on the FIRM as Zone VI-30. [Ord. 2013-021]~~
- b. ~~For the purposes of Art. 18, a SFHA extending from offshore to the inland limit of a primary frontal dune along an open coast and any other areas including, but not limited to, hurricane surges or subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V. [Ord. 2004-013] for the purposes of Art. 18, a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on a Flood Insurance Rate Map as Zone V1-V30, VE or V.~~

[Renumber accordingly]

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

....
20. Design Flood - for the purposes of Art. 18, the flood associated with the greater of the following two areas:

- a. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- b. Area designated as a Special Flood Hazard Area on the community's flood hazard map, or otherwise legally designated.

21. Design Flood Elevation - for the purposes of Art. 18, the elevation of the Design Flood, including wave height, relative to the datum specified on the community's legally-designated flood hazard map plus any freeboard specified by the community. In areas designated as Zone AO, the Design Flood Elevation shall be the elevation of the highest natural grade, prior to site Development at the Building's perimeter, plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO, where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet plus any freeboard specified by the community.

....
30. Development

- a. The carrying out of any Building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
- b. For the purposes of Art. 9, archaeological preservation, the definition in F.S. § 380.04, as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;

Notes:

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- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS

(Updated 5-30-17)

- 1 c. For the purposes of Art. 12, as defined in F.S. § 380.04, except that it shall not include the
2 following items listed therein the: (1) demolition of a Structure except as an adjunct of
3 construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of
4 refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is
5 specifically for such as the end use and not as an adjunct to the end use;
- 6 d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction
7 or any physical alteration of a Building or Structure; the result of such activity; a legally
8 divisible parcel of land developed under a common plan; or the change in any use of a
9 Structure or land that increases the impact on capital facilities for which the particular
10 impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
- 11 e. ~~For the purposes of Art. 18, any man-made change of a Building or other Structure, or the~~
12 ~~carrying out of any activity to improved or unimproved real estate so as to change the use~~
13 ~~or appearance of the land, including, but not limited to, mining, dredging, filling, grading,~~
14 ~~paving, excavating, drilling operations, or permanent storage of materials or equipment..~~
15 ~~[Ord. 2004-013] For the purposes of Art. 18, any man-made change to improved or~~
16 ~~unimproved real estate, including, but not limited to, Buildings or other Structures, tanks,~~
17 ~~temporary Structures, temporary or permanent storage of equipment or materials, mining,~~
18 ~~dredging, filling, grading, paving, excavations, drilling operations or any other land-~~
19 ~~disturbing activities.~~
- 20
- 21 E. Terms defined herein or referenced in this Article shall have the following meanings:
- 22
- 23 **44. Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, a
24 Manufactured Home Park or Subdivision for which the construction of facilities for servicing the
25 lots on which the Manufactured Homes are to be affixed (including, at a minimum, the
26 installation of utilities, the construction of streets, and either final site grading or the pouring of
27 concrete pads) is completed before ~~the effective date of the first Flood Damage Prevention~~
28 ~~Regulations adopted by the County, Ordinance 79-1, on~~ January 31, 1979. **[Ord. 2004-013]**
- 29
- 30 F. Terms defined herein or referenced in this Article shall have the following meanings:
- 31
- 32 **9. Federal Emergency Management Agency (FEMA)** - for the purposes of Art. 18, the federal
33 agency that, in addition to carrying out other functions, administers the National Flood Insur-
34 ance Program.
- 35
- 36 ~~**33. Flood Boundary and Floodway Map (FBFM)**—for the purposes of Art. 18, the latest edition~~
37 ~~of the official map on which the FEMA or Federal Insurance Administration (FIA) has delineated~~
38 ~~SFHAs and regulatory floodway. **[Ord. 2004-013]**~~
- 39 ~~**34. Flooding, Area of Shallow**—a designated AO or VO Zone on the FIRM; the Base Flood depth~~
40 ~~ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is~~
41 ~~unpredictable and indeterminable; and velocity flow may be evident.~~
- 42 ~~**35. Flooding, Area of Special Flood Hazard**—the land in the flood plain subject to a one percent~~
43 ~~or greater chance of flooding in any given year.~~
- 44
- 45 ~~**37. Flood Damage Prevention**— for the purposes of Art. 18, the operation of an overall program~~
46 ~~of corrective and preventive measures for reducing flood damage and preserving and~~
47 ~~enhancing, where possible, natural resources in the flood-prone areas including, but not limited~~
48 ~~to, emergency preparedness plans, flood control works, flood damage prevention regulations,~~
49 ~~open space plans, and setting of minimum floor elevations. **[Ord. 2004-013]**~~
- 50 ~~**38.37. Flood Damage Prevention Floodplain Administrator** - for the purposes of Art. 18, the~~
51 ~~County Building Official hereby appointed to administer and enforce these flood damage~~
52 ~~prevention regulations, including, but not limited to, all Variance and Appeal hearings before~~
53 ~~the Flood Damage Prevention Board or a designee of the Building Official's holding a FEMA~~
54 ~~Certified Floodplain Manager Designation. **[Ord. 2004-013]**~~
- 55 ~~**39. Flood Damage Resistant Materials** – for the purposes of Art. 18, any construction material~~
56 ~~capable of withstanding direct and prolonged contact with floodwaters without sustaining any~~
57 ~~damage that requires more than cosmetic repair.~~
- 58 ~~**40. Flood Damage Prevention Ordinance**—for the purposes of Art. 18, the regulations and FEMA~~
59 ~~documents referenced in Art.18.A.1.A.1. In addition, there may be other controls on~~
60 ~~development in flood-prone areas contained in zoning ordinances, subdivision regulations,~~
61 ~~building codes and other state and federal regulations. **[Ord. 2004-013]**~~
- 62 ~~**40. Flood Hazard Area** - for the purposes of Art. 18, the greatest of the following three areas:~~
63 ~~a. The area within a floodplain subject to a one-percent or greater chance of flooding in any~~
64 ~~year.~~

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EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 b. The area designated as a Flood Hazard Area on the community's flood hazard map, or
2 otherwise legally designated.
3 c. The area developed into Building sites without a master-engineered stormwater drainage
4 plan.
5 ~~41. Flood Hazard Boundary Map (FHBM)–~~
6 ~~a. The official map of PBC, produced by the FEMA or by PBC, where the boundaries of the~~
7 ~~areas of special flood hazard have been designated as Zone A.~~
8 ~~b. For the purposes of Art. 18, the latest edition of an official map of the County, issued by~~
9 ~~FEMA that indicate approximate areas of 100-year flood hazards in a community. [Ord.~~
10 ~~2004-013]~~
11 **42. Flood Insurance Rate Map (FIRM) -** for the purposes of Art. 18, ~~the latest edition of an official~~
12 ~~map of the County, on which FEMA has delineated both the FEMA SFHAs and the risk~~
13 ~~premium zones applicable to the County. [Ord. 2004-013]~~ the official map of the community
14 on which the Federal Emergency Management Agency has delineated both Special Flood
15 Hazard Areas and the risk premium zones applicable to the community.
16 **43. Flood Insurance Study (FIS) –** for the purposes of Art. 18, ~~the official hydraulic and hydrologic~~
17 ~~report provided by FEMA. This report contains flood profiles, as well as the FIRM, FHBM~~
18 ~~(where applicable) and the water surface elevation of the Base Flood the official report provided~~
19 ~~by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map,~~
20 ~~the Flood Boundary and Floodway Map (if applicable), the Water Surface Elevations of the~~
21 ~~Base Flood, and supporting technical data.~~
22
23 46. Floodplain Development Permit or Approval - for the purposes of Art. 18, an official
24 document or certificate issued by the community, or other evidence of approval or concurrence,
25 which authorizes performance of specific Development activities that are located in Special
26 Flood Hazard Areas and that are determined to be compliant with Art. 18.
27 47. Floodproofing - any combination of structural or nonstructural adjustments, changes, or actions
28 that reduce or eliminate flood damage to a structure, content, and attendant utilities and
29 equipment.
30 ~~45.48. Floodway -~~
31 ~~a. The channel of a river or other watercourse and the adjacent land areas that must be~~
32 ~~reserved in order to discharge the Base Flood without cumulatively increasing the Water~~
33 ~~Surface Elevation more than one foot.~~
34 ~~b. For the purposes of Art. 18, the channel of a river or other watercourse, intercoastals, and~~
35 ~~the adjacent land areas that must be reserved in order to discharge the Base Flood without~~
36 ~~cumulatively increasing the water surface elevation more than 12 inches. [Ord. 2004-013]~~
37 49. Floodway Encroachment Analysis - for the purposes of Art. 18, an engineering analysis of
38 the impact that a proposed encroachment into a Floodway is expected to have on the Floodway
39 boundaries and Base Flood Elevations; the evaluation shall be prepared by a qualified Florida-
40 licensed engineer using standard engineering methods and models.
41
42 55. Florida Building Code - for purposes of Art. 18, the codes adopted by the Florida Building
43 Commission, including, but not limited to: Accessibility Volume; Building Volume; Energy
44 Conservation Volume; Residential Volume; Existing Building Volume; Mechanical Volume;
45 Plumbing Volume; Fuel Gas Volume; and the National Electrical Code.
46
47 67. Functionally-Dependent Use - for the purposes of Art. 18, a use which cannot perform its
48 intended purpose unless it is located or carried out in close proximity to water, including only
49 docking facilities and port facilities that are necessary for the loading and unloading of cargo or
50 passengers, and ship building and ship repair facilities; the term does not include long-term
51 storage or related manufacturing facilities.
52 **[Renumber Accordingly]**
53 H. Terms defined herein or referenced in this Article shall have the following meanings:
54
55 **15. Highest Adjacent Grade –**
56 Natural: the highest natural elevation of the ground surface, prior to start of any past or
57 proposed construction or Development, immediately next to the proposed exterior walls or
58 foundation of a Building.
59 Finished: the highest natural elevation of the ground surface, prior to construction, next to the
60 proposed walls or foundation of a Structure.
61 ~~16. Highest Adjacent Natural Grade (HANG)–~~ for the purposes of Art. 18, ~~the highest natural~~
62 ~~elevation of the ground surface, prior to start of any past or proposed construction, immediately~~
63 ~~next to the proposed exterior walls of a Building.~~
64

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EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 19. **Historic Building or Structure** - for the purposes of Art, 18, any Building or Structure that is
2 determined eligible for the exception to the Special Flood Hazard Area requirements of the
3 Florida Building Code, Existing Building Volume, Chapter 11, Historic Buildings, being listed
4 individually in the National Register of Historic Places (a listing maintained by the Department
5 of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the
6 requirements for individual listing on the National Register or certified or preliminarily
7 determined by the Secretary of the Interior as contributing to the historical significance of a
8 registered historic or a district preliminarily determined by the Secretary to qualify as a
9 registered historic district or individually listed on a state inventory of historic places in states
10 with historic preservation programs which have been approved by the Secretary of the Interior;
11 or individually listed on the Historic Palm Beach County Preservation Board's inventory of
12 historic places. **[Ord. 2004-013]**

13 **[Renumber Accordingly]**

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

15
16 **26. Letter of Map Change (LOMC)** - for the purposes of Art. 18, an official determination issued
17 by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance
18 Study. Letters of Map Change include:

19 1. **Letter of Map Revision (LOMR)** – for the purposes of Art. 18, a revision based on
20 technical data that may show changes to flood zones, flood elevations, Special Flood
21 Hazard Area boundaries and Floodway delineations, and other planimetric features.

22 2. **Letter of Map Amendment (LOMA)**: An amendment based on technical data showing that
23 a property was incorrectly included in a designated special flood hazard area. A LOMA
24 amends the current effective Flood Insurance Rate Map and establishes that a specific
25 property, portion of a property, or structure is not located in a special flood hazard area.

26 3. **Letter of Map Revision Based on Fill (LOMR-F)**: A determination that a structure or parcel
27 of land has been elevated by fill above the base flood elevation and is, therefore, no longer
28 located within the special flood hazard area. In order to qualify for this determination, the
29 fill must have been permitted and placed in accordance with the community's floodplain
30 management regulations.

31 4. **Conditional Letter of Map Revision (CLOMR)** – for the purposes of Art. 18, a formal
32 review and comment as to whether a proposed flood protection project or other project
33 complies with the minimum NFIP requirements for such projects with respect to delineation
34 of Special Flood Hazard Areas. A CLOMR does not revise the effective Flood Insurance
35 Rate Map or Flood Insurance Study; upon submission and approval of certified as-built
36 documentation, a Letter of Map Revision may be issued by FEMA to revise the effective
37 FIRM.

38
39 **38. Light-Duty Truck** - for the purposes of Art. 18, and as defined in 40 C.F.R. 86.082-2, any
40 motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a
41 vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45
42 square feet or less, which is:

43 1. Designed primarily for purposes of transportation of property or is a derivation of such a
44 vehicle, or

45 2. Designed primarily for transportation of persons and has a capacity of more than 12
46 persons; or

47 3. Available with special features enabling off-street or off-highway operation and use.

48
49 **73. Lowest Floor** - for the purposes of Art. 18, the Lowest Floor of the lowest enclosed area
50 (including Basement) of a Building. Any unfinished or flood resistant enclosure, used solely for
51 parking of vehicles, Building access, or storage, in an area other than a Basement, is not
52 considered a Building's Lowest Floor, provided that such enclosure is not built so as to render
53 the Structure in Violation of the non-elevation design standards of the Florida Building Code or
54 ASCE 24. **[Ord. 2004-013]**

55 **[Renumber accordingly]**

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

57
58 **12. Manufactured Home** – for the purposes of Art. 18, a single-family dwelling constructed entirely
59 in a controlled factory environment built to HUD standards; defined in 24 CFR 3280.2 Subpart
60 A Definitions as amended or replaced, as a Structure transportable in one or more sections,
61 which in the traveling mode, is eight feet or more in width ~~or~~ and 40 feet or more in length, or
62 when erected on site, is 320 or more square feet, and which is built on a permanent chassis
63 and designed to be a dwelling with or without a permanent foundation when connected to the
64 required utilities which includes the plumbing, heating, air conditioning and electrical systems
65 contained therein. ~~For the purpose of this Article, “mobile~~ “Mobile home” is considered to be

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EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 synonymous with Manufactured Home. The term includes, but is not limited to, Park Trailers,
2 travel trailers and commercial trailers placed on site for 180 consecutive days or longer and
3 intended to be ~~improved property improvements to real property~~. Those manufactured
4 Buildings for residential, commercial, institutional or other use, constructed under ~~DCA~~
5 ~~programs DBPR codes and standards~~ for compliance with Florida Building Code are excluded
6 from this definition. [Ord. 2004-013]
- 7 **13. Manufactured Home Park or Manufactured Home Subdivision –**
8 ~~a.~~ A parcel (or contiguous parcels) of land divided into two or more Manufactured Home lots
9 for rent or sale for which the construction of facilities for servicing the lot on which the
10 Manufactured Home is to be affixed (including, at a minimum, the installation of utilities,
11 either final site grading or the pouring of concrete pads, or the construction of streets) is
12 completed on or after the effective date of this Code. See also Manufactured Building.
13 ~~b. For the purposes of Art. 18, a parcel or contiguous parcel, of land divided into two or more~~
14 ~~manufactured home lots for rent or sale.~~
- 15
- 16 **19. Market value** - for the purposes of Art. 18, ~~the building value, excluding the land, as established~~
17 ~~by what the local real estate market will bear. Market value can be established by independent~~
18 ~~certified appraisal, replacement cost depreciated by age of Building (Actual Cash Value), or~~
19 ~~adjusted assessed values [Ord. 2004-013] the price at which a property will change hands~~
20 ~~between a willing buyer and a willing seller, neither party being under compulsion to buy or sell~~
21 ~~and both having reasonable knowledge of relevant facts. As used in Art. 18, the term refers to~~
22 ~~the Market Value of Buildings and Structures, excluding the land and other improvements on~~
23 ~~the parcel. Market Value may be established by a qualified independent appraiser, Actual~~
24 ~~Cash Value (replacement cost depreciated for age and quality of construction), or tax~~
25 ~~assessment value adjusted to approximate Market Value by a factor provided by the Property~~
26 ~~Appraiser or Floodplain Administrator.~~
- 27
- 28 **30. Mean Sea Level**
29 ~~a.~~ The average height of the sea for all stages of the tide based on the NGVD.
30 ~~b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is~~
31 ~~used as a reference for establishing various elevations within the floodplain.~~
- 32
- 33 N. Terms defined herein or referenced in this Article shall have the following meanings:
34
- 35 **2. National Geodetic Vertical Datum (NGVD) –** for the purposes of Art.18, as corrected in the
36 year of 1929, is a vertical control used as a reference for establishing varying elevations within
37 the floodplain. This datum is referenced on ~~existing prior~~ FIRMs of or by FEMA. [Ord. 2004-
38 013]
- 39
- 40 ~~18. New Building –~~ for the purposes of Art. 18, ~~a Structure that encloses an area for any use, and~~
41 ~~shall not include Structures such as walls, playground equipment or gas tanks, for which the~~
42 ~~“Start of Construction” commenced on or after the effective date of this Article. The term also~~
43 ~~includes any subsequent improvements to such Buildings. [Ord. 2004-013]~~
- 44
- 45 **20.19. New Construction**
46
47 a. For the purposes of Art. 13, Structures for which the Start of Construction commenced
48 on or after the effective date of this Code.
49 b. For the purposes of Art. 18, ~~any Structure, including duct work and Heating, Ventilating,~~
50 ~~and Air Conditioning (HVAC) equipment, for which the “start of construction”~~
51 ~~commenced on or after the effective date of this Article. The term also includes any~~
52 ~~subsequent improvements to such Structures. [Ord. 2004-013] and the flood-resistant~~
53 ~~construction requirements of the Florida Building Code, Structures for which the “Start~~
54 ~~of Construction” commenced on or after January 31, 1979, and includes any~~
55 ~~subsequent improvements to such Structures.~~
- 56
- 57 **42. Non-Residential Construction –** for the purposes of Art. 18, ~~new construction or substantial~~
58 ~~improvement of Structures not defined as “Residential Construction” and including, but not~~
59 ~~limited to, small business concerns and commercial hotels/motels, as defined by FEMA,~~
60 ~~churches, schools, nursing homes, farm Buildings, government Buildings, mercantile~~
61 ~~Structures, industrial plants and warehouses. [Ord. 2004-013]~~
- 62
- 63 **45. North American Vertical Datum (NAVD) -** ~~For the purposes of Art. 11 and Art. 18, a proposed~~
64 ~~replacement datum of NGVD, identified by FEMA to be the reference of new FIRM from FEMA~~
65 ~~when current 1979 and 1982 flood maps are replaced. [Ord. 2004-013][Ord. 2010-022] for the~~

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EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 purposes of Art. 11 and Art. 18, the vertical control datum of orthometric height established for
2 vertical control surveying in the United States of America based upon the General Adjustment
3 of the North American Datum of 1988.

4 **[Renumber accordingly]**

- 5 O. Terms defined herein or referenced in this Article shall have the following meanings:

6

7 ~~3. **Obstruction** – for the purposes of Art. 18, includes, but is not limited to, any dam, wall, wharf,~~
8 ~~embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge,~~
9 ~~conduit, culvert, Building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation or other~~
10 ~~material in, along, across or projecting into any watercourse which may alter, impede, retard or~~
11 ~~change the direction and/or velocity of the flow of water, or due to its location, its propensity to~~
12 ~~snare or collect debris carried by the flow of water, or is likely to be carried downstream. [Ord.~~
13 ~~2004-013]~~

14 **[Renumber accordingly]**

- 15 P. Terms defined herein or referenced in this Article shall have the following meanings:

16

17 17. **Park Trailer** - for the purposes of Art. 18, a transportable unit which has a body width not
18 exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal
19 or temporary living quarters when connected to utilities necessary for operation of installed
20 fixtures and appliances (see F.S. 320.01, as amended or replaced).

21 **[Renumber accordingly]**

- 22 R. Terms defined herein or referenced in this Article shall have the following meanings:

23

24 **12. Recreational Vehicle**

25 a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel
26 or other vehicle with or without motor power which has been converted or equipped with
27 living or sleeping quarters and is designed and constructed to travel on public
28 thoroughfares without a special permit in accordance with the provisions of the Vehicle
29 Code of the State of Florida.

30 b. For the purposes of Art. 18, a vehicle which is: -type unit primarily designed as temporary
31 living quarters for recreational, camping, or travel use, which either has its own motive
32 power or is mounted on or drawn by another vehicle (see F.S. 320.01), as amended or
33 replaced. Such vehicles shall comply with the length and width provisions of F.S. 316.515,
34 as amended or replaced. [Ord. 2004-013]

35 1. Built on a single chassis;

36 2. 400 square feet or less when measured at the largest horizontal projection;

37 3. Designed to be self-propelled or permanently towable by a Light-Duty Truck; and

38 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
39 for recreational, camping, travel or seasonal use (see F.S. 320.01, as amended or
40 replaced).

41 5. Not occupied for more than six months.

42

43 ~~27. **Repetitive Loss** – for the purposes of Art. 18, flood-related damages sustained by a property,~~
44 ~~which the National Flood Insurance Program has paid two or more flood claims of \$1,000.00~~
45 ~~or more in any given ten-year period since 1978. [Ord. 2004-013]~~

46

47 ~~32. **Residential Construction** – for the purposes of Art. 18, new construction or substantial~~
48 ~~improvement of Structures including, but not limited to, high-rise and low-rise condominium~~
49 ~~units, apartment Buildings, timeshares, townhouse/rowhouse Structures, residential~~
50 ~~hotels/motels and “other residential Structures” as defined by FEMA, manufactured and~~
51 ~~mobile/trailer homes, single family Structures and duplexes. [Ord. 2004-013]~~

- 52 S. Terms defined herein or referenced in this Article shall have the following meanings:

53

54 3. **Sand Dunes** - for the purposes of Art. 18, naturally-occurring accumulations of sand in ridges
55 or mounds landward of the beach.

56

57 70.71. **Special Flood Hazard Area (SFHA)** – for the purposes of Art. 18, (see Area of Special
58 Flood Hazard), is a geographic area identified by FEMA and the county as being low lying
59 areas or especially susceptible to flooding and shown on the latest edition of maps (FHBM or
60 FIRM) as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V; and any area developed as
61 Building sites, without a master stormwater drainage system, in unincorporated Palm Beach
62 County outside FEMA A or V zones. [Ord. 2004-013] the land area subject to flood hazards
63 and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30,
64 A99, AR, AO, AH, V, VO, VE or V1-30.

65

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EXHIBIT B.1

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 **83.84. Start of Construction** - for the purposes of Art. 18, ~~(for other than new construction or~~
2 ~~substantial improvement under the Coastal Barrier Resources Act P.L. 97-348, as amended or~~
3 ~~replaced)~~, for all construction, includes Substantial Improvement, and means the date the
4 Building permit was issued, provided the actual Start of Construction, repair, reconstruction,
5 rehabilitation, addition, or improvement was within ~~180 days~~ six months of the permit date. The
6 actual start means the first placement of permanent construction of a Building, including a
7 Manufactured Home, on a site, such as the pouring of slabs or footings, installation of piles,
8 construction of columns, or any work beyond the stage of excavation or placement of a
9 Manufactured Home on a foundation. Permanent construction does not include land
10 preparation, such as clearing, grading and filling; nor does it include installation of streets
11 and/or walkways; nor does it include excavation for a Basement, footings, piers or foundations
12 or the erection of temporary forms; nor does it include installation or alteration on the property
13 of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of
14 the main Building. For Substantial Improvement, the actual Start of Construction means the
15 first installation of any foundation, wall, ceiling, floor, or other structural part of a Building,
16 whether or not that alteration affects the external dimensions of the Building. ~~on all residential,~~
17 ~~commercial, institutional, and other Buildings.~~ [Ord. 2004-013]

18
19 ~~....~~
122123. Structure

- 20 a. Unless specified otherwise, means that which is three feet or more in height which is built
21 or constructed or erected or tied down having a fixed location on the ground or attached to
22 something having a permanent location on the ground, such as Buildings, homes, mobile
23 homes, towers, walls, fences, billboards, shore protection devices and poster panels.
24 [Ord. 2004-013] [Ord. 2007-001]
- 25 b. For the purposes of Art. 16, any object, temporarily or permanently constructed or installed
26 by man, including but not limited to: Buildings, towers, smoke stacks, utility poles,
27 antennas, construction cranes and overhead transmission lines.
- 28 c. For the purposes of Art. 18, ~~that constructed by humans, including gas or liquid storage~~
29 ~~tanks that are principally above ground, walls and roofed Buildings.~~ [Ord. 2004-013] a
30 walled and roofed Building, including a gas or liquid storage tank, that is principally above
31 ground, as well as a Manufactured Home. The terms Structure and Building are
32 interchangeable in the National Flood Insurance Program.

33
34 ~~....~~
126127. Substantial Damage - for the purposes of Art. 18, damage of any origin sustained by a
35 Building or Structure whereby the cost of restoring the Building or Structure to it's before
36 damaged condition would equal or exceed 50 percent of the Market Value of the Building
37 or Structure before the damage occurred. This term also includes ~~Structures that have~~
38 ~~incurred "repetitive loss."~~ [Ord. 2004-013] flood-related damage sustained by a Building or
39 Structure on two separate occasions during a ten-year period for which the cost of repairs
40 at the time of each such flood event, on average, equals or exceeds 25 percent of the
41 Market Value of the Structure before the damage occurred.

42 **127128. Substantial Improvement** –

- 43 a. For the purposes of Art. 9, any combination of repairs, reconstruction or improvement of a
44 Structure, where the improvement creates additional enclosed space that contains
45 equipment or utilities relative to the primary Structure, the cost of which equals or exceeds
46 50 percent of the Market Value of the Structure either before the improvement or repair is
47 started, or if the Structure has been damaged and is being restored, before the damage of
48 any wall, ceiling, floor, or other structural part of the Building commences, whether or not
49 that alteration affects the external dimensions of the Structure. The term does not,
50 however, include either any Development for improvement of a Structure to comply with
51 existing State or local health, sanitary, or safety Code specifications that are solely
52 necessary to assure safe living conditions or any alteration of a Structure listed on the
53 National Register of Historic Places or a State Inventory of Historic Place.
- 54 b. For the purposes of Art. 18, any combination of repairs, reconstruction, rehabilitation,
55 addition or improvement of a Building or Structure taking place during a five-year period,
56 the cumulative cost of which equals or exceeds 50 percent of the Market Value of the
57 Structure before the improvement or repair is started. For each Building or Structure, the
58 five-year period begins on the date of the first permit is issued for improvement or repair of
59 that Building or Structure in the preceding five years. If the Structure has sustained
60 Substantial Damage, any repairs are considered Substantial Improvement regardless of
61 the actual repair work performed. The term does not, however, include any project for
62 improvement of a Building required to correct existing health, sanitary or safety code
63 Violations identified by the Building Official and that are the minimum necessary to assure
64 safe living conditions. For the purposes of residential and non-residential condominiums,
65 market value shall be determined to be a prorated share of the total market value of the

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ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 ~~building, alteration for the purposes, or other improvements to a Building taking place~~
2 ~~during a five-year period, in which the cumulative cost of such improvements equals or~~
3 ~~exceeds 50 percent of the market value of the Building before the start of construction of~~
4 ~~the repair or improvement. This term does not include any repair or improvement of a~~
5 ~~Structure to correct existing violations of state or local health, sanitary, or safety code~~
6 ~~specifications, which have been identified by the local code enforcement official prior to the~~
7 ~~application for the permit for improvement, and which are the minimum necessary to assure~~
8 ~~safe living conditions. For the purposes of this definition, "Substantial Improvement" occurs~~
9 ~~when the first installation of any foundation, wall, ceiling, floor, or other structural part of~~
10 ~~the Building commences, whether or not that installation affects the external dimensions of~~
11 ~~the Structure. This term includes Structures that have incurred "repetitive loss" or~~
12 ~~"substantial damage," regardless of the actual repair work performed. [Ord. 2004-013]~~

13 ~~**129. Substantially Improved, Existing Manufactured Home Parks or Subdivisions** – For the~~
14 ~~purposes of Art. 18, the repair, reconstruction, rehabilitation or improvement of the streets,~~
15 ~~utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads~~
16 ~~before the repair, reconstruction or improvement commenced. [Ord. 2004-013]~~

17 **[Renumber accordingly]**

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

19

20 **6. Variance**

21 a. An abatement of certain regulations in the ULDC, where such Variance will not be contrary
22 to the public interest and where, owing to conditions peculiar to the property and not the
23 result of the actions of the applicant, a literal enforcement of this Code would result in
24 unnecessary and undue hardship. **[Ord. 2014-001]**

25 b. ~~For the purposes of Art. 18, after a public hearing before the Flood Damage Prevention~~
26 ~~Board, a grant of relief from the requirements of this Article, which permits construction in~~
27 ~~a manner otherwise prohibited by this Article where specific enforcement would result in~~
28 ~~exceptional hardship. [Ord. 2004-013] For the purposes of Art. 18, a grant of relief from~~
29 ~~the requirements of Art. 18 or the flood-resistant construction requirements of the Florida~~
30 ~~Building Code, as granted by the Flood Damage Prevention Board, which permits~~
31 ~~construction in a manner that would not otherwise be permitted by Art. 18 or the Florida~~
32 ~~Building Code.~~

33

34 **18. Violation** – for the purposes of Art. 18, the failure of a Structure or other Development to be
35 fully compliant with ~~this Article~~ Art. 18. In addition, a Structure or other Development without a
36 required FEMA elevation certificate, other acceptable elevation certifications, or other evidence
37 of compliance required in ~~this Article~~ Art. 18 is presumed to be in Violation until such time as
38 that documentation is provided. **[Ord. 2004-013]**

39

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

41

42 **13. Water Surface Elevation** – for the purposes of Art. 18, the height, in relation to ~~NGVD of 929,~~
43 ~~(or other datum, where specified)~~ the datum on the current Flood Insurance Rate Map of floods
44 of various magnitudes and frequencies in the floodplains of coastal or riverine areas. **[Ord.**
45 **2004-013]**

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS

(Updated 5-30-17)

1 Part 1. ULDC Art. 18, Flood Damage Prevention (pages 1 to 12 of 12), is hereby repealed and
2 replaced with the following text:
3

Reason for amendments: [Building] Article 18 is being amended for the following reasons:

The local adoption of a new Florida Model Flood Damage Prevention Ordinance has been dictated by the Federal Emergency Management Agency and the Florida Division of Emergency Management (FDEM) to maintain consistency with the recent integration of flood damage prevention provisions into the Florida Building Code, along with changes to the National Flood Insurance Program in recent years.

The local programmatic enhancements that have been retained during this process are:

- Language relating to the role of the Construction Board of Adjustments and Appeals (CBAA) as the Flood Damage Prevention Board.
- Language relating to the "authority" and "legal" aspects of the County's actions that were not found to exist in the new FDEM model.
- Language to create the requirement for additional elevation (freeboard) in each type of affected Special Flood Hazard Area.
- Language relating to the construction and elevation of critical facilities.
- Language relating to the cumulative (five-year) cost of improvements for structures in the floodplain.
- Language requiring all new buildings to be at least 18 inches above the lowest adjacent road crown (LARC) in all areas of the County which do not have finished floors from a "master-engineered" stormwater management analysis.
- Language relating to the processes and procedures for variances and appeals that did not exist in the FDEM model.
- Language relating to restrictions on earth fill intended to protect compensatory storage.
- Language in the County's existing ordinance restricting Park Model (mobile homes), RV's and modular buildings which are sited for more than six months.

4 **CHAPTER A ADMINISTRATION, PERMITTING AND ENFORCEMENT**

5 **SECTION 1 GENERAL**

6 **A. Title**

7 These regulations shall be known as the Flood Damage Prevention Ordinance of PBC, Florida.

8 **B. Authority**

9 Chapter 125, Florida Statutes, authorizes the legislative and governing body of PBC, Florida, the
10 power to establish and administer programs of flood control; and the BCC of PBC, Florida, has the
11 responsibility to adopt regulations designed to promote the public health, safety and general welfare
12 of its citizens.

13 **C. Scope**

14 The provisions of this Article shall apply, within the limits of PBC's jurisdictional authority, to all
15 Development that is wholly within or partially within any Special Flood Hazard Area, as defined in
16 Art. 1, including but not limited to: the subdivision of land; filling, grading, and other site
17 improvements and utility installations; alteration, remodeling, enlargement, improvement,
18 replacement, repair, relocation or demolition of Buildings, Structures and facilities that are exempt
19 from the Florida Building Code, as listed in Art. 18.A.4.C; placement, installation or replacement of
20 Manufactured Homes and Manufactured Buildings; installation or replacement of tanks; placement
21 of Recreational Vehicle parking pads; installation of swimming pools; and any other Development.

22 **D. Intent**

23 The purposes of this Article and the flood load and flood resistant construction requirements of the
24 Florida Building Code are to establish minimum requirements to safeguard the public health, safety
25 and general welfare and to minimize public and private losses due to flooding through regulation of
26 Development in Special Flood Hazard Areas to:

- 27 1. Minimize unnecessary disruption of commerce, access and public service during times of
28 flooding;
- 29 2. Require the use of appropriate construction practices in order to prevent or minimize future
30 flood damage;
- 31 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of
32 equipment or materials, and other Development which may increase flood damage or erosion
33 potential;
- 34 4. Manage the alteration of Special Flood Hazard Areas, watercourses, and shorelines to
35 minimize the adverse impact of Development on the natural and beneficial functions of the
36 floodplain;
- 37 5. Minimize damage to public and private facilities and utilities;
- 38 6. Help maintain a stable tax base by providing for the sound use and Development of Special
39 Flood Hazard Areas;

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 7. Minimize the need for future expenditure of public funds for flood control projects and response
2 to and recovery from flood events; and

3 8. Meet the requirements of the National Flood Insurance Program for community participation,
4 as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

5 **E. Coordination with the Florida Building Code**

6 This Article is intended to be administered and enforced in conjunction with the Florida Building
7 Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida
8 Building Code.

9 **F. Warning**

10 The degree of flood protection required by this Article and the Florida Building Code, as amended
11 by PBC, is considered the minimum reasonable for regulatory purposes and is based on scientific
12 and engineering considerations. Larger floods can and will occur. Flood heights may be
13 increased by man made or natural causes. This Article does not imply that land outside of mapped
14 Special Flood Hazard Areas, or that uses permitted within such Special Flood Hazard Areas, will
15 be free from flooding or flood damage. The Special Flood Hazard Areas and Base Flood Elevations
16 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the
17 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, may be revised by the
18 Federal Emergency Management Agency, requiring PBC to revise these regulations to remain
19 eligible for participation in the National Flood Insurance Program. No guarantee of vested use,
20 existing use, or future use is implied or expressed by compliance with this Article.

21 **G. Disclaimer of Liability**

22 This Article shall not create liability on the part of the PBC BCC or by any officer or employee hereof
23 for any flood damage that results from reliance on this Article or any administrative decision lawfully
24 made thereunder.

25 **Section 2 Applicability**

26 **A. General**

27 Where there is a conflict between a general requirement and a specific requirement, the specific
28 requirement shall govern.

29 **B. Areas to which this Article Applies**

30 This Article shall apply to all Flood Hazard Areas and Special Flood Hazard Areas in unincorporated
31 PBC, as defined in Art. 1 and established in Art.18.A.2.C below.

32 **C. Special Flood Hazard Areas**

33 The United States Department of Housing and Urban Development, Flood Insurance Study for
34 PBC, Florida, Unincorporated Areas dated October 5, 2017 and all subsequent amendments and
35 revisions to such studies, and the accompanying Flood Insurance Rates Maps and all subsequent
36 amendments and revisions to such maps, shall serve as the minimum basis for establishing Flood
37 Hazard Areas and Special Flood Hazard Areas, including those areas developed into lots or
38 Building sites without minimum floor elevations engineered from a master stormwater drainage
39 network. Studies and maps that establish Flood Hazard Areas are on file at the PBC Department
40 of Planning, Zoning and Building located at 2300 North Jog Road, West Palm Beach, Florida
41 33411.

42 **D. Submission of Additional Data to Establish Special Flood Hazard Areas**

43 The Floodplain Administrator may require the submission of additional data to establish Special
44 Flood Hazard Areas and Base Flood Elevations, pursuant to Art. 18.A.5. Where field-surveyed
45 topography prepared by a Florida-licensed professional surveyor or digital topography accepted by
46 PBC indicates that ground elevations are either:

47 1. at or below the closest applicable Base Flood Elevation, even in areas not delineated as a
48 Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard
49 Area and subject to the requirements of this Article and, as applicable, the requirements of the
50 Florida Building Code; or

51 2. above the closest applicable Base Flood Elevation, the area shall be regulated as Special Flood
52 Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from
53 the Special Flood Hazard Area.

54 **E. Other Laws**

55 The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal
56 law.

57 **F. Abrogation and Greater Restrictions**

58 This Article supersedes any ordinance in effect for management of Development in Special Flood
59 Hazard Areas. However, it is not intended to repeal or abrogate any existing ordinances including
60 but not limited to land development regulations, zoning ordinances, stormwater management
61 regulations, or the Florida Building Code. In the event of a conflict between this Article and any
62 other regulations, the more restrictive shall govern. This Article shall not impair any deed restriction,

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 covenant or easement, but any land that is subject to such interests shall also be governed by this
2 Article.

3 **G. Interpretation**

4 In the interpretation and application of this Article, all provisions shall be:

- 5 1. considered as minimum requirements;
- 6 2. liberally construed in favor of the governing body; and
- 7 3. deemed neither to limit nor repeal any other powers granted under state statutes.

8 **Section 3 Duties and Powers of the Floodplain Administrator and the Flood Damage** 9 **Prevention Board**

10 **A. Designation**

- 11 1. The Building Official is designated as the Floodplain Administrator. The Floodplain
12 Administrator may delegate performance of certain duties to other employees.
- 13 2. The BCC of PBC hereby designates the 11 members of the Construction Board of Adjustment
14 and Appeals to act as the Flood Damage Prevention Board. The Flood Damage Prevention
15 Board shall hear and decide Appeals when it is alleged an error in any requirement, decision,
16 or determination is made by the Floodplain Administrator in the enforcement or administration
17 of this Article and shall decide any Variance request following procedures in Art.18.A.7.

18 **B. General**

19 The Floodplain Administrator is authorized and directed to administer and enforce the provisions
20 of this Article. The Floodplain Administrator shall have the authority to render interpretations of this
21 Article consistent with the intent and purpose of this Article, and may establish policies and
22 procedures in order to clarify the application of its provisions. Such interpretations, policies, and
23 procedures shall not have the effect of waiving requirements specifically provided in this Article
24 without the granting of a Variance by the Flood Damage Prevention Board, pursuant to Art. 18.A.7.

25 **C. Applications and Permits**

26 The Floodplain Administrator, in coordination with other pertinent offices of PBC, shall:

- 27 1. Review applications and plans to determine whether proposed new Development will be
28 located in Special Flood Hazard Areas;
- 29 2. Review applications for modification of any existing Development in Special Flood Hazard
30 Areas for compliance with the requirements of this Article;
- 31 3. Interpret Special Flood Hazard Area boundaries where such interpretation is necessary to
32 determine the exact location of boundaries; a person contesting the determination shall have
33 the opportunity to Appeal the interpretation;
- 34 4. Provide available flood elevation and flood hazard information;
- 35 5. Determine whether additional flood hazard data shall be obtained from other sources or shall
36 be developed by an applicant;
- 37 6. Review applications to determine whether proposed Development will be reasonably safe from
38 flooding;
- 39 7. Issue floodplain Development permits or approvals for Development other than Buildings and
40 Structures that are subject to the Florida Building Code, including Buildings, Structures and
41 facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, when compliance
42 with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
- 43 8. Coordinate with and provide comments to assure that applications, plan reviews, and
44 inspections for Buildings and Structures in Special Flood Hazard Areas comply with the
45 applicable provisions of this Article.

46 **D. Substantial Improvement and Substantial Damage Determinations**

47 For applications for building permits to improve Buildings and Structures, including alterations,
48 relocation, enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
49 renovations, Substantial Improvements, repairs of Substantial Damage, and any other
50 improvement of or work on such Buildings and Structures, the Floodplain Administrator, acting as
51 the Building Official, shall:

- 52 1. Estimate the Market Value, or require the applicant to obtain an appraisal of the Market Value
53 prepared by a qualified independent appraiser, of the Building or Structure before the Start of
54 Construction of the proposed work; in the case of repair, the Market Value of the Building or
55 Structure shall be the Market Value before the damage occurred and before any repairs are
56 made;
- 57 2. Compare the cost to perform the improvement, the cost to repair a damaged Building to its pre-
58 damaged condition, or the combined costs of improvements and repairs, if applicable, to the
59 Market Value of the Building or Structure;
- 60 3. Determine and document whether the proposed work constitutes Substantial Improvement or
61 repair of Substantial Damage; the determination requires evaluation of previous permits issued
62 for improvements and repairs, as specified in the definition of "Substantial Improvement"; for
63 proposed work to repair damage caused by flooding, the determination requires evaluation of

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 previous permits issued to repair flood-related damage, as specified in the definition of
2 “Substantial Damage”; and

3 4. Notify the applicant if it is determined that the work constitutes Substantial Improvement or
4 repair of Substantial Damage and that compliance with the flood resistant construction
5 requirements of the Florida Building Code and this Article is required.

6 **E. Modifications of the Strict Application of the Requirements of the Florida Building Code**

7 The Floodplain Administrator shall review requests submitted to the Building Official that seek
8 approval to modify the strict application of the flood load and flood resistant construction
9 requirements of the Florida Building Code to determine whether such requests require the granting
10 of a Variance pursuant to Art. 18.A.7.

11 **F. Notices and Orders**

12 The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of
13 all necessary notices or orders to ensure compliance with this Article.

14 **G. Inspections**

15 The Floodplain Administrator or designee shall make the required inspections, as specified in Art.
16 18.A.6, for Development that is exempt from the Florida Building Code, as listed in Art. 18.A.4.C.
17 The Floodplain Administrator or designee shall inspect Special Flood Hazard Areas to determine if
18 Development is undertaken without issuance of a permit.

19 **H. Other Duties of the Floodplain Administrator**

20 The Floodplain Administrator shall have other duties, including but not limited to:

21 1. Establish procedures for administering and documenting determinations of Substantial
22 Improvement and Substantial Damage made pursuant to Art. 18.A.3.D;

23 2. Require that applicants proposing Alteration of a Watercourse notify adjacent communities and
24 the Florida Division of Emergency Management, State Floodplain Management Office, and
25 submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

26 3. Require applicants who submit hydrologic and hydraulic engineering analyses in support of
27 permit applications to submit to FEMA the data and information necessary to maintain the Flood
28 Insurance Rate Maps if the analyses propose to change Base Flood Elevations, Special Flood
29 Hazard Area boundaries, or Floodway designations; such submissions shall be made within
30 six months of such data becoming available;

31 4. Review required design certifications and documentation of elevations specified by this Article
32 and the Florida Building Code to determine that such certifications and documentations are
33 complete;

34 5. Notify FEMA when the boundaries of unincorporated PBC are modified; and

35 6. Advise applicants for New Buildings and Structures, including Substantial Improvements, that
36 are located in any unit of the Coastal Barrier Resources System established by the Coastal
37 Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act of 1990
38 (Public Law 101-591) that federal flood insurance is not available on such construction; areas
39 subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier
40 Resource System Areas” and “Otherwise Protected Areas.”

41 **I. Floodplain Management Records**

42 Regardless of any limitation on the period required for retention of public records, the Floodplain
43 Administrator shall maintain and permanently keep and make available for public inspection all
44 records that are necessary for the administration of this Article and the flood resistant construction
45 requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map
46 Change; records of issuance of permits and denial of permits; determinations of whether proposed
47 work constitutes Substantial Improvement or repair of Substantial Damage; required design
48 certifications and documentation of elevations specified by the Florida Building Code and this
49 Article; notifications to adjacent communities, FEMA, and the state related to alterations of
50 watercourses; assurances that the flood-carrying capacity of altered watercourses will be
51 maintained; documentation related to Appeals and Variances, including justification for issuance or
52 denial; and records of enforcement actions taken pursuant to this Article and the flood resistant
53 construction requirements of the Florida Building Code. These records are available for public
54 inspection at the PBC Department of Planning, Zoning and Building at 2300 North Jog Road, West
55 Palm Beach, FL 33411.

56 **Section 4 Permits**

57 **A. Permits Required**

58 Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any
59 Development activity within the scope of this Article, including Buildings, Structures and facilities
60 exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially
61 within any Special Flood Hazard Area shall first make application to the Floodplain Administrator
62 and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 such permit or approval shall be issued until compliance with the requirements of this Article has
2 been satisfied.

3 **B. Floodplain Development Permits or Approvals**

4 Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any
5 Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C.
6 Depending on the nature and extent of proposed Development that includes a Building or Structure,
7 the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is
8 required in addition to a building permit.

9 **C. Buildings, Structures and Facilities Exempt from the Florida Building Code**

10 Pursuant to the requirements of federal regulation for participation in the National Flood Insurance
11 Program (44 CFR, Sections 59 and 60), Floodplain Development Permits or Approvals shall be
12 required for the following Buildings, Structures and facilities that are exempt from the Florida
13 Building Code and any further exemptions provided by law, which are subject to the requirements
14 of this Article:

- 15 1. Railroads and ancillary facilities associated with the railroad.
- 16 2. Nonresidential farm Buildings on farms, as provided in section 604.50, F.S.
- 17 3. Temporary Buildings or sheds used exclusively for construction purposes.
- 18 4. Mobile or modular Structures used as temporary offices.
- 19 5. Those Structures or facilities of electric utilities, as defined in section 366.02, F.S., which are
20 directly involved in the generation, transmission, or distribution of electricity.
- 21 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of
22 Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that
23 has a thatched roof of palm or palmetto or other traditional materials, and that does not
24 incorporate any electrical, plumbing, or other non-wood features.
- 25 7. Family mausoleums, not exceeding 250 square feet in area, which are prefabricated and
26 assembled on site or preassembled and delivered on site and have walls, roofs and a floor
27 constructed of granite, marble or reinforced concrete.
- 28 8. Temporary housing provided by the Florida Department of Corrections to any prisoner in the
29 state correctional system.
- 30 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building
31 Code if such Structures are located in Special Flood Hazard Areas established on Flood
32 Insurance Rate Maps.

33 **D. Application for a Permit or Approval**

34 To obtain a Floodplain Development Permit or Approval outside of the building permit process, the
35 applicant shall first file an application in writing on a form furnished by PBC. The information
36 provided shall:

- 37 1. Identify and describe the Development to be covered by the permit or approval.
- 38 2. Describe the land on which the proposed Development is to be conducted by legal description,
39 street address or similar description that will readily identify and definitively locate the site.
- 40 3. Indicate the use and occupancy for which the proposed Development is intended.
- 41 4. Be accompanied by a site plan or construction documents, as specified in Art.18.A.5.
- 42 5. State the valuation of the proposed work.
- 43 6. Be signed by the applicant or the applicant's authorized agent.
- 44 7. Give such other data and information as required by the Floodplain Administrator.

45 **E. Validity of Permit or Approval**

46 The issuance of a Floodplain Development Permit or Approval pursuant to this Article shall not be
47 construed to be a permit for, or approval of, any Violation of this Article, the Florida Building Code,
48 or any other ordinance of PBC. The issuance of permits based on submitted applications,
49 construction documents, and information shall not prevent the Floodplain Administrator from
50 requiring the correction of errors and omissions.

51 **F. Suspension or Revocation**

52 The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit
53 or Approval if the permit was issued in error, on the basis of incorrect or incomplete information, or
54 in Violation of this Article or any other ordinance, regulation or requirement of PBC.

55 **G. Expiration**

56 A Floodplain Development Permit or Approval shall become invalid unless the work authorized by
57 such permit is commenced within six months after its issuance or the issuance of a building permit,
58 whichever comes last, or if the work authorized is suspended or abandoned for a period of six
59 months after the work commences. Extensions for periods of not more than six months each shall
60 be requested in writing prior to expiration and justifiable cause shall be demonstrated. In no case
61 shall the permit remain valid when FIRMs are updated, unless Development is under construction.

62 **H. Other Permits Required**

63 Floodplain Development Permits shall include a statement that all other applicable state or federal
64 permits shall be obtained before commencement of the permitted Development, including, but not
65 limited to, the following:

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 1. The South Florida Water Management District; section 373.036, F.S.
- 2 2. Florida Department of Health for onsite sewage treatment and disposal systems; section
- 3 381.0065, F.S., and Chapter 64E-6, FAC.
- 4 3. PBC Department of Environmental Resources Management, as applies.
- 5 4. Florida Department of Environmental Protection for construction, reconstruction, changes, or
- 6 physical activities for shore protection or other activities seaward of the Coastal Construction
- 7 Control Line; section 161.141, F.S.
- 8 5. Florida Department of Environmental Protection for activities subject to the Joint Coastal
- 9 Permit; section 161.055, F.S.
- 10 6. Florida Department of Environmental Protection for activities that affect wetlands and alter
- 11 surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the
- 12 Clean Water Act.
- 13 7. Federal permits and approvals.

14 **Section 5** Site plans and construction documents

15 **A. Information for Development in Special Flood Hazard Areas**

16 The site plan or construction documents for any Development subject to the requirements of this
17 Article shall be drawn to scale and shall include, as applicable to the proposed Development:

- 18 1. Delineation of Special Flood Hazard Areas, Floodway boundaries and flood zone(s), Base
- 19 Flood Elevation(s), and ground elevations, if necessary, for review of the proposed
- 20 Development.
- 21 2. Where Base Flood Elevations or Floodway data are not included on the FIRM or in the Flood
- 22 Insurance Study, they shall be established in accordance with Art. 18.A.5.B.2 or 3 below.
- 23 3. Where the parcel on which the proposed Development will take place will have more than 50
- 24 lots or is larger than five acres, and the Base Flood Elevations are not included on the FIRM or
- 25 in the Flood Insurance Study, such elevations shall be established in accordance with Art.
- 26 18.A.5.B.1.
- 27 4. Location of the proposed activity and proposed Structures, and locations of existing Buildings
- 28 and Structures; in Coastal High Hazard Areas, New Buildings shall be located landward of the
- 29 reach of mean high tide.
- 30 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- 31 6. Where the placement of fill is proposed, the amount, type, and source of fill material;
- 32 compaction specifications; a description of the intended purpose of the fill areas; and evidence
- 33 that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- 34 7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the
- 35 Coastal Construction Control Line, if applicable.
- 36 8. Extent of any proposed alteration of Sand Dunes or mangrove stands, provided such alteration
- 37 is approved by the Florida Department of Environmental Protection.
- 38 9. Existing and proposed alignment of any proposed Alteration of a Watercourse.
- 39 10. Subdivisions of more than three lots or greater than ten acres shall provide an electronic
- 40 subdivision topographic plan.

41 The Floodplain Administrator is authorized to waive the submission of site plans, construction
42 documents, and other data that are required by this Article, but that are not required to be prepared
43 by a registered design professional, if it is found that the nature of the proposed Development is
44 such that the review of such submissions is not necessary to ascertain compliance with this Article.

45 **B. Information in Special Flood Hazard Areas without Base Flood Elevations (approximate** 46 **Zone A)**

47 Where Special Flood Hazard Areas are delineated on the FIRM and Base Flood elevation data
48 have not been provided, the Floodplain Administrator shall:

- 49 1. Require the applicant to include Base Flood Elevation data prepared in accordance with
- 50 currently-accepted engineering practices.
- 51 2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available
- 52 from a federal or state agency or other source, or require the applicant to obtain and use Base
- 53 Flood Elevation and Floodway data available from a federal or state agency or other source.
- 54 3. Where Base Flood Elevation and Floodway data are not available from another source, where
- 55 the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding
- 56 conditions, or where the available data are known to be scientifically or technically incorrect or
- 57 otherwise inadequate:
 - 58 a. Require the applicant to include Base Flood Elevation data prepared in accordance with
 - 59 currently-accepted engineering practices; or
 - 60 b. Specify that the Base Flood Elevation is two feet above the highest adjacent grade
 - 61 (finished) at the location of the Development, provided there is no evidence indicating flood
 - 62 depths have been or may be greater than two feet.

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 4. Where the Base Flood Elevation data are to be used to support a Letter of Map Change from
2 FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed engineer
3 in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy
4 the submittal requirements and pay the processing fees.

5 **C. Additional Analyses and Certifications**

6 As applicable to the location and nature of the proposed Development activity, and in addition to
7 the requirements of this section, the applicant shall have the following analyses signed and sealed
8 by a Florida-licensed engineer for submission with the site plan and construction documents:

9 1. For Development activities proposed to be located in a regulatory Floodway, a Floodway
10 Encroachment Analysis that demonstrates that the encroachment of the proposed
11 Development will not cause any increase in Base Flood Elevations; where the applicant
12 proposes to undertake Development activities that do increase Base Flood Elevations, the
13 applicant shall submit such analysis to FEMA, as specified in Art. 18.A.5.D, and shall submit
14 the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction
15 documents.

16 2. For Development activities proposed to be located in a riverine Special Flood Hazard Area for
17 which Base Flood Elevations are included in the Flood Insurance Study or on the FIRM and
18 Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that
19 the cumulative effect of the proposed Development, when combined with all other existing and
20 anticipated Flood Hazard Area encroachments, will not increase the Base Flood Elevation
21 more than one foot at any point within the community. This requirement does not apply in
22 isolated Special Flood Hazard Areas not connected to a riverine Special Flood Hazard Area or
23 in Special Flood Hazard Areas identified as Zone AO or Zone AH.

24 3. For Alteration of a Watercourse, an engineering analysis prepared in accordance with standard
25 engineering practices which demonstrates that the flood-carrying capacity of the altered or
26 relocated portion of the watercourse will not be decreased, and certification that the altered
27 watercourse shall be maintained in a manner which preserves the channel's flood-carrying
28 capacity; the applicant shall submit the analysis to FEMA as specified in Art. 18.A.5.D.

29 4. For activities that propose to alter Sand Dunes or mangrove stands in Coastal High Hazard
30 Areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not
31 increase the potential for flood damage.

32 **D. Submission of Additional Data**

33 When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses
34 are submitted to support an application, the applicant has the right to seek a Letter of Map Change
35 from FEMA to change the Base Flood Elevations, change Floodway boundaries, or change
36 boundaries of Special Flood Hazard Areas shown on FIRMs, and to submit such data to FEMA for
37 such purposes. The analyses shall be prepared by a Florida-licensed engineer in a format required
38 by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

39 **Section 6 Inspections**

40 **A. General**

41 Development for which a Floodplain Development Permit or Approval is required shall be subject
42 to inspection.

43 **B. Development other than Buildings and Structures**

44 The Floodplain Administrator shall inspect all Development to determine compliance with the
45 requirements of this Article and the conditions of issued Floodplain Development Permits or
46 approvals.

47 **C. Buildings, Structures and Facilities Exempt from the Florida Building Code**

48 The Floodplain Administrator shall inspect Buildings, Structures and facilities exempt from the
49 Florida Building Code, as listed in Art. 18.A.4.C, to determine compliance with the requirements of
50 this Article and the conditions of issued Floodplain Development Permits or approvals.

51 **D. Lowest-floor inspection for Buildings, Structures and Facilities exempt from the Florida** 52 **Building Code**

53 Upon placement of the Lowest Floor, including Basement, and prior to further vertical construction,
54 the owner of a Building, Structure or facility exempt from the Florida Building Code, as listed in Art.
55 18.A.4.C, or the owner's authorized agent, shall submit to the Floodplain Administrator:

56 1. If a Design Flood Elevation was used to determine the required elevation of the Lowest Floor,
57 the certification of elevation of the Lowest Floor prepared and sealed by a Florida-licensed
58 professional surveyor; or

59 2. If the elevation used to determine the required elevation of the Lowest Floor was determined
60 in accordance with Art. 18.A.5.B.3.b, the documentation of height of the Lowest Floor above
61 highest adjacent grade, prepared by the owner or the owner's authorized agent.

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 **E. Final inspection for Buildings, Structures and Facilities Exempt from the Florida Building**
2 **Code**

3 As part of the final inspection for Buildings, Structures and facilities exempt from the Florida Building
4 Code, as listed in Art. 18.A.4.C, the owner or owner's authorized agent shall submit to the
5 Floodplain Administrator a final certification of elevation of the Lowest Floor and/or final
6 documentation of the height of the Lowest Floor above the highest adjacent grade; such
7 certifications and documentations shall be prepared as specified in Art. 18.A.6.D.

8 **F. Manufactured Homes**

9 The Floodplain Administrator shall inspect Manufactured Homes that are installed or replaced in
10 Special Flood Hazard Areas to determine compliance with the requirements of this Article and the
11 conditions of the issued permit. Upon placement of a Manufactured Home, certification of the
12 elevation of the Lowest Floor shall be submitted to the Floodplain Administrator.

13 **Section 7 Appeals and Variances**

14 **A. General**

15 The Flood Damage Prevention Board shall hear and decide on all requests for Appeals or
16 Variances from the strict application of this Article.

17 **B. Appeal procedures**

18 1. A request for Appeal to the decision of the Floodplain Administrator enforcing the provisions of
19 this Article shall include reference to this Art. 18.A.7, and the applicant's technical basis of
20 contesting the decision of the Floodplain Administrator. The Appeal shall be filed in writing
21 within 30 calendar days after the decision is rendered by the Floodplain Administrator. Failure
22 to timely file an Appeal shall be deemed a waiver of the applicant's ability to seek relief for said
23 decision. An Appeal may be filed whenever any one of the following conditions are claimed to
24 exist:

25 a. The Floodplain Administrator rejected or refused to approve the applicant's request;

26 b. The provisions of this Article do not apply to the applicant's specific case;

27 c. That an equally-good or more-desirable method can be employed and fully meet the intent
28 of this Article, which the Floodplain Administrator has rejected;

29 d. The true intent and meaning of this Article or any of the regulations there under have been
30 misconstrued or incorrectly interpreted.

31 2. The Flood Damage Prevention Board shall hear Appeal requests at the next available meeting
32 within 60 days of date of Appeal. This 60-day period may be extended upon mutual consent
33 of the Floodplain Administrator and the applicant.

34 3. At the conclusion of the hearing, the Flood Damage Prevention Board shall orally render a
35 decision based on testimony and evidence entered into the record. An order setting forth
36 findings of fact and conclusion of law shall then be delivered to the appellant.

37 4. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the
38 Circuit Court of PBC, Florida, by petition for writ of certiorari; any Appeal filed pursuant to this
39 Article shall be considered timely if filed within 30 days of the execution of the order to be
40 Appealed.

41 **C. Variance procedures**

42 1. An initial request for a Variance from the provisions of this Article shall be filed in writing by the
43 affected party with the Floodplain Administrator.

44 2. The Flood Damage Prevention Board shall hear Variance requests at the next available
45 meeting. In acting upon Variance applications, the Flood Damage Prevention Board shall
46 consider all technical evaluations, all relevant factors, and standards specified in other sections
47 of this Article; and

48 a. The danger that materials may be swept onto other lands to the injury of others;

49 b. The danger to life and property due to flooding or erosion damage;

50 c. The susceptibility of the proposed facility and its contents to flood damage and the effect
51 of such damage on the individual owner;

52 d. The importance of the services provided by the proposed facility to the community;

53 e. The necessity to the facility of a waterfront location;

54 f. The availability of alternative locations for the proposed use which are not subject to
55 flooding or erosion damage;

56 g. The compatibility of the proposed use with existing and anticipated Development;

57 h. The relationship of the proposed use to the comprehensive plan and flood damage
58 prevention program for that area;

59 i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

60 j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the
61 floodwaters and the effects of wave action, if applicable, expected at the site;

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 k. The costs of providing governmental services during and after flood conditions, including
2 maintenance and repair of public utilities and facilities such as sewer, gas, electric, and
3 water systems, and streets and bridges; and

4 l. The negative effect a Variance may have on the county rating under the FEMA Community
5 Rating System.

6 3. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the
7 Circuit Court of PBC, Florida, by a petition for writ of certiorari; any Appeal filed pursuant to this
8 Article shall be considered timely if filed within 30 days of the execution of the order to be
9 Appealed.

10 **D. Restrictions in Floodways**

11 A Variance shall not be issued for any proposed Development in a Floodway if any increase in
12 Base Flood Elevations would result, as evidenced by the applicable analyses and certifications
13 required in Art. 18.A.5.C.

14 **E. Historic Buildings**

15 A Variance is authorized to be issued for the repair, improvement, or rehabilitation of a Historic
16 Building that is determined eligible for the exception to the flood resistant construction requirements
17 of the Florida Building Code, Existing Building Volume, Chapter 11, Historic Buildings, upon a
18 determination that the proposed repair, improvement or rehabilitation will not preclude the
19 Building's continued designation as a Historic Building and the Variance is the minimum necessary
20 to preserve the historic character and design of the Building. If the proposed work precludes the
21 Building's continued designation as a Historic Building, a Variance shall not be granted upon this
22 basis and the Building and any repair, improvement and rehabilitation shall be subject to the
23 requirements of the Florida Building Code.

24 **F. Functionally-Dependent Uses**

25 A Variance is authorized to be issued for the construction or Substantial Improvement necessary
26 for the conduct of a Functionally-Dependent Use, as defined in Art. 1, provided the Variance is the
27 minimum necessary considering the flood hazard, and all due consideration has been given to use
28 of methods and materials that minimize flood damage during occurrence of the Base Flood.

29 **G. Conditions for issuance of Variances**

30 Variances shall be issued only upon:

31 1. Submission by the applicant of a showing of good and sufficient cause that the unique
32 characteristics of the size, configuration or topography of the site limit compliance with any
33 provision of this Article or the required elevation standards.

34 2. Determination by the Flood Damage Prevention Board that:

35 a. Failure to grant the Variance would result in exceptional hardship due to the physical
36 characteristics of the land that render the lot undevelopable; increased costs to satisfy the
37 requirements or inconvenience do not constitute hardship;

38 b. The granting of a Variance will not result in increased flood heights, additional threats to
39 public safety, extraordinary public expense, nor create nuisances, cause fraud on or
40 victimization of the public or conflict with existing local laws and ordinances; and

41 c. The Variance is the minimum necessary, considering the flood hazard, to afford relief.

42 **H. Limitations on Authority to Grant Variances**

43 The Flood Damage Prevention Board shall base its decisions on Variances on technical
44 justifications submitted by applicants, the considerations for issuance in Art. 18.A.7.C.2, the
45 conditions of issuance set forth in Art. 18.A.7.G, and the comments and recommendations of the
46 Floodplain Administrator. The Flood Damage Prevention Board has the right to attach such
47 conditions as it deems necessary to further the purposes and objectives of this Article.

48 **I. Variance Notification**

49 Any applicant to whom a Variance is granted shall be given a written order, bearing the signature
50 of the Chairperson of the Flood Damage Prevention Board, indicating the difference between the
51 Base Flood Elevation and the proposed elevation of the Lowest Floor, stating the issuance of a
52 Variance to construct a Structure or Substantial Improvement below the required elevation, or
53 otherwise not comply with the requirements of this Article, may result in substantial increase in the
54 cost of federal flood insurance (up to amounts as high as \$25 for \$100 of insurance coverage) and
55 such noncompliance construction increases risks to life and property. A copy of the notice shall be
56 recorded by the Floodplain Administrator in the Office of the PBC Clerk and shall be recorded in a
57 manner so that it appears in the chain of title of the affected parcel of land in the Official Records
58 of PBC. The Floodplain Administrator will maintain a record of all Variance actions, including
59 justification for their issuance, and report such Variances issued in its biennial report submitted to
60 FEMA.

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62
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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

Section 8 Violations

A. Violations

Any Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a Violation of this Article. A Building or Structure without the documentation of elevation of the Lowest Floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a Violation until such time as that documentation is provided.

B. Authority

The Floodplain Administrator is authorized to serve notices of Violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work for Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, and that is determined to be a Violation.

C. Unlawful Continuance

Any person who shall continue any work after having been served with a notice of Violation or a stop work order, except such work as that person is directed to perform to remove or remedy a Violation or unsafe condition, shall be subject to penalties as prescribed by law.

D. Penalties for Violation

Violation of this Article or failure to comply with any of its requirements, including Violation of conditions and safeguards established in connection with grants of Variances shall be enforceable pursuant to the Code Enforcement Procedures established in Chapter 162, Parts I and II, F.S., as amended or replaced, and Article 10, Code Enforcement. Each day such Violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator or PBC from taking such other lawful actions as are necessary to prevent or remedy any Violation, including enforcement pursuant to section 125.69, F.S., as amended or replaced. Any person who receives a conviction pursuant to section 125.69, F.S., as amended or replaced, for violating or failing to comply with any of the requirements herein shall, upon conviction hereof, be fined not more than \$500 or imprisoned for not more than 60 days.

CHAPTER B BUILDINGS AND STRUCTURES

Section 1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida Building Code.

Pursuant to Art. 18.A.4.C, Buildings, Structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such Buildings, Structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed Buildings shall comply with the requirements of Art. 18.H.

Section 2 Buildings and Structures Seaward of the Coastal Construction Control Line.

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Special Flood Hazard Area:

A. Buildings and Structures shall be designed and constructed to comply with the more-restrictive applicable requirements of the Florida Building Code, Building Volume, Section 3109 and Section 1612 or Florida Building Code, Residential Volume, Section R322.

B. Minor Structures and non-habitable major Structures, as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this Article and ASCE 24.

Section 3 Specific Methods of Construction and Requirements.

In addition to the requirements of this Article and the Florida Building Code, the following specific methods of construction apply:

A. Application of Flood Resistant Requirements

The following "higher standards" shall apply to all properties located within unincorporated PBC, as described in this section.

B. Additional Elevation of Buildings (Freeboard)

1. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zones AE, AH and VE, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 be at least one foot above the Base Flood Elevation. In areas without a master stormwater
2 drainage system, the minimum elevation requirement shall be the higher of one foot above the
3 Base Flood Elevation or 18 inches above the Lowest Adjacent Road Crown (LARC). Flood-
4 proofing, to a minimum of one foot above the Base Flood Elevation, subject to the limitations
5 of applicable provisions of the Florida Building Code, as may be amended, may be used in
6 flood zones other than Coastal High Hazard Areas.

7 2. For New Construction and Substantial Improvements, including electrical systems, equipment
8 and components, heating, ventilating, air conditioning, plumbing appliances and plumbing
9 fixtures, duct systems, and other service equipment, in approximate Zone A, the minimum
10 elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall
11 be one foot above the Base Flood Elevation, as determined pursuant to Art. 18.A.5.B. In areas
12 without a master stormwater drainage system, the minimum elevation requirement shall be the
13 higher of one foot above the Base Flood Elevation or 18 inches above the LARC. Flood-
14 proofing may be used, subject to the limitations of the applicable provisions of the FBC, as may
15 be amended.

16 3. For New Construction and Substantial Improvements, including electrical systems, equipment
17 and components, heating, ventilating, air conditioning; plumbing appliances and plumbing
18 fixtures, duct systems, and other service equipment, in Zone AO, the minimum elevation
19 requirement shall be at least one foot greater than the depth specified by FEMA on the Flood
20 Insurance Rate Maps above natural grade. If a depth is not specified, the minimum elevation
21 requirement shall be at least two feet above the highest adjacent grade. In areas without a
22 master stormwater drainage system, the minimum elevation requirement shall be the higher of
23 one foot above the depth number or 18 inches above LARC. Flood-proofing may be used,
24 subject to the limitations of the applicable provisions of the Florida Building Code, as may be
25 amended.

26 4. For New Construction and Substantial Improvements, including electrical systems, equipment
27 and components, heating, ventilating, air conditioning, plumbing appliances and plumbing
28 fixtures, duct systems, and other service equipment, in Zones X, X500, and areas not studied,
29 without a master stormwater drainage system, the Base Flood Elevation shall be at least 18
30 inches above the LARC. Flood-proofing may be used, subject to applicable provisions of the
31 Florida Building Code, as may be amended.

C. Substantial Improvement and Substantial Damage

32 For the administration of the flood provisions of the Florida Building Code, Building Volume and
33 Existing Building Volume, the definitions in ULDC Art. 1. I, Section 2, for "Substantial Improvement"
34 and "Substantial Improvement" shall apply.

D. Critical Facilities

35 Construction of new critical facilities shall be, to the extent possible, located outside the limits of
36 SFHAs. Construction of new critical facilities may be permissible within a SFHA if no feasible
37 alternative site is available. If permitted, critical facilities shall be elevated or protected to or above
38 the Base Flood Elevation, plus three feet, or the 500-year (0.2 percent chance) flood elevation,
39 whichever is higher. Flood-proofing may be used, subject to the applicable provisions of the Florida
40 Building Code, as may be amended. Access routes elevated to or above the level of the Base
41 Flood Elevation shall be provided to all critical facilities.

CHAPTER C SUBDIVISIONS

Section 1 Minimum Requirements

44 Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be
45 reviewed to determine that:

- 46 A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe
47 from flooding;
48 B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems
49 are located and constructed to minimize or eliminate flood damage; and
50 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,
51 adequate drainage paths shall be provided to guide floodwaters around and away from proposed
52 Structures.

Section 2 Subdivision Plats

53 Where any portion of proposed subdivisions, including Manufactured Home Parks and Subdivisions, lies
54 within a Special Flood Hazard Area, the following shall be required:

- 55 A. Delineation of Special Flood Hazard Areas, Floodway boundaries and flood zones, and Design
56 Flood Elevations, as appropriate, shall be shown on a separate exhibit submitted with a Technical
57 Compliance Application for platting, pursuant to Art. 11, Subdivision, Platting, and Required
58 Improvements;

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 B. Where the subdivision has more than 50 lots or is larger than five acres and Base Flood Elevations
2 are not included on the FIRM, the Base Flood Elevations determined in accordance with Art.
3 18.A.5.B.1; and
4 C. Compliance with the site improvement and utilities requirements of Art. 18.D.

5 **CHAPTER D SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

6 **Section 1 Minimum Requirements**

7 All proposed new Development shall be reviewed to determine that:

- 8 A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe
9 from flooding;
10 B. All public utilities and facilities, such as sewer, gas, electric, communications and water systems,
11 are located and constructed to minimize or eliminate flood damage; and
12 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,
13 adequate drainage paths shall be provided to guide floodwaters around and away from proposed
14 Structures.

15 **Section 2 Sanitary-Sewage Facilities**

16 All new and replacement sanitary-sewage facilities, private sewage treatment plants (including all pumping
17 stations and collector systems), and on-site waste disposal systems shall be designed in accordance with
18 the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, FAC, and ASCE 24,
19 Chapter 7, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the
20 facilities into flood waters, and impairment of the facilities and systems.
21

22 **Section 3 Water-Supply Facilities**

23 All new and replacement water-supply facilities shall be designed in accordance with the water well
24 construction standards in Art. 15, ULDC, Section 62-532.500, FAC, and ASCE 24, Chapter 7, to minimize
25 or eliminate infiltration of floodwaters into the systems.

26 **Section 4 Limitations on Sites in Regulatory Floodways**

27 No Development, including but not limited to site improvements and land-disturbing activity involving fill or
28 regrading, shall be authorized in the regulatory Floodway, unless the Floodway Encroachment Analysis
29 required in Art. 18.A.5.C demonstrates that the proposed Development or land-disturbing activity will not
30 result in any increase in the Base Flood Elevation.

31 **Section 5 Limitations on Placement of Fill**

32 Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding
33 including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-
34 related erosion and scour. In addition to these requirements, if intended to support Buildings and Structures
35 (Zone A only), fill shall comply with the requirements of the Florida Building Code.

36 **A. Grading and Earth Fill**

37 **1. Grading**

38 On all new, permitted construction, regardless of flood-zone designation, grading shall keep all
39 rainfall and runoff flow on the Building site, until discharged into the roadway drainage system
40 or to public drainage ways adjacent to the property lines. Berms shall be constructed along
41 lot lines, if necessary, to prevent stormwater flow directly onto adjacent properties. Erosion
42 sedimentation off the Building site shall be controlled until vegetative cover is established. The
43 Floodplain Administrator may require grading plans showing pre-construction and proposed
44 finish earth grades.

45 **2. Earth Fill**

46 On all New Construction, earth fill brought onto the site of construction from another site shall
47 be minimized to maximize existing floodwater storage capacity. Maximum volume of imported
48 fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-grade not more
49 than six inches above minimum floor elevation set in this Article, with side slopes of the pad of
50 1:5 to 1:3 starting ten feet from the slab edges.

51 **3. Fill in Zone V**

52 Structural fill shall not be utilized in Coastal High Hazard Areas (Zone V).

53 **4. Lot and Building Site Drainage**

54 Site grading immediately adjacent to the perimeter of each Building constructed as slab-on-
55 grade shall be sloped so as to drain or direct water away from the Structure.

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

5. Exceptions from the Requirements in this Section

- a. Only on Building sites requiring raised septic mounds to PBC Health Department minimum elevations, will additional volume of fill be allowed to construct the mound;
- b. Earth fill dug from an on-site excavation shall be unregulated if in accordance with the regulations in the ULDC, and provided finish grade directs lot drainage back into the excavation;
- c. Any volume of fill for placement inside the perimeter foundation walls to raise an interior concrete slab to any higher elevation shall be allowed;
- d. Fill shall be permitted to raise earthen berms on side property lines to prevent drainage onto adjacent lots, provided said berms have side slopes of 1:5 to 1:3, with a triangular cross section;
- e. Fill shall be allowed inside retaining walls for Building access ramps or driveway ramps required by the American Disabilities Act (ADA);
- f. Fill necessary to direct on-site drainage to the public roadway or drainage system shall also be permitted;
- g. Minimum fill for sites that have sloping topography that do not store floodwater shall be permitted. Any fill in excess of this minimum grading requirement shall be subject to approval of the Flood Damage Prevention Board as a Variance;
- h. Fill necessary for critical facilities and public service Buildings; and
- i. Areas included within a South Florida Water Management District permit shall be filled and graded in accordance with the fill and grading design conditions identified in said permit even when elevations are more than six inches above the minimum floor elevation set in Art. 18.D.5.A.2.

Section 6 Limitations on Sites in Coastal High Hazard Areas (Zone V)

In Coastal High Hazard Areas, alteration of Sand Dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Art. 18.A.5.C.4 demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated Buildings and Structures shall comply with Art. 18.H.8.C.

CHAPTER E MANUFACTURED HOMES

Section 1 General

All Manufactured Homes installed in Special Flood Hazard Areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, FAC, and the requirements of this Article. Manufactured Homes shall not be allowed seaward of the Coastal Construction Control Line.

Section 2 Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Special Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

- A. In Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Volume, Section R322.2, and this Article. Foundations for Manufactured Homes, subject to Art. 18.E.4.B, are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- B. In Coastal High Hazard Areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Volume, Section R322.3, and this Article.

Section 3 Anchoring

All new Manufactured Homes and replacement Manufactured Homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately-anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Section 4 Elevation

Manufactured Homes that are placed, replaced or substantially improved shall comply with Art. 18.E.4.A or Art. 18.E.4.B, as applicable.

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

A. General Elevation Requirement

Unless subject to the requirements of Art. 18.E.4.B, all Manufactured Homes that are placed, replaced, or substantially improved on sites located: (a) outside of a Manufactured Home Park or Subdivision; (b) in a new Manufactured Home park or subdivision; (c) in an expansion to an Existing Manufactured Home Park or Subdivision; or (d) in an Existing Manufactured Home Park or Subdivision upon which a Manufactured Home has incurred "Substantial Damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V).

B. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

Manufactured Homes that are not subject to Art. 18.E.4.A, including Manufactured Homes that are placed, replaced, or substantially improved on sites located in an Existing Manufactured Home Park or Subdivision, unless on a site where Substantial Damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the Manufactured Home is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 5 Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, Residential Volume, Section R322.2 or R322.3, for such enclosed areas, as applicable to the Special Flood Hazard Area.

Section 6 Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Volume, Section R322, as applicable to the Special Flood Hazard Area.

CHAPTER F RECREATIONAL VEHICLES AND PARK TRAILERS

Section 1 Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Special Flood Hazard Areas shall:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 2 Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations in Art. 18.F.1 above for temporary placement shall meet the requirements of Art. 18.E for Manufactured Homes.

CHAPTER G TANKS

Section 1 Underground Tanks

Underground tanks in Special Flood Hazard Areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty.

Section 2 Non-Elevated, Above-Ground Tanks

Above-ground tanks that do not meet the elevation requirements of Art. 18.G.3 below shall:

- A. Be permitted in Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- B. Not be permitted in Coastal High Hazard Areas (Zone V).

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

Section 3 Elevated, Above-Ground Tanks

In Special Flood Hazard Areas, above-ground tanks shall be attached to, and elevated to (or above) the Design Flood Elevation of, a supporting Structure designed to prevent flotation, collapse or lateral movement during Design Flood conditions. Tank-supporting Structures shall meet the foundation requirements of the applicable Special Flood Hazard Area.

Section 4 Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

- A. At or above the Design Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the Design Flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood.

CHAPTER H OTHER DEVELOPMENT

Section 1 General Requirements for Other Development

All Development subject to this article, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Art. 18.D.4 if located in a regulated Floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood;
- D. Be constructed of Flood Damage Resistant Materials; and
- E. Have mechanical, plumbing, and electrical systems above the Design Flood Elevation or meet the requirements of ASCE 24, except that "minimum" electric service (i.e., service required to address life safety and electric code requirements) is permitted below the Design Flood Elevation provided it conforms to the provisions of the electrical part of the building code for wet locations.

Section 2 Fences in Regulated Floodways

Fences in regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Art. 18.D.4.

Section 3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls, sidewalks and driveways that involve the placement of fill in regulated Floodways shall meet the limitations of Art. 18.D.4.

Section 4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated Floodways shall meet the limitations of Art. 18.D.4. Alteration of a Watercourse that is part of a road or watercourse crossing shall meet the requirements of Art. 18.A.5.C.3.

Section 5 Concrete Slabs Used as Parking Pads, Enclosure floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V)

In Coastal High Hazard Areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to Buildings and Structures or beneath Design Flood requirements, provided the concrete slabs are designed and constructed to be:

- A. structurally independent of the foundation system of the Building or Structure;
- B. frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any Structure; and
- C. have a maximum slab thickness of not more than four inches.

Section 6 Decks and Patios in Coastal High Hazard Areas (Zone V)

In addition to the requirements of the Florida Building Code, decks and patios in Coastal High Hazard Areas shall be located, designed, and constructed in compliance with the following:

- A. A deck that is structurally attached to a Building or Structure shall have the bottom of the lowest horizontal structural member at or above the Design Flood Elevation, and any supporting members

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EXHIBIT B.2

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 that extend below the Design Flood Elevation shall comply with the foundation requirements that
2 apply to the Building or Structure, which shall be designed to accommodate any increased loads
3 resulting from the attached deck.

4 B. A deck or patio that is located below the Design Flood Elevation shall be structurally independent
5 from Buildings or Structures and their foundation systems, and shall be designed and constructed
6 either to remain intact and in place during Design Flood conditions or to break apart into small
7 pieces to minimize debris during flooding that is capable of causing structural damage to the
8 Building or Structure or to adjacent Buildings and Structures.

9 C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more
10 than the minimum amount of fill necessary for site drainage shall not be approved unless an
11 analysis prepared by a qualified, registered design professional demonstrates no harmful diversion
12 of floodwaters or wave runup and wave reflection that would increase damage to the Building or
13 Structure or to adjacent Buildings and Structures.

14 D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on
15 nonstructural fill material that is similar to and compatible with local soils and is the minimum
16 amount necessary for site drainage may be approved without requiring analysis of the impact on
17 diversion of floodwaters or wave runup and wave reflection.

18 Section 7 Other Development in Coastal High Hazard Areas (Zone V)

19 In Coastal High Hazard Areas, Development activities, other than Buildings and Structures, shall be
20 permitted only if also authorized by the appropriate federal, state or local authority; if located outside the
21 footprint of and not structurally attached to Buildings and Structures; and if analyses prepared by qualified,
22 registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave
23 reflection that would increase damage to adjacent Buildings and Structures. Such other Development
24 activities include but are not limited to:

25 A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control Structures;

26 B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and
27 constructed to fail under flood conditions less than the Design Flood or otherwise function to avoid
28 obstruction of floodwaters; and

29 C. On-site sewage treatment and disposal systems defined in Section 64E-6.002, FAC, as filled
30 systems or mound systems.

31 Section 8 Nonstructural Fill in Coastal High Hazard Areas (Zone V). In Coastal High Hazard 32 Areas:

33 A. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for
34 landscaping and for drainage purposes under and around Buildings.

35 B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal
36 shall be permitted only if an analysis prepared by a qualified, registered design professional
37 demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would
38 increase damage to adjacent Buildings and Structures.

39 C. Where authorized by the Florida Department of Environmental Protection or applicable local
40 approval, sand dune construction and restoration of Sand Dunes under or around elevated
41 Buildings are permitted without additional engineering analysis or certification of the diversion of
42 floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent
43 with local beach-dune morphology and the vertical clearance is maintained between the top of the
44 sand dune and the lowest horizontal structural member of the Building.

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EXHIBIT C

MEDICAL MARIJUANA DISPENSING FACILITY SUMMARY OF AMENDMENTS

(Updated 6/20/17)

1

BACKGROUND

In 2014, FS 381.986 (the Compassionate Medical Cannabis Act of 2014) was passed legalizing strains of a low tetrahydrocannabinol (THC) and high cannabidiol (CBD) form of cannabis (low-THC cannabis) for medical use by patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms. The Florida Department of Health (DOH) therefore was responsible for the implementation of the Act and sought to establish rules for Dispensing Organizations. The Dispensing Organizations and their owners, managers, and employees were not subject to licensure and regulation under Chapter 465, FS, relating to pharmacies (Florida Senate Staff Analysis Senate Bill 8-A). Florida Statute 381.986 gave local jurisdictions the authority to regulate the number, location and permitting requirements for dispensaries.

In November 2016, Constitutional Amendment 2 was passed into law and established Article X, section 29 of the State Constitution. This section of the constitution became effective on January 3, 2017 allowing for the use of Medical Marijuana for debilitating conditions.

On December 7, 2016, the Board of County Commissioners (BCC) adopted a Zoning in Progress that would temporarily suspend applications to the Zoning Division for Medical Marijuana Treatment Centers (MMTC) or Dispensing Organizations.

On February 23, 2017, the BCC adopted the Medical Marijuana Moratorium (Ord. 2017-009) that established sun setting provisions upon one-year of effective date or adoption of Code amendments. The one-year moratorium would provide staff the time to research dispensing facilities, how other jurisdictions were regulating, and prepare for implementing language adopted by the state legislature or rule-making procedures prepared by the DOH.

On March 3, 2017 the Florida Legislature began the 2017 Legislative Session. The Florida Legislature sought to enact implementing language and had proposed several house and senate bills. However, legislators could not come into agreement on several issues related to the bills and nothing was passed at the time of adjournment.

On June 6, 2017 a Legislative Special Session was convened to address pending bills which did include the Medical Marijuana topic. An implementing bill was ultimately passed by the Legislature, amending FS 381.986.

RESEARCH/ FINDINGS

Prior to the 2017 Legislative Session, Staff conducted extensive research of both local and Florida jurisdictions proposed or adopted regulations for this use that included but not limited to Hollywood, Indian River County, Miami-Dade County, Palm Springs, Royal Palm Beach, St. Lucie County and West Palm Beach. Based on staff's initial review of jurisdictions, the following types of regulations were being considered:

- Approval of the use: Public Hearing vs. Administrative
- Location standards
- Limitations on the Number
- Hours of Operation
- Safety Measures

As indicated above, FS 381.986 was amended during the Legislative Special Session. Changes related to local government authority included:

- Authority to jurisdictions to ban dispensaries;
- Prohibits jurisdictions from limiting the number of dispensaries;
- Requires cultivating or processing facilities to be located 500 feet from schools;
- Requires dispensing facilities to be located 500 feet from schools but may be reduced by the BCC;
- Prohibits jurisdictions from treating dispensaries differently than pharmacies; and,
- Dispensaries must meet Building Code and Fire Code requirements.

CONCLUSIONS

The proposed amendments will revise the existing Retail Sales use to allow for medical marijuana dispensaries in Palm Beach County based on new state legislation implementing amended FS 381.986.

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EXHIBIT C

MEDICAL MARIJUANA DISPENSING FACILITY SUMMARY OF AMENDMENTS

(Updated 6/20/17)

1 Part 1. ULDC, Art. 1.I.2.M.30, Medical Marijuana Dispensing Organization [Related to
2 Definitions] (page 69 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning/ County Attorney] Delete Medical Marijuana Dispensing Organization definition from Article 1. The definition was added as part of the Medical Marijuana Moratorium (Ordinance 2017-009). The Moratorium language indicated sun setting provisions upon one-year of effective date or adoption of Code amendments. The deletion is a house keeping item to show the change.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7 ~~30. Medical Marijuana Dispensing Organization — means an organization approved by the~~
8 ~~Florida Department of Health to cultivate, process, and dispense low-THC cannabis or medical~~
9 ~~cannabis pursuant to Fla. Stat. § 381.986.~~

10 [Renumber Accordingly]

11
12
13 Part 2. ULDC, Art. 2.B.2.G.2, Applicability [Related to Type 2 Waivers] (page 28 of 88), is hereby
14 amended as follows:
15

Reason for amendments: [Zoning/ County Attorney] Amend Table 2.B.2.G – Summary of Type II Waivers to add Medical Marijuana Dispensing Facility consistent with FS 381.986. Florida statute requires a separation distance of 500 feet from an Elementary or Secondary School but allows jurisdictions to utilize a formal mechanism to consider an alternative separation distance if within the state mandated requirement. The separation distance may be reduced by a Type 2 Waiver.

16 CHAPTER B PUBLIC HEARING PROCESS

17 Section 2 Conditional Uses, Development Order Amendments, Unique Structures and Type II 18 Waivers

19 G. Type II Waivers

20
21 2. Applicability

22 Requests for Type II Waivers shall only be permitted where expressly stated within the
23 ULDC.[Ord. 2011-016] [Ord. 2012-027]
24

Table 2.B.2.G - Summary of Type II Waivers

Type II Waiver Summary List
....
<u>Art. 4.B.2.C.32.h, Medical Marijuana Dispensing Facility</u>
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020] [Ord. 2017-007]

25 3. Standards

26 When considering a Development Order application for a Type II Waiver, the BCC shall
27 consider the standards indicated below and any other standards applicable to the specific Type
28 II Waiver as contained in this Code. A Type II Waiver, which fails to meet any of the standards,
29 shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016]
30 [Ord. 2012-027]

31 a. The Waiver does not create additional conflicts with other requirements of the ULDC, and
32 is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord.
33 2010-022] [Ord. 2011-016] [Ord. 2012-027]

34 b. The Waiver will not cause a detrimental effect on the overall design and development
35 standards of the project, and will be in harmony with the general site layout and design
36 details of the development; and, [Ord. 2010-022] [Ord. 2012-027]

37 c. The alternative design option recommended as part of the Waiver approval, if granted, will
38 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027]

39 d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.34.h, the BCC
40 shall make the determination that the location of a medical marijuana dispensing facility
41 promotes the health, safety and welfare of the community.
42

....

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EXHIBIT C

MEDICAL MARIJUANA DISPENSING FACILITY SUMMARY OF AMENDMENTS

(Updated 6/20/17)

1
2 Part 3. ULDC Art. 4.B.2.C.34, Retail Sales, is hereby amended as follows:
3

Reason for Amendments: [Zoning/ County Attorney]
1. Clarify that medical marijuana dispensing facilities fall under the use of Retail Sales similar to pharmacies consistent with FS 381.986. Florida Statute indicates that dispensing facilities cannot be more restrictive than how pharmacies are reviewed and approved. Pharmacies in the ULDC do not have use specific regulations, therefore dispensing facilities would be limited to any state preemption if applicable.
2. Establish new medical marijuana dispensing facility definition to ensure that a dispensing facility is not confused with other MMTC functions and is following applicable dispensing guidelines consistent with FS and DOH.
3. Establish location criteria consistent with FS 381.986. Florida statute requires a medical marijuana dispensing facility be separated a distance of 500 feet from an Elementary or Secondary School but allows jurisdictions to utilize a formal mechanism to consider an alternative separation distance if within the state mandated requirement. The separation distance may be reduced by a Type 2 Waiver.

4 CHAPTER B SUPPLEMENTAL USE STANDARDS

5 Section 2 Commercial Uses

6 C. Definitions and Supplementary Use Standards

7 34. Retail Sales

8 a. Definition

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

11 b. Typical Uses

12 Retail Sales may include but are not limited to clothing stores, bookstores, business
13 machine sales, food and grocery stores, window tinting, marine supply sales (excluding
14 boat sales), auto accessories and parts, building supplies and home improvement
15 products, monument sales, printing and copying, ~~and~~ pharmacies and medical marijuana
16 dispensing facilities. Uses shall also include the sale of bulky goods such as household
17 goods, lawn mowers, mopeds.

18

19 h. Medical Marijuana Dispensing Facility

20 1) Definition

21 A facility, operated by a Medical Marijuana Treatment Center (MMTC) in accordance
22 with the Florida Department of Health as a medical marijuana dispensing facility, that
23 dispenses medical marijuana to qualified patients or caregivers. A medical marijuana
24 dispensing facility does not prepare, transfer, cultivate or process any form of
25 marijuana or marijuana product.

26 2) Location

27 Medical marijuana dispensing facility shall not be located within 500 feet of an existing
28 Elementary or Secondary School, unless approved as a Type 2 Waiver.

29
30
31 Part 4. ULDC Art. 4.B.2.D, Medical Marijuana Moratorium, is hereby deleted as follows:
32

Reason for amendments: [Zoning/ County Attorney] Delete Medical Marijuana Moratorium language from Article 4. The Moratorium language indicated sun setting provisions upon one-year of effective date or adoption of Code amendments. The deletion is a house keeping item to show the change.

33 CHAPTER B SUPPLEMENTAL USE STANDARDS

34 Section 2 Commercial Uses

35 ~~D. Medical Marijuana Moratorium~~

- 36 ~~1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium~~
37 ~~beginning on the effective date of this ordinance, upon the acceptance of zoning applications~~
38 ~~and all applicable requests for zoning approval for Medical Marijuana Treatment Centers and~~
39 ~~Medical Marijuana Dispensing Organizations in unincorporated Palm Beach County. While the~~
40 ~~moratorium is in effect the County shall not accept, process or approve any application relating~~
41 ~~to the zoning approval of a Medical Marijuana Treatment Center or Medical Marijuana~~
42 ~~Dispensing Organization. This moratorium does not prohibit the medical use of marijuana, low~~

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EXHIBIT C

MEDICAL MARIJUANA DISPENSING FACILITY SUMMARY OF AMENDMENTS

(Updated 6/20/17)

- 1 ~~THC cannabis or medical cannabis by a qualifying patient as determined by a licensed Florida~~
2 ~~physician, pursuant to Amendment 2, Sec. 381.986, Fla. Stat., or other Florida law.~~
3 2. ~~This Ordinance shall expire upon the earlier of the following: one year from the effective date~~
4 ~~of this ordinance or upon the effective date of Unified Land Development Code amendments~~
5 ~~dealing with Medical Marijuana Treatment Centers and Medical Marijuana Dispensing~~
6 ~~Organizations.~~

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EXHIBIT D

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

(Updated 7/13/17)

1
2 **Part 1. ULDC Art. 4.B.5.C.4, Equestrian Waste Management Facility (page 87 of 204), is hereby**
3 **amended as follows:**
4

Reason for amendments: [PZ&B/County Attorney] On June 6, 2017, the Board of County Commissioners (BCC) adopted a Zoning in Progress (ZIP) and directed staff to prepare a Moratorium upon the acceptance of Zoning applications, and all applicable requests for Zoning approvals for Equestrian Waste Management Facilities, or any Composting use that includes equestrian waste, animal waste or bio-solids, located in the Glades Tier, with exception to accessory uses to Bona-fide agricultural operations.

While the ZIP and Moratorium primarily respond to recent feedback related to implementation of the recently established Glades Tier (aka Everglades Agricultural Area) Equestrian Waste Pilot Project, it will also apply to any other similar projects in the Tier where permitted on industrial lands or within the Glades Area Overlay (GAO). BCC direction stemmed from concerns voiced by agricultural industry representatives at recent public meetings and hearings to review Planning and Zoning applications to amend the existing approval for Horizon Composting, to include an Equestrian Waste Management Facility. Concerns revolved around the potential for adverse economic impacts to surrounding farming operations, with participants citing both Federal Food and Drug Administration (FDA) policies or laws for food safety, as well as proprietary industry standards established by buyers of produce.

The ZIP and Moratorium will allow for a pause on applications for the specified uses, while the Planning Division processes amendments to the Plan that will either result in revisions or the deletion of the Pilot Project, which will likely require subsequent amendments to the ULDC.

A far more in-depth overview of the history, background on food safety and economic concerns, and Planning staff recommendations on amending the Comprehensive Plan provisions for the Pilot Project, can be found in the following Planning Division staff report for the July 14, 2017 Planning Commission:

http://discover.pbcgov.org/pzb/planning/PCPDF/2017/july/III-A-5-17-D_Equestrian-Rpt.pdf

Proposed Plan amendments are tentatively scheduled to be presented to the BCC on July 26, 2017, to be considered for Transmittal to the State as part of Amendment Round 17-D, which would then potentially be scheduled for BCC Adoption Hearing on October 30, 2017. ULDC Amendments would likely follow in ULDC Amendment Round 2018-01 for adoption August 2018, or an earlier date if deemed necessary.

5 **ARTICLE 4 USE REGULATIONS**

6 **CHAPTER B USE CLASSIFICATION**

7 **Section 5 Industrial Uses**

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

9 **4. Equestrian Waste Management Facility**

10 **a. Definition**

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

20 **b. Approval Process - AP Zoning District with SA FLU Designation**

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

23 **c. Location**

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

26 **d. Separation Distance**

27 An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet
28 from a food processing or packing plant.

29 **e. Landscaping Adjacent to Residential**

30 **Notes:**

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EXHIBIT D

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

(Updated 7/13/17)

1 The landscape buffer for any Equestrian Waste Management Facility located within 250
2 feet of a parcel with a residential use or FLU designation, shall be upgraded to a minimum
3 of 30 feet in width, a two-foot berm, and double the number of required trees, planted in
4 two staggered rows. Where outdoor activities are permitted within this distance but an
5 Incompatibility Buffer is not required, the buffer shall also be upgraded to include a
6 minimum six-foot hedge, fence or wall.

7 **f. Accessory Use**

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

11 **g. Storage or Waste Processing Areas**

12 **1) Best Management Practices**

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

16 **2) U/S Tier**

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

18 **3) Outdoor Storage**

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

22 **h. Application Requirements – Operation Functions**

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

26 **1) Site Plan**

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

29 **2) Waste Volume**

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

32 **3) Dust Control Program**

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

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

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

39 **i. Equestrian Waste Moratorium**

40 1. The Board of County Commissioners of Palm Beach County does hereby impose a
41 moratorium beginning on the effective date of this Ordinance, upon the acceptance of
42 zoning applications and all applicable requests for zoning approval for an Equestrian
43 Waste Management Facility, or any Composting use that includes equestrian waste,
44 animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach
45 County. While the moratorium is in effect the County shall not accept, process or
46 approve any application relating to the zoning approval of an Equestrian Waste
47 Management Facility, or any Composting use that includes equestrian waste, animal
48 waste or bio solids. This moratorium does not prohibit accessory uses to Bona-fide
49 Agriculture.

50 2. This Ordinance shall expire upon the earlier of the following: one year from the effective
51 date of this Ordinance, or upon the effective date of ULDC amendments dealing with
52 Equestrian Waste Management Facility or Composting uses that includes equestrian
53 waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC.

54
55
56 **Part 2. ULDC Art. 4.B.5.C.2, Composting Facility (page 113 of 204), is hereby amended as**
57 **follows:**
58

59

Reason for amendments: [PZ&B/County Attorney] See Part 1.
--

60 **ARTICLE 4 USE REGULATIONS**

61 **CHAPTER B USE CLASSIFICATION**

62 **Section 7 Utility Uses**

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EXHIBIT D

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

(Updated 7/13/17)

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.

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.
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

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EXHIBIT D

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

(Updated 7/13/17)

1
2
3

Equestrian Waste Management Facility or Composting uses that includes equestrian waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC.

....

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EXHIBIT E

ART. 4.B.2.C.6, COCKTAIL LOUNGE SUMMARY OF AMENDMENTS (Updated 7/6/17)

1
2 Part 1. ULDC Art. 4.B.2.C.6, Cocktail Lounge (pages 36 of 204), is hereby amended as follows:
3

Reason for Amendment: [Zoning]
1. Clarify that a Cocktail Lounge located within 250 feet from residential and 750 feet from another Cocktail Lounge and in Commercial General (CG) Zoning District, or Commercial High (CH) Future Land Use (FLU) designation in Traditional Development Districts (TDD) or Planned Development Districts (PDD), is subject to Class A Conditional Use approval as identified in the Commercial Use Matrix. This amendment serves to address a glitch created inadvertently through the Use Regulations Project (URP). A supplementary Use Standard shows the use Permitted by Right in the mentioned zoning districts when in compliance with the separation requirements, meaning outside of 250' from residential or 750 feet from another Cocktail Lounge but it did not clarify when the Class A Conditional Use approval is applicable.
2. Clarify provision that indicates how to measure the separation distance of a Cocktail Lounge from residential. Measurement is intended to be made from the closest point of the perimeter of the exterior wall regardless of what side of the building it is instead of just the rear of the building.

4 CHAPTER B USE CLASSIFICATION

5 Section 2 Commercial Uses

6 C. Definitions and Supplementary Use Standards for Specific Uses

7 6. Cocktail Lounge

8 a. Definition

9 A use engaged in the preparation and retail sale of alcoholic beverages for consumption
10 on the premises.

11 b. Approval Process – CG and TDD or PDD with CH FLU

12 A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU
13 designation, may be ~~Permitted by Right when in compliance with the separation distance~~
14 ~~below, subject to the following:~~

- 15 1) Permitted by Right when located outside the Separation Requirements; or,
16 2) the BCC may allow the use within the distances established in the Separation
17 Requirements, subject to Class A Conditional Use approval.

18 c. Typical Uses

19 A Cocktail Lounge may include but is not limited to taverns, bars, nightclubs, and similar
20 uses.

21 d. Zoning District - CN District

22 A Cocktail Lounge shall not exceed 3,000 square feet of GFA.

23 e. Accessory Use

24 An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of
25 the GFA.

26 f. Separation Requirements

27 A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a
28 parcel of land with a residential FLU designation or use and shall be separated a minimum
29 of 750 feet from another Cocktail Lounge. The Zoning Director may ask for a signed/sealed
30 survey certifying that another lounge does not exist within 750 feet off the subject lounge,
31 a residential district is more than 250 feet from the subject lounge, or the subject lounge is
32 more than 500 feet from a school as required by the State of Florida, F.S. 562.45, as
33 amended. Measurement shall be taken from ~~the rear of~~ the structure to the property line
34 of a residential use or FLU designation.
35

....

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EXHIBIT F

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS

(Updated 7/17/17)

1
2 **Application No.** PIA 2017-00314
3 **Title:** Phase 2 Privately Initiated Amendment (PIA)
4 **Request:** To amend the ULDC to establish regulations for a new Regional Recreation Pod
5 within the Planned Industrial Park Development (PIPD) district; and, to allow
6 Outdoor Entertainment as a Class A Conditional Use (aka Surf Ranch Florida)
7 **Applicant:** Urban Design Kilday Studios
8 **Project Manager:** William Cross, AICP, Principal Site Planner
9

APPLICATION SUMMARY:

10
11
12 On March 23, 2017, the Board of County Commissioners (BCC) approved the Phase 1 PIA application
13 request of Urban Design Kilday Studios (UDKS), to initiate amendments to the ULDC to allow for Outdoor
14 Entertainment uses within a Planned Industrial Park Development (PIPD).

15
16 The PIA application is being processed with a concurrent Development Order Amendment and Class A
17 Conditional Use (DOA/CA 2017-00572) application for the Palm Beach Park of Commerce, to allow for the
18 development of an Outdoor Entertainment venue known as Surf Ranch Florida. However, the proposed
19 ULDC amendments would apply to any PIPD within unincorporated Palm Beach County.

20
21 The proposed Surf Ranch would be comprised of a man made surfing lake and support facilities intended
22 for “public recreational and competition purposes”, which may include larger events requiring separate
23 County approvals for Special Events. Details can be found in the applicants attachments, or in online
24 videos and promotional materials, such as: <http://www.kswaveco.com/>. Additional information pertaining
25 to the site specific Park of Commerce DOA/CA, including application backup, scheduled administrative
26 meetings, as well as tentative Public Hearing dates, can be found online at the following Zoning Division
27 webpage: <http://discover.pbcgov.org/pzb/NewsReleases/Surf-Ranch.aspx>.

28
29 Pursuant to initiation by the BCC, the Applicant and Staff coordinated to address issues initially identified
30 by staff, resulting in the current request discussed herein.
31
32

BACKGROUND AND SUMMARY:

33
34
35 The PIPD is intended to encourage the expansion of PBC’s economic base through new industrial
36 investment, and is a predominantly industrial development district, with exceptions for support uses
37 intended to provide essential onsite services to serve the PIPD workforce, residents (where applicable) and
38 clients. Preserving industrial lands has repeatedly been cited as crucial to ensuring that PBC can compete
39 to attract or retain industries seeking to relocate or expand.
40

41 While there are a number of industrial areas within the County, there are only three existing PIPDs:

- 42
43 1. the 1, 323-acre Park of Commerce located in Northwestern PBC at the intersection of the Beeline
44 Highway (SR 710) and Pratt Whitney Road (SR 711), which is partially developed and
45 predominantly industrial.
 - 46 2. the 483-acre Vista Center PIPD, which is mostly developed with a mix of industrial, residential,
47 recreational (including a 183-acre golf course and clubhouse) and other commercial uses.
 - 48 3. the 66-acre Turnpike Crossing East Industrial Property PIPD, a partially developed industrial project
49 approved for 1,023,921 square feet of Warehouse and accessory office uses.
- 50
51 * A fourth PIPD is anticipated at the future Inland Logistics Center to be located in the Glades, to be
52 primarily comprised of regional serving warehouse and transshipment uses.
53

54 The Park of Commerce is also located within the Research and Technology Overlay (RTO), and the
55 Bioscience Research Protection Overlay (BRPO), both of which also establish protections for critical
56 industrial, manufacturing, research and development activities from encroachment of incompatible land
57 uses and activities, which is further clarified below under Comprehensive Plan Consistency Determination.
58 The future Inland Logistics Center is located in the Glades Area Overlay (GAO), which is intended to allow
59 for expedited approval and/or additional flexibility in uses permitted, among other provisions to encourage
60 development in the western Glades Tier.
61

62 See also “Reasons for Amendments” for additional background information on the proposed amendments.
63

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EXHIBIT F

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 7/17/17)

PLANNING DIVISION COMPREHENSIVE PLAN CONSISTENCY:

The proposed amendment “would fall under a larger umbrella of uses that are generally cited as “recreation” uses in the County’s Comprehensive Plan. Per the Comprehensive Plan, the Industrial (IND) Future Land Use designation is expected to have uses other than those that are exclusively industrial uses. Similarly, the Plan indicates that the Planned Industrial Park Development (PIPD) zoning district consists of economic activity centers which include other value-added activities, but do not have to be exclusively industrial uses. Recreational uses fit within these allowances, and do not necessitate a location within a commercial pod. Allowing the use in IND/PIPD would be consistent with and/or further multiple County Directions in the Future Land Use Element. In addition, neither the United Technologies Corporation (Pratt Whitney) Protection Area Overlay (UTCPAO) nor the Bioscience Research Protection Overlay (BRPO) expressly forbids recreation uses within their respective overlays. Therefore, providing the Outdoor Entertainment as recreational use in a PIPD, within a pod that is intended to serve larger, value-added, regional recreation purposes, does not conflict with either the UTCPAO or the BRPO Objective and Policies, and is generally consistent with the IND FLU and PIPD zoning.”

RECOMMENDATION(S) AND CONSISTENCY DETERMINATION

Staff Recommendation: Staff recommends approval of the request.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) recommendation and Land Development Regulation Commission (LDRC) Determination [PENDING - Scheduled for July 26, 2017].

PROPOSED AMENDMENTS

Part 1. ULDC Art. 3.E.5, Planned Industrial Park Development (pages 166 and 168 of 218, is hereby amended as follows:

Reason for Amendment:

1. Update provisions under Purpose and Intent and Objectives and Standards, to recognize that the Outdoor Entertainment use proposed for the new PIPD Regional Recreation Pod will not be subject to limitations on support uses, in accordance with Comprehensive Plan provisions that recognize that a PIPD may include uses “...intended to serve larger, value-added, regional recreation purposes.”

ARTICLE 3 OVERLAYS & ZONING DISTRICTS

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 5 Planned Industrial Park Development (PIPD)

A. General

1. Purpose and Intent

The purpose of the PIPD district is to create an industrial development alternative, which provides employment opportunities for industries, manufacturing, research and development and encourages internal trip capture by offering support uses. The intent of a PIPD is to promote creative design approaches to community planning and site design for planned industrial developments. Support uses, such as hotels, offices, commercial, institutional, ~~and~~ residential ~~and recreation~~, are intended to serve the PIPD workforce and residential populations, with exception to regional serving recreation uses permitted within the Regional Recreation Pod. [Ord. 2004-040] [Ord. 2014-025]

....

B. Objectives and Standards

1. Design Objectives

A PIPD shall comply with the following objectives: [Ord. 2014-025]

- a. Provide a balanced mix of land uses to provide for the needs of the residential population (if proposed) and the projected work force;
- b. Be designed as a predominantly industrial development, with exception to the EDC FLU designation, which shall be primarily utilized by office and research parks, but may also

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EXHIBIT F

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 7/17/17)

- 1 include manufacturing and processing, research and development, wholesale distribution
2 and storage of products. **[Ord 2014-025] [Ord. 2016-042]**
- 3 c. Preserve natural features, scenic areas and native vegetation to the extent possible;
4 d. Encourage the co-location of industrial processes, products, and services;
5 e. Provide for support uses intended to serve the PIPD workforce and residential populations,
6 or on-site essential services for industries, employees, and clients;
7 f. Protect nearby existing and future non-industrial land uses and activities;
8 g. Arrange buildings and land use intensities to minimize and mitigate negative impacts;
9 h. Be located near convenient access to transportation facilities such as interstate highways,
10 major trucking routes, shipping and/or railroad lines; and
11 i. Encourage the expansion to PBC's economic base through new industrial investment, or
12 regional serving recreation uses.
13

Reason for Amendment:

2. Establish new Regional Recreation Pod intended to accommodate other recreational value-added activities consistent with the economic activity center intent of the PIPD. The table further clarifies that the Regional Recreation Pod not required, but optional, by establishing that there is no "minimum" requirement, while limiting overall size to a "maximum" of five percent of the overall PIPD, thus ensuring that the PIPD remains a "predominantly industrial development." This is further emphasized through existing Land Use Mix provisions requiring a minimum of 60% of the overall PIPD be industrial.

- 14
15 **C. Thresholds**
16 **1. General**
17 A PIPD shall comply with [Table 3.A.3.C, FLU Designation and Corresponding Planned](#)
18 [Development District](#), and with the following thresholds: **[Ord. 2006-004]**
19 **....**
20 **b. Land Use Mix**
21 Land uses shall be grouped into Pods which limit and define the types of uses within a
22 specific area of a PIPD. Table 3.E.5.D, PIPD Land Use Mix, indicates the range of each
23 pod within a PIPD. **[Ord. 2014-025]**
24

Table 3.E.5.C - PIPD Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light <u>Industrial</u>	20%	100%
General <u>Industrial</u> (1)	-	50%
Commercial	-	20% (max. 15 ac) (2)
Residential	-	20%
<u>Recreation</u>	-	<u>20%</u>
<u>Neighborhood</u> Recreation	.006 acre (3)	20%
<u>Regional Recreation</u>	-	<u>5%</u>
[Ord. 2014-025]		
Notes:		
1. A General Industrial Pod shall only be permitted with an IND FLU designation. General Industrial Pods shall be prohibited with an EDC FLU designation. [Ord. 2014-025]		
2. The maximum commercial acreage shall not apply to an Economic Development Center (EDC).		
3. Minimum Recreation Pod requirement only applies to Residential Pods. Other residential uses such as Live/Work located in other than a Residential Pod shall still comply with Art. 5.D, Parks and Recreation – Rules and Recreational Standards. [Ord. 2014-025]		

- 25
- Reason for Amendment:**
3. Clarify provision intended to encourage reasonably compact and contiguous design of individual pods and method used to calculate minimum of maximum land use mix.

- 26
27 **c. Land Use Calculation**
28 The calculation for the mix of land uses shall be based on the gross acreage of the PIPD.
29 Neighborhood parks, water management tracts and local roads which are internal to a
30 ~~residential~~ pod rather than a separate pod or tract shall be credited toward the maximum
31 ~~residential~~ land area requirement in Table 3.E.5.D, PIPD Land Use Mix.
32
33

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EXHIBIT F

**PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA)
PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA]
SUMMARY OF AMENDMENTS
(Updated 7/17/17)**

Reason for amendments:	
4.	Establish Property Development Regulations (PDRs) for proposed Regional Recreation Pod. PDRs are required for all Pods within a Planned Development District.
5.	Relocate language allowing for exception from minimum setbacks in industrial pods to improve ease of use. Provisions allowing for exceptions from tabular data have been found to be easier to understand when established as a note within the applicable table.

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.5.D, PIPD Property Development Regulations: **[Ord. 2004-040]**

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

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

[Ord. 2004-040] [Ord. 2014-001]

Notes:

- C** Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.
- R** Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.
- 1.** The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. **[Ord. 2007-001]**
- 2.** *Land uses, which abut open space 40 feet in width or greater, may substitute a 20-foot side or rear setback if a 40-foot setback is required. [Ord. 2004-040]*

1. Setbacks

~~Land uses, which abut open space 40 feet in width or greater, may substitute a 20-foot side or rear setback if a 40-foot setback is required. [Ord. 2004-040]~~ **[Relocated above into Table 3.D.5.D, PIPD Property Development Regulations]**

Reason for amendments:	
6.	Differentiate between existing neighborhood serving Recreation Pod provisions and the new Regional Recreation Pod, retaining reference to “Neighborhood” recreation uses permitted in accordance with the provisions for a PUD Recreation Pod, which by default applies to the PUD “REC” Pod column of the Art. 4 Use Matrices.
7.	Establish new Regional Recreation Pod, and clarify that the uses permitted are limited to the Outdoor Entertainment use requested by the PIA application. Subsequently, a separate Regional “REC” column will not be added to the Art. 4 Use Matrices at this time. While additional uses may be added at a later date, the current limitation is in accordance with the scope of the PIA submitted by the applicant.

E. Pods

4. Recreation Pods

a. Neighborhood Recreation Pod

A PIPD with a residential pod shall provide recreation uses based on the number of units provided. Site improvements shall be provided in accordance with **Article 5.D, PARKS & RECREATION** Rules and Recreation Standards.

1)a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod. **[Ord. 2004-040] [Ord. 2008-003] [Ord. 2017-007]**

2)b. Location

A recreation pod shall not have vehicular access from an arterial or collector that is not part of the interior circulation system of the PIPD. No recreation facility shall maintain direct physical access to any arterial or collector bordering or traversing the PIPD.

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EXHIBIT F

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 7/17/17)

3)e. Recreation Area

In residential pods, recreation areas shall be provided in accordance with [Art. 5.D, Parks & Recreation - Rules and Regulations Standards](#), for use by the residents of the pod and their guests. **[Ord. 2017-007]**

4)d. Neighborhood Park

Neighborhood parks shall be provided in residential pods developed in accordance with Table 3.E.2.D, PUD Property Development Regulations.

b. Regional Recreation Pod

A Regional Recreation Pod is intended to accommodate regional serving recreation uses that further the intended economic activity center and value added activities envisioned for and allowed within a PIPD.

1) Use Regulations

Uses shall be limited to Outdoor Entertainment in accordance with the Supplementary Standards of Art. 4.B.3.C.4, Outdoor Recreation.

2) Location

A Regional Recreation Pod shall have frontage on an Arterial or Collector.

Part 2. **ULDC Art. 4.B.3.C.4, Outdoor Entertainment (page 67 of 204), is hereby amended as follows:**

Reason for amendments:
1. As noted in Part 1 above, the PIA application only proposes allowing for one principal use in the Regional Recreation Pod at this time, along with provisions to allow for a collocated Special Event. Hence, a Regional "REC" column will "not" be added to the Use Matrix, and the Supplementary Standards below will serve to establish that the Outdoor Entertainment use will be permitted subject to Class A Conditional Use approval.
2. Establish requirement that the applicant notify the Palm Beach County Business Development Board (BDB), to ensure that the BDB is aware of any proposal that might reduce, however minimally, available industrial lands.
3. Retain additional setbacks proposed by applicant, which are further detailed in the applicant's justification as follows " <i>...to provide for substantial buffering of the impacts to residential uses. Smaller uses deemed to still provide support services to residents and workforce would not be impacted by these code revisions.</i> "

ARTICLE 4 USE REGULATIONS

CHAPTER B USE CLASSIFICATION

Section 3 Recreation Uses

C. Definitions and Supplementary Use Standards for Specific Uses

4. Entertainment, Outdoor

a. Definition

An establishment offering recreational opportunities or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks.

b. Typical Uses

Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing.

c. Approval Process – PIPD Regional Recreation Pod Exception

An Outdoor Entertainment use that serves to promote economic benefits, such as enhanced tourism, job creation, and an amenity for business recruitment, and which provides for national recognition as a unique recreational facility, may be allowed within the Regional Recreation Pod of a PIPD subject to Class A Conditional Use approval, and the following:

1) Notification to Business Development Board

The applicant shall include documentation confirming that the Business Development Board (BDB) has been notified of the application for Class A Conditional Use approval, including tentative BCC Public Hearing dates, prior to certification for Public Hearing.

2) Additional Residential Separation

Notes:

- Underlined indicates **new** text.
- ~~Stricken~~ indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT F

PHASE 2 PRIVATELY INITIATED AMENDMENT (PIA) PIPD/OUTDOOR ENTERTAINMENT [AKA SURF RANCH FLORIDA] SUMMARY OF AMENDMENTS (Updated 7/17/17)

1 Shall be located a minimum of 1,000 feet from a residential use or vacant parcel with
2 a residential FLU designation.

3 **3) Collocated Special Event**

4 A Special Event may be collocated with an Outdoor Entertainment use subject to DRO
5 approval, in accordance with the provisions of Art. 4.B.11.C.6, Special Event.

6 **de. Location**

7 Access to an Outdoor Entertainment use shall be from a Collector or Arterial Street.

8 **ed. Setbacks**

9 No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located
10 closer to the property line than as follows:
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Table 4.B.3.C – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use	100 feet

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56 Outdoor Entertainment aka Surf Ranch Florida.docx

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