



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

SEPTEMBER 26, 2018

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Vacant (Environmental Organization)

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

**WEDNESDAY, SEPTEMBER 26, 2018 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of August 22, 2018 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ULDC AMENDMENTS-NEW

PAGES

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| 2. Exhibit C | Article 5 Mechanical Equipment | 12 - 12 |
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| 5. Exhibit F | Article 2 and 3 Public Civic Buffer Waiver | 23 - 24 |

C. ULDC AMENDMENTS-REVISIONS AFTER 8/22 LDRAB

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| 2. Exhibit H | Article 2 and 3 Modifications by the DRO [Related to Housing Type] | 32 - 34 |
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D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

- | | | |
|----|--|----------------|
| 1. | Proof of Publication | |
| 2. | Consistency Determination - See Exhibits C through J listed above, and K through O listed below. | 62 - 62 |
| a. | Exhibit K Article 1.I, Definitions & Acronyms [Project] | 63 - 63 |
| b. | Exhibit L Article 1, General Provisions [Statute Reference] | 64 - 64 |
| c. | Exhibit M Article 5.F, Legal Documents | 65 - 65 |
| d. | Exhibit N Articles 1 and 3 Special Permits | 66 - 67 |
| e. | Exhibit O Article 4 Veterinary Clinic | 68 - 68 |

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. STAFF COMMENTS

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| 1. | Article 2.G- Decision Making Bodies- General Provisions and Appointed Bodies- Land Development Regulation Advisory Board | 69 - 73 |
| 2. | 2019 Reappointment | |

G. ADJOURN

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 08/23/18)

Minutes of August 22, 2018 LDRAB Meeting

On Wednesday, August 22, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair, Wes Blackman, called the meeting to order at 2:03 p.m. Zona Case, Code Revision Secretary, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
Drew Martin (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Myles Basore (District 6)
Robert J. Harvey District 7)
Frank Gulisano, (Realtor's Assoc. of the Palm Beaches)
Terrence Bailey, (Fl. Engineering Society)*
Daniel Walesky (Gold Coast Bld. Assoc.)
Xavier Salas, (AIA)**
Anna Yeskey, (League of Cities)
Charles Drawdy (Assoc. Gen. Contractors of America)

Members Absent: 4

Lori Vinikoor (District 5)
Derek Zeman (Fl. Surveying & Mapping)
Abraham Wien (Member at Large, Alt. 1)
Winifred Park Said (Member at Large, Alt. 2)

County Staff Present:

Maryann Kwok, Deputy Zoning Director
Wendy Hernandez, Zoning Manager
Jan Rodriguez, Senior Site Planner
Leonard Berger, County Attorney
Eric McClellan,
Scott Rodriguez, Site Planner 2
Zona Case, Zoning Technician, Zoning

*Mr. Bailey arrived at 2:07 p.m.

**Mr. Salas arrived at 2:11 p.m.

Vacancies: 1

Environmental Organization

2. Additions, Substitutions, and Deletions

Mr. Blackman noted an add-delete sheet and asked the Board to approve, along with the agenda. Ms. Hernandez requested a withdrawal of Exhibit F from the agenda, citing the need for further review of the matter.

3. Motion to Adopt Agenda

Motion to approve by Mr. Gulisano, seconded by Mr. Drawdy. Motion passed (11-0).

4. Adoption of July 25, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Knight, seconded by Mr. Gulisano. Motion passed (11-0)**.

5. Public Comments

There were no public comments

B. ULDC AMENDMENTS

1. Exhibit B – Articles 1 and 3 Special Permits

Ms. Hernandez explained that Parts 1 and 2 of the Exhibit are to clarify that the Special Permit reference is directly related to Florida Statute FS 316.550. Part 3 modifies the Caretaker's Quarters use, for consistency with the changes to the Special Permit approval process in Article 2, under Ordinance 2009-002.

Motion to approve by Mr. Knight, seconded by Mr. Barlage. Motion passed (11-0).

2. Exhibit C – Articles 2 and 3 Modifications by the DRO [Related to Housing Types]

Ms. Hernandez indicated that the amendment establishes administrative processes and procedures in Art. 2, for the purpose of evaluating whether staff could support requests to change housing type, decrease, increase, or transfer density from one residential pod to another within the same Planned Development, provided there is no change in the height of the structure. Ms. Hernandez further explained that Part 2 of the Exhibit modifies and also relocates existing text in Art. 3.E.1.E, to cross reference with the regulations in Article 2.

Responding to Ms. Said's question on whether the switch would increase density in the case of the detached type of homes, Ms. Kwok confirmed that types may be switched, but the

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(Updated 08/23/18)

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overall number of units or the density approved by the BCC and permitted under the Future Land Use, may not be exceeded and setbacks will still have to be met.

Motion to approve by Mr. Drawdy, seconded by Mr. Knight. Motion passed (12-0)*

3. Exhibit D – Article 4, Veterinary Clinic

Ms. Hernandez informed the Board that the amendments are to allow outdoor runs for Veterinary Clinics in the AGR Zoning District without BCC approval. Currently this is prohibited, but the code permits by right, outdoor runs at Type 2 Kennels under a less stringent approval process in certain Agricultural and Commercial districts, if the kennel is a limited size. Veterinary Clinics in the AGR district are required to have a lot size of 5 acres or more, therefore, Staff has determined that allowing outdoor runs with setback requirements will not result in a negative impact to neighboring properties.

Mr. Bailey raised questions on location and buffering related to the visual impact on neighboring properties. Ms. Hernandez pointed out that lines 29 to 45 address setbacks, screening, waste disposal, etc., and Ms. Kwok added that if there is opposition staff would defer to Art. 7, and based on the principal use, additional buffer requirements could be imposed under a Conditional Use process.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (13 – 0)**

4. Exhibit E – Article 5.B.1.B, Emergency or Temporary Government or Utility Structure

Ms. Kwok presented the Exhibit and highlighted the following:

- Emergency structures and temporary structures are being split as the nature of both the structures and activities are different. .
- Clarification that Temporary Structures are primarily used by government for public safety, health and welfare in natural disasters, etc. They are also used for utility facilities or construction staging areas by fire department, etc.
- Pages 8 through 11 contain mainly stricken text as the text is repetitious of similar regulations on duration, setbacks, etc. and are being consolidated.
- Clarification that the new Section 5.B.1.C, Temporary Structures, usually for non-emergency related uses, is subject to Building Official's review and at times will require review by other agencies, including Zoning. The types of temporary structures, the residential and non-residential purposes and the approval processes are explained. This section supplements the Building Code and will help in the review of permits for temporary structures. At permit application time the Building Division will determine which permits shall apply as some Temporary Structures may be exempt by State Law or Building code.
- Page 12, Lines 11 to 44 are a consolidation of the deleted text on pages 8 through 11. Lines 50 to 53 explain that portable storage containers may be used for residential uses, in cases of moving or house renovation and may be placed in the driveway. Mr. Blackman noted that the letter "s" is missing at the end of the word "purpose" on line 43
- Part 4 of the Exhibit is to renumber the sections and part 5 clarifies that the Building Official of PZB has the jurisdiction to interpret the new section, Art. 5.B.1.C

Mr. Gulisano referred to lines 14 – 18 and pointed out that a temporary structure cannot be erected until such time as a demolition or building permit is issued, contrary to what is outlined in the text. After a brief discussion, it was suggested by Mr. Berger that a check be made with Building Division to see if "application" instead of "issuance" would be an acceptable replacement word. It was decided that Ms. Kwok would discuss with building, and if that change is acceptable, there would be no need to bring back to the LDRAB. Otherwise, it will have to be presented to LDRAB again.

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

5. Exhibit F – Article 5.B.20, Mechanical Equipment

Exhibit withdrawn for further review by Zoning Staff.

6. Exhibit G – Department of Airports

Ms. Hernandez stated that the amendments are being made to Article 16, governing the Department of Airports, and she introduced Ms. Colleen Walter, Planning Consultant for the

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PBC Department of Airports. Ms. Walter briefly recounted the series of amendments made in 2016, for consistency with Florida Statutes, and added that these amendments are being done to tweak those changes made in 2016, as the Florida Legislature again made changes to that section.

She noted the following:

- New and amended Definitions in Art. 1.
- Procedures to improve and modify a prior approval with nonconforming site elements, establishing thresholds for vesting nonconformities, in keeping with Florida Statutes, Chapter 333.
- Powers and Duties of the LDRAB in keeping with Florida Statutes advisory board
- .Airspace height and hazard review procedures – anything less than 200 ft. does not need a height review.
- Airport zones are updated and are now mapped on the County GIS.
- For consistency with Chapter 333, Florida Statutes, locational criteria for restricted uses for educational facilities and clarification of the exemption provision for location criteria for residential uses.
- Review procedures for airport land use Noise Zones. Noise level reduction (NLR) requirements are relocated.
- Article to be interpreted by the Director of Airports in consultation with Planning, Zoning, Building (PZB).

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

7. Exhibit H – PO Deviations

Ms. Hernandez explained that the amendments are to codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications. Currently references to government facilities within the PO Zoning District requesting approval from the BCC or the County Engineer for Deviations from code requirements are located in different articles. The amendments are to consolidate the references and clarify the processes and procedures for those Deviations approved by the BCC, however, Deviations approved under Article 11, by the County Engineer remain unchanged. Ms. Hernandez clarified the Processes and Public Hearing Procedures, as follows:

Processes:

- ✓ the Applicant shall be responsible for completing the PO Deviation application and coordinating review of the application with the applicable Agencies;
- ✓ the PM for each Government Agency is responsible for gathering comments from other Agencies for the proposed request and addressing any issues before proceeding to public hearing;
- ✓ The Government Agencies are responsible for contacting the DRO to schedule the item for the Public Hearing;
- ✓ Table 2.B.5.A specifies that newspaper publication and courtesy notices are required for applications subject to Public Hearing or Variance processes.

Public Hearing Procedures:

- ✓ Zoning Division is responsible for ensuring that the deviations requested are allowable, that public notice requirements are met, and the preparation of the staff summary for the next BCC zoning agenda;
- ✓ Part 7 - new section, clarifies the types of Application and the Articles under which PO Deviations may be requested, and relocates standards found in Articles 5 and 6 to Article 2 for consistency with other applications;
- ✓ Part 8 - Minor update for consistency with modifications in Art. 2a.
- ✓ Part 9- amend to show that Zoning PO Deviations do not need recommendation from the Zoning Commission (ZC); amend previous Powers and Duties, to clarify which applications require recommendation from the ZC; and deletion of duplicative language.
- ✓ Parts 10, 11 and 12 address reference changes in Articles 4, 5, 6 and 7, by deleting and adding text to correct references which have changed due to relocation of text to Art. 2.

Mr. Eric McClellan, Director, FDO Strategic Planning, requested Zoning staff consider the following changes to the proposed amendments:

- Page 30, line 23, Table 2.B.4, specifically the second sentence in the note: suggestion to replace the reference to “DRO” with “Zoning” as the application is being submitted by Zoning, processed only by Zoning, and put on an agenda for the BCC. The reference to DRO indicates the application is going through the DRO process. Ms. Hernandez

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explained that the DRO is only one person and not a committee, and there is no need to change it. Ms. Kwok expressed agreement with Ms. Hernandez.

- Page 36, line 41, stricken language. The text being stricken was intentionally put in to distinguish that Deviation under Article 11 goes to the County Engineer and if the change goes through, it would give the impression that the BCC has taken the authority from the County Engineer. This would be inconsistent with the code. Mr. McClellan proposed that the language remain as it is. Ms. Hernandez agreed to discuss further.
- Page 41, line 9 – change heading to Public Park Exception or PO Deviations for consistency with the code and change PBC on line 12 for the same reason.

Motion to approve with changes by Mr. Knight, seconded by Mr. Drawdy. Motion passed (13-0).

C. STAFF COMMENTS

1. Bio-Swales

Ms. Maryann Kwok referred to the Update on Bioswales, which was done to follow-up on an inquiry by Mr. Martin at the last meeting. She clarified that currently the ULDC does not address Bioswales, which is subject to Engineering Department approval. Zoning may consider a Type 1 Waiver process in the next Round. Mr. Martin expressed appreciation for the effort and the desire that it be a requirement in future to contribute to solving some of the environmental problems.

2. Workforce Housing

A memo from the Planning Division Director provided an update on the Workforce Housing Program, and Ms. Maria Bello summarized that the BCC was not satisfied with the amount of houses that have been built under the Program. In order to incentivize builders to increase, the undermentioned efforts have been and are being made:

- The Summit in May, 2017 established four Regional Subcommittees to collaborate with municipalities to develop housing plans tailored to their local conditions.
- The reports are expected to be presented at the Summit on August 23, 2018.
- A workshop is planned for September 25, 2018, where proposed changes to the County's WHP threshold issues which were presented to the Board in March 2018, will be discussed, and it is expected that the BCC will give direction on how to proceed with code revisions in Art. 5, which pertains to the WHP.

3. Ms. Hernandez added a staff comment that a Landscape Service Meeting was held the preceding day and because of unresolved issues, Mr. MacGillis asked that the Board be advised that it will be necessary to reconvene the Subcommittee. The last meeting was on November 2017 and there have been internal meetings with staff. She went on to say that October 10, 2018 is the tentative date set for the Subcommittee meeting. Mr. Gulisano requested Minutes of Landscape Service Meetings and Ms. Hernandez said she would make them available.

Mr. Drew Martin indicated the desire to join the four existing Board Members on the Subcommittee.

Motion to approve Mr. Martin's membership by Mr. Knight, seconded by Mr. Gulisano. Motion passed (13-0)

D. BOARD MEMBERS' COMMENTS

Mr. Martin commented that he did not know the County's reaction to climate change and he wondered if that is an issue that the Board could address. Ms. Kwok responded that a separate department has been set up to address sustainability.

Mr. Gulisano requested that staff provide the authority of the LDRAB at the next meeting.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:50 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.

EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046
(Updated 9/17/18)

1
2 Part 1. ULDC Art. 1.I.2.T.19, Temporary (page 204 of 212, Supplement 23), is hereby amended
3 as follows:

Reason for amendments: [Zoning]
1. Reduce redundancy by deleting part of these definitions. Relocate definition of Temporary to Art. 4.A.7, Determining Approval Process, where that section of Article 4 specifically explains the different types of applications, which ranges from Permitted by Right, Conditional Use Approval, Prohibited Use.

4 19. Temporary
5 a. For the purposes of Art. 4, Temporary means uses not intended to be permanently fixed or
6 permanent in nature, and are typically approved for a defined period of time. [Ord. 2017-
7 007] [Partially relocated to Art. 4.A.7.C.5, Temporary Use as it related to Use Matrix]
8 b. For the purposes of Art. 8, Signage, a single period or an accumulation of periods not
9 exceeding 90 days in any 365-day period unless further restricted. [Ord. 2017-007]
10 ea. For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.
11 20. Temporary Uses are generally compatible with the other uses permitted in a district, but that
12 require individual review of their location, design, configuration and intensity and density of use,
13 buildings and structures, and may require the imposition of conditions in order to ensure the
14 appropriateness of the use at a particular location. These uses are generally provisional for a
15 specified, fixed period of time. [Ord. 2018-002]
16[Renumber accordingly.]
17
18
19

20 Part 2. ULDC Art. 4.A.7.C (page 10 of 212, Supplement 23), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate and redefine Temporary Use in Art. 4.A.7.C, Use Matrix since explanation of Temporary Use is missing under the current Code. Also correct current code language related to the five processes since Prohibited Use is not a process.
2. Clarify all Temporary use requests are subject to the Zoning Agency Review process.

21 CHAPTER A USER GUIDE AND GENERAL PROVISIONS

22 Section 7 Determining Approval Process

23
24 C. Use Matrix
25 There are five processes to obtain a zoning approval for a use, as follows: Permitted by Right,
26 DRO, Class B Conditional Use, or Class A Conditional Use. Each Use Matrix identifies all zoning
27 districts, uses, and approval process, except where it indicated otherwise. The Use Matrix
28 consolidates use indicates the approvals process for each Use Type in standard Zoning Districts,
29 PDDs, TDDs, URAO, and IRO, PDDs and TDDs. A number in the column under the
30 "Supplementary Use Standard" column of the Use Matrix refers to the Definition and
31 Supplementary Use Standards applicable to the each use. [Ord. 2018-002]
32 1. Permitted by Right
33 Uses identified with a "P" are allowed in the zoning district, subject to the Supplementary Use
34 Standards and the other applicable requirements of this Code. Uses in this category that do
35 not require a Building Permit or Zoning Division site plan approval are still required to comply
36 with all applicable requirements of the ULDC.
37 2. Development Review Officer (DRO)
38 Uses identified with a "D" or exceeding the thresholds of Table 4.A.9.A, Thresholds for Projects
39 Requiring DRO Approval, are allowed subject to approval by the DRO in accordance with Art.
40 2.C, Administrative Processes.
41 3. Class B Conditional Use
42 Uses identified with a "B" are allowed in the zoning districts only if approved by the ZC in
43 accordance with Art. 2.B, Public Hearing Process.
44 4. Class A Conditional Use
45 Uses identified with an "A" are allowed in the zoning districts with a recommendation by the
46 Zoning Commission, and approved by the BCC in accordance with Art. 2.B, Public Hearing
47 Processes.
48 5. Temporary Use
49 Uses identified in Use Matrix 4.B.11 with a "D" are allowed in the zoning districts with an
approval by the Development Review Officer subject to the Zoning Agency Review process.

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Notes:
Underlined indicates new text.
Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

Temporary uses are not permanent in nature; not intended to be permanently fixed at a location; and are typically approved for a defined period of time [Ord. 2017-007] [Partially relocated from Art. 1.1.2.T.19, Temporary]

56. Prohibited Uses

Uses identified with a dash "-", in a zoning districts column of the Use Matrix, are prohibited in that zoning district, unless otherwise expressly stated under the Supplementary Use Standards for the use, or within any applicable Zoning Overlays.

Part 3. ULDC Art. 3.E.1.G, Sales Office and Models (page 142-144 of 212, Supplement 23), is hereby amended as follows:

Reason for amendments: [Zoning/Building]
1. Relocate Real Estate Sales Office, Planned Development in Temporary Pod or Project from Art.3.E.1.G to Art. 4.B.11.C.8 as this use is temporary in nature, and is only subject to a Zoning Agency Review and Building Permit Review. Art.4.B.11 addresses requirements for Temporary Uses.
2. Minor edits to the existing plan requirements to reflect the most current plan terminology.
3. Relocate definitions of Real Estate Sales Office that are temporary in nature to Art. 4.B.11, Temporary Use.
4. Clarify process for the gatehouse, entry features and utilities, that building permits for these features shall not be issued unless the plat is recorded or the Subdivision/Site Plan has been finalized by the Development Review Officer.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

....

G. Sales Office and Models

1. General

a. Permits

~~Building permits for real estate sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to recording a final plat, but not before approval of a site plan/final subdivision plan by the DRO.~~

b. Permanent

~~A Real Estate Sales and Management Office is allowed as a Temporary Use in a PDD or TDD pursuant to Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD or TDD, and Art. 4.B.11.C.6, Real Estate Sales Model, PDD or TDD. A permanent Real Estate Sales Office is permitted in a commercial pod only, except where allowed otherwise within a Recreational Vehicle Park Development (RVPD). [Ord. 2014-025]~~

c. Definitions – see Art. 1.1, Definitions & Acronyms

1) Real Estate Sales Office, Planned Development

~~An office for the sale and resale of new and existing residential units, [Partially relocated to Art. 4.B.11.C.5.a, Definition as it related to Real Estate Sales Office and Management Office, PDD or TDD] or Recreation Vehicle (RV) sites, in a planned development. [Ord. 2014-025]~~

a) Temporary, Pod

~~A temporary real estate sales office for the sale of new units only shall be permitted in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Partially relocated to Art. 4.B.11.C.5.h.1), Pod as it related to Real Estate Sales and Management Office, PDD or TDD] A temporary sales office in a Mobile home shall be subject to Art. 5.B.1.B, Temporary Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the pod. Temporary access to the sales office may be permitted, subject to approval by the DRO. The temporary access shall be limited to one year, unless extended by the DRO. [Partially relocated to Art. 4.B.11.C.5.d, Access as it related to Real Estate Sale and Management Office, PDD or TDD]~~

b) Temporary, Project

~~A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the BCC. A temporary sales office in a Mobile home shall be subject to Art. 5.B.1.B, Temporary~~

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

~~Structures. Sanitary facilities shall be available in the office. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. A temporary real estate sales office shall be removed from the site prior to the issuance of the CO for the last remaining unit in the project or phase, as applicable. Temporary access to the sales office may be permitted, subject to approval by the BCC. [Partially relocated to Art. 4.B.11.C.5.h.2), Project as it related to Real Estate Sales and Management Office, PDD or TDD]~~

~~c) RVPD~~

~~A temporary real estate sales office for the sale of RV sites shall be permitted within an RVPD in accordance with the provisions above, and the following: [Ord. 2014-025]~~

~~(1) Units shall mean RV sites; [Ord. 2014-025] [Relocated to Art. 4.B.11.C.5.a, Definition as it related to Real Estate Sales and Management Office, PDD or TDD]~~

~~(2) May be located within the Recreation Pod; [Ord. 2014-025] [Relocated to Art. 4.B.11.C.5.c, Location as it related to Real Estate Sales and Management Office, PDD or TDD]~~

~~(3) The temporary RVPD real estate sales office shall be removed upon completion of the project, CO of a permanent RV site real estate sales office, or upon expiration of the maximum time to commence development for the last phase, in accordance with Table 2.E.3.B, Time Limitation of Development Order for Each Phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025] [Partially relocated to Art. 4.B.11.C.5.g.1, Removal as it related to Real Estate Sale and Management Office, PDD or TDD]~~

~~2) Planned Development, Sales Model~~

~~A residential unit used for the sale of only new units within a residential pod of a planned development. [Partially relocated to Art. 4.B.11.C.6.a, Definition as it related to Real Estate Sale Model, PDD or TDD]~~

~~2. Sales Office~~

~~a. Resale~~

~~Resale of existing units from a temporary real estate sales office for a project shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:~~

Table 3.E.1.G - Sales Office

No. Units in Project or Phase	Units Remaining w/out a CO
1000 or more	20
500-999	16
300-499	12

[Relocated to Art. 4.B.11.C.5.i, Resale as it related to Real Estate Sales and Management Office, PDD and TDD]

~~3. Sales Models~~

~~See Art. 4.B.11.C.6, Real Estate Sales Model.~~

~~a. General~~

~~A maximum of eight sales models per pod may be constructed prior to platting. [Relocated to Art. 4.B.11.6.d, Residential Pod as it related to Real Estate Sales Model, PDD and TDD] Subdivision approval of the sales model lots by the DRO shall be required prior to issuance of a building permit. Sales models shall comply with all applicable PDRs prior to issuance of a CO. [Partially relocated to Art. 4.B.11.C.6.b, Subdivision Process as it related to Real Estate Sales Model, PDD or TDD] A sales model may be used as a temporary real estate sales office. [Partially relocated to Art. 4.B.11.C.6.a, Definition as it related to Real Estate Sales Model, PDD or TDD]~~

~~1) Parking~~

~~A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art. 6.A.1.D, Off-Street Parking. [Relocated to Art. 4.B.11.C.6.g, Parking as it related to Real Estate Sales Model, PDD or TDD]~~

~~2) Duration~~

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

- 1 ~~The use of a residential unit as a sales model shall cease prior to issuance of the CO~~
2 ~~for the last remaining unit in the pod.~~ [Relocated to Art. 4.B.11.C.6.c, Duration as it
3 related to Real Estate Sales Model, PDD or TDD]
- 4 ~~**b. Residential Pod**~~
5 ~~A maximum of eight, or 20 percent of the number of units in the pod, whichever is less,~~
6 ~~shall be permitted as sales models.~~ [Relocated to Art. 4.B.11.C.6.d, Residential Pod as
7 it related to Real Estate Sales Model, PDD or TDD]
- 8 ~~**c. Model Rows**~~
9 ~~Planned developments approved for a total of 300 or more units may construct a model~~
10 ~~row for the project.~~ [Partially relocated to Art. 4.B.11.C.6.e, Model Rows as it related
11 to Real Estate Sales Model, PDD or TDD]
- 12 ~~**1) Number**~~
13 ~~A maximum of 16 sales models shall be permitted in the model row. A maximum of~~
14 ~~one model row shall be permitted for every three pods under development, consisting~~
15 ~~of a minimum of 60 units each.~~ [Relocated to Art. 4.B.11.C.6.e.1, Number as it
16 related to Real Estate Sales Model, PDD or TDD]
- 17 ~~**2) Location**~~
18 ~~A model row shall be located in a residential pod. The location of the model row shall~~
19 ~~be designated on the preliminary development plan at the time of BCC approval.~~
20 ~~Access to the model row shall be from a location approved by the BCC or allowed by~~
21 ~~this Code.~~ [Partially relocated to Art. 4.B.11.C.6.e.2), Location as it related to Real
22 Estate Sales Model, PDD or TDD]
- 23 ~~**3) Use**~~
24 ~~A model row shall be open to the public for the sale of only new units in the project.~~
25 ~~The sale or resale of units outside the project shall be prohibited.~~ [Relocated to Art.
26 4.B.11.C.6.e, Model Rows as it related to Real Estate Sales Model, PDD or TDD]

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046
(Updated 9/17/18)

STANDARD DISTRICTS										PLANNED DEVELOPMENT DISTRICTS (PDDs)										TRADITIONAL DEV. DISTRICTS (TDDs)									
AG/CON		RESIDENTIAL				COMMERCIAL				IND	INST	PUD		MUPD		MXPDP		PIPD		M R		TND		TMD					
CON		R R R R		U U U U		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		H V		TIER		TIER					
P A A		R R R R		U U U U		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		H V		TIER		TIER					
C G P		R U E T		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		H V		TIER		TIER					
R S S		A A		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		C C C C		H V		TIER		TIER					
- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -		- - -					
										Use Type																			
										Temporary Vehicle Sales																			
										911																			
[Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002]																													
Use approval process key:																													
P Permitted by Right										D Subject to DRO Approval										A Subject to BCC Approval (Class A Conditional Use)									
										B Subject to Zoning Commission Approval (Class B Conditional Use)										- Prohibited use, unless stated otherwise within Supplementary Use Standards									
(1) Supplementary Use Standards for each use must be reviewed regardless of the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standard column.																													

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046
(Updated 9/17/18)

1
2 Part 5. ULDC Art. 4.B.11.C.4, Real Estate Sales Model, Non-PDD (page 204 of 212, Supplement
3 23), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Rename title of Real Estate Model, Non-PDD to include Sales and Management Office. Also clarify that in a Standard Residential Zoning District, a real estate sales office can be located in a temporary structure. However, a sales model must be in a residential unit.
2. Clarify that the location of a temporary sales model or sales office must be located on a property that has a valid Development Order (DO) approval for a residential use.
3. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between this Article, Art.4.B.11, Temporary Use and Article 8, Signage

4 CHAPTER B USE CLASSIFICATION

5 C. Definitions and Supplementary Use Standards for Specific Uses

6 7 4. Real Estate Sales Model, and Management Office, Non-PDD

8 a. Definition

9 A residential unit used for real estate marketing and sales as a builder's office, and for
10 other services directly associated with the sale of residential units.

11 b. Duration

12 The DO shall be valid for five years from the date of issuance and may be renewed for an
13 additional five years. [Ord. 2018-002]

14 c. Location

15 Shall be located on the property with access directly from a paved street.

16 1. Exception

17 Sales Model or Office may be located off site for properties that are in Jupiter Farms,
18 The Acreage or Palm Beach Country Estates.

19 d. Parking

20 The driveway and required handicap spaces shall be the only paved parking areas.

21 e. Signage

22 Shall comply with Art. 8.D, Temporary Signs.

23 ~~The following signs shall be permitted:~~

24 1) ~~Temporary~~

25 ~~One ground mounted sign not exceeding eight feet in height and 32 square feet of sign~~
26 ~~face area.~~

27 2) ~~Directional~~

28 ~~A maximum of two directional signs not exceeding four feet in height and two square~~
29 ~~feet in sign face area.~~

30 3) ~~Flags~~

31 ~~A maximum of three roadside flags shall be permitted per lot between the hours of 9:00~~
32 ~~a.m. and 6:00 p.m.~~

33 f. Storage

34 Outdoor storage of construction material, supplies, or equipment shall not be permitted.

35 g. Number

36 A builder may construct and operate a maximum of two manned and two unmanned
37 models in a platted residential subdivision which is not in a PUD, or in one of the following
38 residential areas:

- 39 1) Jupiter Farms.
- 40 2) The Acreage.
- 41 3) Palm Beach Country Estates.

42 h. Operation

- 43 1) A builder's office may be allowed provided it is limited to the garage area.
- 44 2) Unmanned models shall not have employee office space.
- 45 3) Sales shall be limited to new units built by the company operating the sales model.

46 i. Completion Agreement

47 All sales models, including those in existence prior to January 1, 1998, shall execute a
48 completion agreement in a manner and form acceptable to the County Attorney. The
49 completion agreement shall include any modification(s) necessary to convert the model to
50 a residential use.

51 1) Existing Models

52 All sales models existing on January 1, 1998 shall file a completion agreement with
53 PBC by July 1, 1998. This agreement shall specifically identify all improvements, which
54 are not consistent with the provisions of this Section, such as but not limited to

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046
(Updated 9/17/18)

additional parking or location on unpaved roads. At the time of executing the completion agreement, all signage shall comply with the requirements of this Section.

j. Modifications

Non-residential interior modifications shall be prohibited. The following improvements may be permitted only within the garage of the model:

- 1) Room divider partitions;
2) Electrical improvements; and
3) A temporary facade in lieu of a garage door.

k. Removal

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit.

Part 6. ULDC Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD (page 204 of 212, Supplement 23), is hereby amended as follows:

Table with 3 rows: Reason for amendments: [Zoning], 1. Relocate Real Estate Sales and Management Office from Art. 3.E, Planned Development Section to Art.4.B.11.C, Temporary Use since Art. 3.E is for permanent use, and those requirements are not the same. Consolidate the requirements from Art. 3.E.1.G, Real Estate Sales and Management Office and Art. 5.B.1 under the new Section Art. 4.B.11.C.5, Real Estate Sales and Management Office, PDD and TDD. 2. Allow the Temporary Project Sales Office be approved administratively and not through the Public Hearing process, since this is a temporary use and should be subject to the DRO approval. 3. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between Art.4.B.11, Temporary Use and Article 8, Signage.

5. Real Estate Sales and Management Office, PDD or TDD

a. Definition

An office for the sale and resale of new and existing residential units. [Partially relocated from Art. 3.E.1.G.1.c.1) Definitions as it related to Real Estate Sales Office, Planned Development] For RVPD, units shall mean RV sites. [Relocated from Art. 3.E.1.G.1.C.1)c)(1), RVPD as it related to Real Estates Sales Office, Planned Development]

b. Submittal Requirement

The Applicant shall submit a Regulating Plan showing the location of the sales office and required parking. Partially relocated from Art. 5.B.1.3.C.4 Location as it related to Real Estate Sales and Management Office] A notarized removal agreement shall be executed and submitted concurrently with the application. [Partially relocated from Art. 5.B.1.B.3.c.9)b), Removal Agreement as it related to Sales Office and Models]

c. Location

The Sales Office may be allowed in residential, commercial, private civic or recreation pod. Sales of RV Sites may be located within the Recreation Pod of the RVPD. [Ord. 2014-025] [Relocated from Art. 3.E.1.G.1.c.1)c)(2), RVPD as it related to Sales Office and Models]. A sales office shall comply with the setback requirements in Table 3.D.1.A, Property Development Regulations, and shall be located so as not to interfere with on site construction operations and access. [Relocated from Art. 5.B.1.B.3.c.4), Location as it related to Real Estate Sales And Management Office]

d. Access

Temporary access to the Sales and Management Office may be approved by the DRO, and shall be limited to one year. Extension may be approved by the DRO. [Partially relocated from Art. .3.E.1.G.1.c.1)a), Temporary, Pod as it related to Sales Office and Models]

e. Parking

A minimum of two parking spaces, plus one for each employee on the shift of greatest employment, shall be provided. All parking areas, with the exception of handicap spaces and access, shall be provided on a hard surface of pavement, asphalt, shell rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access shall be provided in accordance with F.S. §316.1955, F.S. §316.1956, and F.S. §553.48. [Relocated from Art. 5.B.1.B.3.c.5), Parking as it related to Real Estate Sales And Management Office]

f. Signs

Refer to Art. 8.D, Temporary Signs.

g. Removal

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EXHIBIT B

**ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS**

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

The temporary office shall be removed from the site no later than 30 days after the final CO has been issued for the last residential unit. [Ord. 2008-037] [Partially relocated from Art. 5.B.1.B.3.c.8), Removal as it related to Real Estate and Management Office]

1) RVPD

The temporary use shall be removed upon completion of the project, CO of a permanent RV site real estate sales office, or upon expiration of the maximum time to commence development for the last phase. The BCC may impose a Condition of Approval with a specific date for compliance. [Ord. 2014-025] [Partially relocated from Art. 3.E.1.G.1.c.1)c)(3), RVPD as it related to Sales Office and Models]

h. Sale

1) Pod

A temporary real estate sales office for the sale of new units shall be permitted only in a residential pod or other temporary location approved by the DRO. Sales shall be limited to only new units in the pod. [Relocated from Art. 3.E.1.G.1.c.1)a), Temporary, Pod as it related to Real Estate Sales Office, Planned Development]

2) Project

A temporary real estate sales office for the sale and resale of units in the entire project, or phase of a project, shall be permitted in a residential pod, private civic pod, commercial pod, or recreation pod, subject to approval by the DRO. A temporary real estate sales office serving an entire project shall only be permitted within a planned development and/or phase approved for 300 or more units. Sales and resales shall be limited to only units within the planned development. [Partially relocated from Art., 3.E.1.G.1.c.1)b), Temporary, Project as it related to Real Estate Sales Office, Planned Development]

i. Resale

Resale of existing units from a temporary real estate sales office shall cease when the remaining number of units without a CO in the project, or phase, as applicable, reaches the following:

Table 4.B.11.C - Sales Office

<i>No. Units in Project or Phase</i>	<i>Units Remaining w/out a CO</i>
<i>1000 or more</i>	<i>20</i>
<i>500-999</i>	<i>16</i>
<i>300-499</i>	<i>12</i>

[Relocated from Art. 3.E.1.G.2, Resale related to Sales Office]

<p>Reason for amendments: [Zoning]</p> <p>Under the prior Code (pre-2003), sales models were limited to only 8 units per model row, or 8 models per pod. Staff had imposed limitations in allowing multiple pods with model rows to address access, parking and paving issues. The prior Planned Unit Developments (PUDs) were much larger in size and in the proposed number of units, and usually more than one builders were involved in the development of a PUD within the same timeframe. Developers used to build 8 models per pod and when the models of the pod are sold as permanent units, they will build new models in another pod.</p> <p>1. Relocate Real Estate Sales Model from Art. 3.E.1.G.3, Sales Model to Art.4.B.11.C.6 since the Sales Model is a Temporary Use and is subject to a lesser process such as Zoning Agency Review. Clarify that a residential unit can be utilized as a Sales Model subject to all the Property Development Regulations of a permanent dwelling unit.</p> <p>2. Add requirement to address when a Sales Model needs to be ceased as a temporary use, and revert the use to a permanent dwelling unit.</p> <p>3. Defer temporary signs to Art.8.D, Temporary Signs so as not to create inconsistency between Art.4.B.11, Temporary Use and Article 8, Signage</p>

6. Real Estate Sales Model, PDD or TDD

a. Definition

A residential unit for the sale of only new units within a residential pod of a PDD or TDD. [Partially relocated from Art. 3.E.1.G.1.c.2), Planned Development Sales Model] A Sales Model may be used as a temporary Real Estates Sales and Management Office. [Partially relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

b. Approval Process

Subdivision approval of the Sales Model lots by the Land Development Division shall be required prior to the issuance of a Building Permit. The Land Development Division may

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

approved the lots prior to final platting. Sales Models shall comply with all applicable PDRs prior to the issuance of a CO. [Partially relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

c. Duration

The use of a residential unit as a sales model shall cease prior to issuance of the CO for the last remaining unit in the pod. [Relocated from Art. 3.E.1.G.3.a.2), Duration as it related to General, Sales Model]

d. Residential Pod

A maximum of eight, or 20 percent of the number of units in the pod, whichever is less, shall be permitted as sales models. [Relocated from Art. 3.E.1.G.3.b, Residential Pod as it related to General, Sales Model] A maximum of eight sales models per pod may be constructed prior to platting. [Relocated from Art. 3.E.1.G.3.a, General as it related to Sales Model].

e. Model Row

Developments that are approved for a total of 300 or more units may construct a model row.[Partially relocated from Art. 3.E.1.G.3.c, Model Rows as it related to Sales Model] A model row shall be open to the public for the sale of only new units in the project. The sale or resale of units outside the project shall be prohibited. [Relocated from Art. 3.E.1.G.3.c.3), Use as it related to Model Rows of Sales Model]

1) Number

A maximum of 16 sales models shall be permitted in the model row. A maximum of one model row shall be permitted for every three pods under development, consisting of a minimum of 60 units each. [Relocated from Art. 3.E.1.G.3.c.1), Number as it related to Model Rows]

2) Location

A model row shall be located in a Residential Pod. Access to the model row shall be from a location approved by the DRO or allowed by this Code. [Partially relocated from Art. 3.E.1.G.3.c.2), Location as it related to Real Estate Sales Model, PDD or TDD]

f. Access

Temporary access to the Sales Model(s) may be permitted by the DRO, and shall be limited to one year. Extension may be approved by the DRO.

g. Parking

A minimum of two parking spaces per model shall be provided. The parking area shall comply with Art.6.A.1.D, Off-Street Parking. [Relocated from Art. 3.E.1.G.3.a.1) Parking as it related to Sales Model]

h. Signs

Refer to Art. 8.D, Temporary Signs.

i. Removal

The Sales Model shall cease no later than 30 days after the final CO has been issued for the last remaining residential unit in the pod.

....[Renumber accordingly]

Part 7. ULDC Art. 5.B.1.B.3, Temporary Structures and Uses During Development Activity (page 41 of 110, Supplement 23), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate Real Estate Sales And Management Office from Art. 5.B.1.B to Art. 4.B.11, Temporary Use since this use is allowed in both Planned Unit Developments and Standard zoning districts, and are subject to Zoning Review, and Building Permit review.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

~~3. Temporary Structures and Uses During Development Activity~~

~~Temporary structures and uses may be allowed as follows: [Ord. 2008-003]~~

....

~~c. Real Estate Sales And Management Office~~

~~1) Use~~

~~A temporary structure for real estate sales and sales management offices may be allowed on the site of an active construction project which has been authorized by a~~

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EXHIBIT B

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-046

(Updated 9/17/18)

1 building permit. Use of the structure shall be limited to on-site real estate sales and
2 related activities only. A temporary structure used for real estate sales may not be
3 used as a dwelling, as defined in Article 3.E.1.G, Sales Office and Models.

4 **2) PDD**

5 Real estate sales offices in PDDs shall be in accordance with Article 3.E.1.G, Sales
6 Office and Models.

7 **3) Number**

8 A maximum of one sales office per construction project shall be allowed.

9 **4) Location**

10 ~~The sales office, and required parking, shall be shown on the master plan, site plan, or~~
11 ~~subdivision plan approved by the DRO. [Partially relocated to Art. 4.B.11.C.5.b,~~
12 **Submittal Requirement as it related to Real Estate Sales and Management Office,**
13 **PDD or TDD] —A sales office shall comply with the setback requirements in Table**
14 **3.D.1.A, Property Development Regulations, and shall be located so as not to interfere**
15 ~~with on-site construction operations and access. [Relocated to Art. 4.B.11.C.5.c,~~
16 **Location as it related to Real Estate Sales and Management Office, PDD or TDD]**

17 **5) Parking**

18 ~~A minimum of six parking spaces, plus one for each employee on the shift of greatest~~
19 ~~employment, shall be provided. All parking areas, with the exception of handicap~~
20 ~~spaces and access, shall be provided on a hard surface of pavement, asphalt, shell~~
21 ~~rock, or mulch, provided the sub-grade is compacted. Handicap spaces and access~~
22 ~~shall be provided in accordance with F.S. §316.1955, F.S. §316.1956, and F.S.~~
23 ~~§553.48. [Relocated to Art. 4.B.11.C.5.e, Parking as it related to Real Estate Sales~~
24 ~~and Management Office, PDD or TDD]~~
25 **Parking as it related to Real Estate Sales and Management Office, PDD or TDD]**

26 **6) Banners, Streamers, and Pennants**

27 A maximum of two of any one of the following: banners, streamers or pennants may
28 be permitted for every 200 feet of frontage along a public R-O-W. They shall be
29 setback a minimum of five feet from the property line, not to exceed eight feet in height
30 and 20 square feet in size, and may be clustered or dispersed along the R-O-W. ~~[Ord.~~
31 ~~2008-037]~~
32 **[Relocated to Art. 4.B.11.C.5.e, Banners, Streamers, and Pennants as it related to Real Estate**

33 **7) Duration**

34 A sales office shall remain on-site only for the length of time necessary to construct a
35 building or structure which has been issued a permit.

36 **8) Removal**

37 A sales office, and all accessory signs, banners, streamers and pennants shall be
38 removed from the site no later than 30 days after the final CO has been issued for the
39 last residential unit. The office shall be removed if construction ceases for more than
40 180 days. An abandoned office shall be considered an unsafe structure and abated
41 pursuant to the Building Code Enforcement Administrative Code of PBC. ~~[Ord. 2008-~~
42 ~~037]~~
43 **[Partially relocated to Art. 4.B.11.C.5.g, Removal as it related to Real Estate**
44 **Sales and Management Office, PDD or TDD]**

45 **9) Mobile Home**

46 A mobile home used as a sales office shall be subject to the following additional
47 requirements:

48 **a) Special Permit**

49 A special permit shall be required. The special permit shall be renewed annually,
50 for a maximum of two years; and

51 **b) Removal Agreement**

52 A notarized removal agreement shall be executed and submitted with the
application for a special permit. **[Partially relocated to Art. 4.B.11.C.5.b,**
Submittal Requirement as it related to Real Estate Sales and Management
Office, PDD or TDD]

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EXHIBIT C

ARTICLE 5.B.20 – MECHANICAL EQUIPMENT SUMMARY OF AMENDMENTS

CR – 2018-044
(Updated 09/10/2018)

1
2 Part 1. ULDC Art. 5.B.20, Mechanical Equipment (page 37 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning]

1. To clarify that for Industrial Uses with an Industrial FLU that may be visible from an adjacent R-O-W, the applicant must demonstrate that the roof mounted mechanical equipment will not be seen from an adjacent R-O-W through the use of a Line of site Analysis and remove the requirement for a Type I Waiver.

4 CHAPTER B ACCESSORY USES AND STRUCTURES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7

8 20. Mechanical Equipment

9 a. Applicability

10 This section shall apply to the installation of improvements associated with mechanical
11 equipment.

12

13 2) Screening Requirements

14 a) New and replacement equipment, shall be screened on all sides by an opaque
15 barrier constructed of materials, and color compatible with the building or structure,
16 or equivalent landscaping for ground mounted equipment, to a minimum height
17 equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037]
18 [Ord. 2011-016]

19 b) ~~Type 1 Waiver – Roof Mounted Mechanical Equipment Exemption~~

20 (1) Screening shall not be required ~~for roof mounted mechanical equipment for~~
21 ~~the following:~~ [Ord. 2006-004] [Ord. 2011-016]

22 (a) if the equipment is less than one foot in height, measured from the roof
23 deck, and is painted to match the color of the structure it is attached to or
24 servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

25 (b) for any industrial use with an industrial FLU designation if adjacent to a
26 parcel with an industrial use and industrial FLU designation; [Ord. 2011-
27 016]

28 (c) if an existing roof cannot structurally support additional weight associated
29 with required screening materials. A certified letter, from a structural
30 engineer or architect registered in the State of Florida, shall be submitted
31 with the applicable permit substantiating that the roof cannot support the
32 additional weight.; or [Ord. 2008-037] [Ord. 2011-016]

33 ~~(2) (d) Subject to approval of a Type 1 Waiver, the screening may not be required~~
34 ~~for any industrial use with an industrial FLU designation if the equipment~~
35 ~~cannot be viewed from an adjacent R-O-W. A line of sight plan prepared in~~
36 ~~accordance with Art. 5.C.1.G.2, Line of Sight Analysis, shall be submitted with~~
37 ~~the applicable permit demonstrating that equipment cannot be viewed from the~~
38 ~~adjacent R-O-W. In addition to the standards applicable to Type 1 Waiver, a~~
39 ~~line of sight drawing may be required by the DRO to ensure compliance with~~
40 ~~screening of equipment.~~ [Ord. 2011-016] [Ord. 2012-027]

41

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047
(Updated 9/14/18)

1 Part 1. ULDC Art. 7.B.5, Tree Removal (pages 51-52 of 52) and Art. 7.E.3, Maintenance, (pages
2 48 of 52, Supplement 23), is hereby amended as follows:
3
4

Reason for amendments: [Zoning]
1. Codify certain parts of the PPM ZO-O-061, Violation for Illegal Tree related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both staff and applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal. Staff creates a new section (Section 5) to address the Tree Removal and Replacement process.
2. Clarify the word "Tree" will include trees, palms or pines. Also clarify that these trees, palms or pines are required to be planted on a subject property per Article 7, Landscaping or per Condition(s) of Approval through a Development Order (DO). Therefore, illegal removal of these trees, palms or pines are a violation to either the Code or the DO.

5 6 CHAPTER B APPLICABILITY AND APPROVAL PROCESS 7

8 **Section 5 Tree Removal and Replacement**

9 Trees, palms or pines that are required to be planted on a property per Code requirements or through a
10 Condition(s) of Approval shall not be removed without first applying for and being issued a Tree Removal
11 and Replacement Permit. Removal of trees, palms or pines without a valid permit shall be considered a
12 violation of the Code or the DO. For the purpose of this Section, the term tree(s) shall include trees, palm(s)
13 or pine(s).

14 **A. Approval Process**

15 An Applicant may request the removal of existing trees by submitting an application to the Zoning
16 Division, and subject to the following procedures:

17 **1. Pre-Application Site Meeting**

18 Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with
19 staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the
20 trees that are proposed to be removed. Staff shall determine whether the trees are eligible for
21 removal based on the standards listed below. If the trees are eligible for removal, the Applicant
22 shall be provided by Staff a Tree Removal and Replacement Application to be completed for
23 submittal.

24 **2. Application Submittal Requirements**

25 The Applicant shall submit the application to the Permit/Landscape Review Section. The
26 application shall include a Justification Statement providing the reason for the proposed
27 removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or
28 Regulating Plan or a Survey of the subject property. The Applicant shall identify the following:
29 specie, size and location of the trees to be removed, and the required replacement of the trees
30 and their proposed specie, size and location.

31 **3. Application Review and Final Decision**

32 Staff shall review the application utilizing the Standards for Removal, that are listed below to
33 consider whether to approve or deny the request. A Tree Removal and Replacement Permit
34 shall be issued upon the approval of the application. The DRO may approve, approve with a
35 Condition of Approval, or deny the request.

36 **4. Standards for Removal and Replacement**

37 In reviewing an application for Tree Removal and Replacement, staff shall consider the
38 following standards to determine whether the removal permit is granted:.

- 39 a. The Applicant's justification for the removal;
- 40 b. The site condition of the area where the existing tree is located, and whether the location
41 has easement overlap;
- 42 c. The health condition of the tree; or,
- 43 d. Any valid safety concerns that may arise if the removal of the tree is not allowed.

44 **B. Replacement**

45 All replacement of trees, shrubs, landscape barrier and ground treatment shall be in compliance
46 with Art. 7.E.3.B, Replacement.

47 **C. Timeline**

48 Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the
49 replacement of the tree is done in accordance with the approval. The Permit is valid for six months
50 from the date of issuance. Failure to comply with the Permit requirements which include the
51 established dates or any imposed Conditions of Approval shall result in enforcement action by PZB.

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047

(Updated 9/14/18)

D. Inspection

The Applicant shall contact staff when the trees are removed, and staff shall schedule a site inspection to confirm that the trees have been removed, and that any required replacement of trees have been installed in conformance with the Permit.

Reason for amendments: [Zoning]

1. Current Code only addresses the replacement of trees, which include palms and pines, which are subject to a Permit approval process. Proposed amendment includes the replacement of shrubs or hedge and ground treatment, which are not subject to a permit approval process, but the replacement must be in compliance with Code or Conditions of Approval of the development order. Replacement of walls and fences shall be in compliance with Code or Conditions of Approval, and subject to Building Permit approval process.

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES

....

Section 3 Maintenance

A. General

PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned property, unless provided for otherwise by DO condition of approval. For all other properties, which includes vegetation required to be installed under a DO, or existing preserved vegetation, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the requirements of this Section. Maintenance of the Premises shall also be subject to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. [Ord. 2018-002]

1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease, pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices.
2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a structurally sound condition.
3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive species within landscape and preservation areas.
4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. [Ord. 2018-002]
5. Landscape areas, which are required to be created or preserved by this Article, shall not be used for temporary parking or the storage/display of materials or sale of products or services.

B. Maintenance Replacement of Vegetation

~~Required or preserved vegetation trees, palms, pines, shrubs, landscape barrier or ground treatment that becomes~~ damaged, diseased, removed or ~~is~~ are dead shall be immediately replaced, ~~and where specified, are subject to the Tree Removal and Replacement Permit process, with plant material to comply with Replacement of vegetation shall comply with the following: the approved standards and height requirements of this Article or conditions of approval, whichever is greater.~~

1. Trees shall be in accordance with Table 7.E.3.C – Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5.
2. Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art.7 Landscaping or Conditions of Approval.
3. A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art.7, Landscaping or Conditions of Approval, and subject to a Permit approval process.
4. A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable.
5. Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable.

~~Vegetation that is removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002] [Ord. 2018-002]~~

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047
(Updated 9/14/18)

1 Part 2. ULDC Art. 7.E.3, Tree Credit and Replacement (pages 45-46 of 53, Supplement 23), is
2 hereby amended as follows:
3

Reason for amendments: [Zoning]
1. Codify PPM ZO-O-061 related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both staff and applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal.
2. Clarify that vegetation includes trees, palms or pines for the purpose of calculation for replacement. Provide relief for replacement of trees that are damaged by natural disaster, the replacement shall be based on one in one, and not subject to the Vegetation Credit and Replacement Formula, which is based on the size of the original tree, palm or pine. The size of the replacement tree, palm or pine shall be deferred to Art.7.D, where the specific requirements are located.
3. Provide clarification of the intent of this Section, Tree Credit and Replacement. There are two scenarios where the Tree Credit and Replacement Table is being utilized. 1) In a situation where the Department of Environmental Resources Management and Zoning Division have determined that the size and quality of existing vegetation can be counted as credits to satisfy landscape requirements under a development order approval. 2) In a situation where existing vegetation, which was damaged or infected to a state beyond it can continue to live, and the vegetation must be replaced. For calculation of credit or replacement of vegetation, it is based on the original size (diameter) of the existing vegetation to establish the quantity of the replacement. The size of the replacement vegetation shall be in accordance with the height for trees and pines, and clear trunk or grey wood for palms.

4 CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES

5

6 Section 3 ~~Tree~~ Credit and Replacement

7
8 This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and
9 Interior Landscaping Requirements and Art. 7, Landscape Standards. In addition, this Section also
10 establishes requirements for quantity and size for replacement. Replacement of vegetation may be required
11 due to injury, damage or removed, which includes: improper pruning, hatracking, or other actions that
12 render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the
13 replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was
14 injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees,
15 palms or pines. A preserved upland or drought tolerant tree or palm meeting the standards in this Article
16 may be substituted for required trees, subject to the following: [Ord. 2018-002]

17 A. ~~Vegetation~~ Survey

18 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D,
19 Landscape Standards shall be granted for on-site preservation of existing vegetation when
20 accompanied by an approved ~~tree~~Vegetation survey. [Ord. 2018-002]

21 B. ~~Trees~~ Excluded from Credit

22 Credits shall not be permitted for vegetation ~~that are~~: [Ord. 2018-002]

- 23 1. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located in
24 required preservation areas, heritage or champion trees); [Ord. 2018-002]
- 25 2. ~~Not properly protected from~~ Irreparably damaged during the construction process, ~~as required~~
26 in Art. 7, Art. 14.C, Vegetation Preservation and Protection; [Ord. 2018-002]
- 27 3. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation
28 Preservation and Protection; [Ord. 2018-002]
- 29 4. Dead, dying, diseased, or infested with harmful insects; or [Ord. 2018-002]
- 30 5. Located on a subarea of a planned development that is not intended to be developed for
31 residential, commercial, or industrial use, such as a golf course on an adjacent open space
32 parcel. [Ord. 2018-002]

33 C. ~~Vegetation~~ ~~Tree~~ ~~Credit~~ ~~and~~ ~~Replacement~~ Formula

34 ~~All existing vegetation that are to be preserved, mitigated on or off site, replaced on or off site shall~~
35 ~~be credited pursuant to Table 7. E.3, Tree Credit and Replacement. Pines with a caliper of two inch~~
36 ~~or more shall be subject to preservation, mitigation or replacement.~~

37 **[Ord. 2016-042] [Ord. 2018-002] [Partially relocated to Table 7.E.3.C, Vegetation Credit and**
38 **Replacement]**

39 Existing vegetation that is given credit towards required vegetation, or for the purpose of a
40 replacement shall be subject to the following Table. In addition, the size of the credited or replaced

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047
(Updated 9/14/18)

vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms and Pines.

Table 7.E.3.C - Tree Vegetation Credit and Replacement

Table with 3 columns: Tree or Pine Diameter at 4.5 Feet Above Grade (1,2, 3), =, and Quantity for Credits or for Replacements. Rows include diameter ranges from 'Less than 2 in.' to '37 in. or more' with corresponding credit values from 0 to 8.

[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]

Notes:

- 1. Fractional measurements shall be rounded down. [Ord. 2018-002]
2. Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.
3. Quantity: replacement of palms shall be one for one.

1. Natural Disaster Replacement

Each tree, palm or pine that has been damaged by natural disaster shall be replaced by a similar specie, and subject to the following:

- a) Quantity – one for one; and
b) Size – pursuant to Art.7.D.2, Trees, Palms and Pines.

2. Illegal Tree or Pine Removal

If a tree or pine is removed with only the stump remains, the following formula shall be utilized to determine the size of the removed tree or pine.

- a) measure the diameter of the tree or pine stump and reduce the measurement by 25 percent; and,
b) replacement of the quantity of the tree or pine shall be based on the reduced diameter measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and Replacement for estimating the number of trees or pines to be replaced

Part 3. ULDC Art. 7.G, Enforcement (pages 45-46 of 53, Supplement 23), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Contains two numbered items explaining the reasons for amendments related to landscape requirements and illegal removal.

CHAPTER G ENFORCEMENT

Section 1 Purpose

This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable DOs.

Section 1.2 Temporary Suspension of Landscape Standards

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. [Ord. 2005-041]

A. Performance Surety

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047
(Updated 9/14/18)

1 surety that the terms of this Article will be met after the suspension period has been lifted. The
2 guarantee shall consist of a performance bond or other surety agreement approved by the County
3 Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other
4 costs incidental to the installation of the required landscaping completion agreement. Performance
5 bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary
6 and specify the time-frame for the completion of the landscape standards of this Article. [Ord. 2005-
7 041]

8 B. Application Requirements

9 An application for a temporary suspension of landscape standards shall be accompanied by a
10 landscape plan identifying the plantings that have been postponed, the proposed planting schedule,
11 and the costs of the suspended planting. Planting cost estimates may be independently verified by
12 PBC.

13 Section 23 Enforcement

14 Failure to install or maintain ~~landscape requirements, or when vegetation has been illegally removed, or~~
15 ~~has been irreparably damaged landscaping according to the terms of this Article or any approved plan or~~
16 ~~permit~~ shall constitute a violation of the ~~Article Code or a DO~~. PZB may issue a Cease and Desist Order or
17 withhold a CO or Certification of Completion until the provisions of this Article have been met. In the
18 alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties
19 set forth in Art. 10, Enforcement.

20 A. Fines

21 ~~Violations of the provisions of this Section shall be subject to the following fines or requirements:~~

22 ~~1. Such fines, site improvements and replacement landscaping as may be required by Art. 10,~~
23 ~~Enforcement, or the PBC Code Enforcement Citation Ordinance; or [Ord. 2005-002]~~

24 ~~2. Such fines and imprisonment as provided for in F.S. 125.69. [Relocated to Art. 7.G.3.D,~~

25 Fines]

26 BA. Violations

27 The following deficiencies shall be considered a separate and continuing violation of this Article or
28 a DO:

29 ~~1. Each tree or shrub that is not properly installed or properly maintained on site as required~~
30 ~~by this Section; Each required tree, palm, pine, or other vegetation not properly installed~~
31 ~~or maintained shall be considered a separate and continuing violation of the ULDC or~~
32 ~~applicable DO. Each row of shrubs and ground treatment shall be considered as a separate~~
33 ~~and continuing violation. Each wall or fence not properly installed or maintained shall be~~
34 ~~considered a separate and continuing violation.~~

35 2. Each day in which landscaping is not properly installed or properly maintained on site as
36 required by this Section or by the order of the Special ~~Magistrate Master;~~ and [Ord. 2018-
37 002]

38 ~~3. Each tree removed without a permit.~~

39 B. Corrective Actions

40 ~~PBC shall determine appropriate corrective actions, including, but not limited to the replacement of~~
41 ~~landscape material.~~

42 1. Replacement

43 a. ~~Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3,~~
44 ~~Credit and Replacement or the Conditions of Approval of the DO.~~

45 b. ~~Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~
46 ~~Standards. [Ord. 2018-002] [Partially relocated from Art. 7.G.3.C.1, Additional~~
47 ~~Sanctions as it related to Enforcement]~~

48 C. Additional Sanctions

49 PBC may take any appropriate legal action, including, but not limited to requiring replacement of
50 landscape material which has been hatracked, damaged and rendered unable to achieve its natural
51 and intended form, administrative action, requests for temporary and permanent injunctions, and
52 other sanctions to enforce the provisions of this Section. [Ord. 2005-002]

53 1. Replacement of Landscaping

54 a. ~~Canopy trees shall be replaced pursuant to Art. 7.E.3, Tree Credit and Replacement. [Ord.~~
55 ~~2018-002]~~

56 b. ~~Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~
57 ~~Standards. [Ord. 2018-002] [Partially relocated to Art. 7.G.3.B.1, Corrective Actions~~
58 ~~as it related to Enforcement]~~

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EXHIBIT D

ARTICLE 7, LANDSCAPING

**CR-2018-030 and CR-2018-047
(Updated 9/14/18)**

1 **Part 4. ULDC Art. 7.D.4.D, Location of Wall or Fence in Landscape Buffer (pages 36-37 of 52,**
2 **Supplement 23), is hereby amended as follows:**
3

Reason for amendments: [Zoning]
1. Remove the additional language of the location of the wall or fence to avoid confusion with the setback requirements per Table 7.D.4.D. Walls are only required for a Type 3 Incompatibility buffer, and if an applicant desires to install a fence or wall in other types of buffers such as: R-O-W buffers which ranges from 10 feet to 20 feet in width; Compatibility - 8 feet in width; Type 1 and 2 Incompatibility Buffers which ranges from 10 feet to 15 feet. The Code requires a setback of the wall or fence from the property line, and sufficient area for the accommodation of the required plantings on both side of the fence or wall.

4 **Section 4 Landscape Barriers**

5 Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque
6 screening, and are required for an Incompatibility buffer. Landscape barriers may be installed in other types
7 of landscape buffers; the requirement may be modified based on the site situations. **[Ord. 2018-002]**
8

9 **D. Location of Wall or Fence in a Landscape Buffer**

10 Walls or fences ~~that are~~ utilized in a Landscape Buffer should ~~have be located in the center of the~~
11 ~~buffer, and run parallel to the length of the buffer.~~ Sufficient area with minimum easement
12 encumbrances ~~shall be provided to allow for~~ planting on both sides of the wall or fence. **[Ord. 2018-**
13 **002]**
14

Table 7.D.4.D - Requirements for a Wall or Fence in a Landscape Buffer

Minimum Requirements	R-O-W	Incompatibility	Compatibility
Setback for the Wall or Fence	10 feet from the edge of the ultimate R-O-W or Base Building Line, whichever is applicable. (1)	10 feet from the edge of the property line.	No setback required. Allow to be located along the property line <u>or inner edge of the Buffer.</u>
Planting Width	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. (2) (3)
Berm	If a continuous berm is proposed, the wall may be located on top of the berm.	If a continuous berm is proposed, the wall may be located on top of the berm.	No requirement.
Canopy Tree Planting	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	No percentage requirement.
Shrub Planting	Shrubs shall be planted on both sides of the wall or fence.	Shrubs shall be planted on both sides of the wall or fence.	No percentage requirement.
[Ord. 2018-002]			
Notes:			
(1) Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one half clear feet for planting. [Ord. 2018-002]			
(2) No easement encumbrances. [Ord. 2018-002]			
(3) If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. [Ord. 2018-002]			
(4) Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]			

15
16
17 **Part 5. ULDC Art. 7.C.5, Easements in Landscape Buffers (page 30 of 52, Supplement 24), is**
18 **hereby amended as follows:**
19
20

Reason for amendments: [Zoning]
1. Remove the reference to the Figure as the figure is pointed to a general situation showing a fire hydrant separation from the tree pit.

21
22 **CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS**

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

24

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EXHIBIT D

ARTICLE 7, LANDSCAPING

CR-2018-030 and CR-2018-047
(Updated 9/14/18)

- 1 **B. Easements in Off-Street Parking Areas**
2 **1. Underground Utilities**
3 Utility easements may encroach landscape islands provided there is a sufficient area for the
4 growth of the required tree within the same island. The width and length of the island may be
5 increased by the minimum amount necessary to meet the separation requirements of the utility
6 providers, indicated below. **[Ord. 2018-018]**
7 **a. PBC Water Utilities Separation**
8 A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to
9 the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD)
10 may allow the separation distance be reduced to seven feet if tree root barriers are
11 installed. ~~See Figure 7.C.5, Water Utility Separation.~~ **[Ord. 2018-018]**
12 **b. Fire Rescue Utility Separation**
13 A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant
14 to the pit where the tree is to be planted. **[Ord. 2018-018]**
15
16

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

CR-2018-043
(Updated 09/12/18)

1 Part 1. ULDC Art. 4.B.2, Commercial Uses (page 26 of 204), is hereby amended as follows:

Reason for amendments: [Zoning/Westgate CRA]
1. Delete restrictive hours of operation for a Green Market when permitted as an accessory use to a Community Vegetable Garden. Allows local residents the ability to purchase fresh produce outside of weekend and holiday hours thereby reducing potential for fresh food waste and fulfilling the intent of a Green Market as a functioning accessory use to a Community Vegetable Garden. Flexibility in hours is particularly important when crops are abundant at the peak of growing season and produce is harvested early and daily by the garden managers and community workers.
2. Exempt the use from the 250' proximity to residential rule. Since community Vegetable Gardens are permitted by right in residential zoning districts, and the accessory Green Market use, a nonresidential use, is permitted within/on the parcel utilized for the principal use, the 250' rule becomes inapplicable.
3. Exempt the use from the size limitation for accessory uses and structures. There is no clear or appropriate method of calculation in Art. 5 to determine the maximum/minimum size for an accessory structure for a Green Market use when the principal use is a Community Vegetable Garden. Since the vast majority of the land area for Community Garden is utilized for growing, the size of the accessory Green Market structure is naturally restricted by the size of the site and the needs of the organization allowed to operate it. An accessory Green Market structure provides shade and shelter in inclement weather, storage for fresh produce harvested by resident vendors and garden managers, and an alternative space for Green Market operations.
4. To include a standard for screening where an accessory Green Market use is permitted, and the Community Garden, as the principal use, is adjacent to a parcel with a residential FLU designation or use. To also include a provision when a Green Market is proposed as an accessory to an existing, previously approved Community Garden adjacent to a parcel with a residential FLU or use, and that has complied with the incompatibility buffer requirements of Article 7, the accessory Green Market would not be required to provide additional screening.

2

3 CHAPTER B USE CLASSIFICATION

4 Section 2 Commercial Uses

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 16. Green Market

8

....

9 d. Accessory Uses - Green Market

10 A Green Market may be allowed as an accessory use to a Community Vegetable Garden

11 in the WCRAO and CCRT areas subject to DRO approval and the following:

12 ~~1) The use shall be located in CCRT areas or the WCRAO;~~

13 2) The use shall be operated by a CCRT neighborhood organization or the Westgate

14 CRA;

15 ~~3) Items for sale shall be limited to those grown, or prepared by neighborhood residents.~~

16 ~~4) Shall be limited to weekends and holidays between the hours of 7:00 a.m. and 7:00~~

17 ~~p.m.~~

18 3) The use shall be exempt from Art. 5.E.5.A, Proximity to Residential.

19 4) The use shall be exempt from Art. 5.B.1.A.1.c. Floor Area.

20 ~~5) A Community Vegetable Garden that complies with the above accessory use~~

21 ~~standards for Green Market, may be considered a Public and Civic Use for the~~

22 ~~purposes of determining compliance with Art. 7.C, Landscape Buffer and Interior~~

23 ~~Landscape Requirements.~~

24 5) Where a Greenmarket is allowed as an accessory use to a Community Vegetable

25 Garden, a six-foot high landscape barrier, which includes but not limited to: a hedge, a

26 vinyl-coated chain link fence with hedge, or an opaque fence shall be provided along

27 any property line that abuts a parcel with a residential FLU designation or residential

28 use. An accessory Green Market to an existing Community Garden, approved prior to

29 the effective date of this amendment, that has complied with the buffer requirements

30 of Article 7, is not required to provide a six-foot high landscape barrier.

31

....

32

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

CR-2018-043
(Updated 09/12/18)

1 Part 2. ULDC Art. 4.B.6, Agricultural Uses (page 93 of 204), is hereby amended as follows:

2 Reason for amendments: [Zoning/Westgate CRA]

1. Added for consistency with and to cross-reference amendments to Article 7 exemption language.

3 CHAPTER B USE CLASSIFICATION

4 Section 6 Agricultural Uses

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 10. Community Vegetable Garden

8 a. Definition

9 A plot of land used primarily as a vegetable garden which is cultivated and harvested by a
10 group of residents from the surrounding area.

11 b. Setbacks

12 Accessory activities shall maintain a setback of five feet from all property lines adjacent to
13 residential zoning districts. Accessory structures shall meet the setbacks of the district.

14 c. Accessory Structures

15 Accessory structures shall be limited to 400 square feet.

16 d. Parking

17 Overnight parking shall be prohibited.

18 e. Loading

19 All loading and unloading activities shall be restricted to the site and shall not encroach into
20 any setbacks.

21 f. Landscaping

22 Shall be exempt from Article 7, Landscaping, when located in the WCRAO or CCRT Areas.

23 g. Storage

24 Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall
25 be contained within an accessory structure.

26 h. Spraying

27 Aerial application of fertilizer or pesticides shall be prohibited.

28

29
30
31 Part 3. ULDC Art. 7.B.1, Applicability (page 9 of 53), is hereby amended as follows:

Reason for amendments: [Zoning/Westgate CRA]

1. To exempt the Community Garden use when located in the WCRAO or CCRT Areas from the requirements of Article 7, unless otherwise stated in Article 4.B.6.C.

The Community Garden use, by definition, is interactive and engaging to the community. Community gardens are located in various settings, but they consistently engage the public from the outside by allowing views from the street into the garden. Scattered throughout communities across Palm Beach County and the United States, community gardens can range from a small 'pocket park' type garden in an intense urban setting (see Village Greens in the Old Northwood historic district of West Palm Beach <http://www.northwoodgreenlifefl.org/village-greens-community-garden.html>), to larger gardens that act as a community gathering place in the heart of a residential neighborhood (see Riviera Beach Heights Community Garden in the Riviera Beach CRA redevelopment area <http://rivierabeachcommunitygardens.org/>) to acres of cultivated land in a rural countryside setting. The cultivated land is inherently green and maintained in appearance due to the local residents, community groups, and garden staff consistently working the land to grow fruits, vegetables, and herbs. Small orchards, raised planter beds, rows of crops, and a plant nursery are all common elements to community gardens.

The intensity of the use of the land in a Community Garden is greatly decreased compared to traditional development and the relationship of the garden to the adjacent uses is an important factor to consider. Typically, when considering the relationship of land uses and "incompatibility" and "compatibility," landscape buffers are mandated to mitigate for the intensity of proposed use, and the inherent disturbance to the surrounding properties. Due to the low intensity of the use, the inherently "green" nature of the site, and the desire to engage the surrounding community, the need for additional mandated landscape material to be planted in structured buffers is redundant.

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EXHIBIT E

ARTICLE 4 – USE REGULATIONS ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

CR-2018-043
(Updated 09/12/18)

Reason for amendments: [Zoning/Westgate CRA]

A Community Garden, and by natural extension, the Green Market is a valued amenity to the local community. Satisfying many of the goals and objectives outlined in the Westgate CRA's Community Redevelopment Plan, and supported by the County's OCR, the idea of a collaborative, green, public space directly addresses persistent issues of slum and blight in the community, while introducing healthy fruits and vegetables to an area once deemed a "food desert" by the USDA. To achieve this, the garden must be engaged visually and visitors should feel welcomed to enter the site.

Traditional landscape buffering would be detrimental to the public nature of a Community Garden as it would inhibit views into the site. The requirements of Article 7 would mandate a large number of shrubs planted in multiple tiers to be placed along the perimeter of all property lines of a community garden, thus eliminating area vital to the local residents for food production. Tiers of shrubs must be maintained at heights required per Article 7, which would require them to be hedged on a regular basis. As these spaces are typically maintained by local residents focused on production of a food source, the maintenance of these traditional landscape shrubs would be the responsibility of garden staff or an outside landscape maintenance company. Additionally, the requirement for trees planted at consistent, tight intervals along the perimeter and within the interior of the site would create consistent shade patterns on the interior further limiting the viable space for the actual function of the community garden. Article 7's intent to establish tree canopy to help mitigate the heat-island affect that typical impervious development creates does not relate to the use of a Community Garden, which by nature is vegetated and pervious.

1 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

2 Section 1 Applicability

3 The provisions of this Article shall be considered minimum standards and shall apply to all new development
4 unless stated otherwise herein. **[Ord. 2018-002]**

6 A. Relation to Art. 14.C, Vegetation Preservation and Protection

7 Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation
8 Preservation and Protection, nothing in this Article shall be applied to contradict these
9 requirements. **[Ord. 2018-002]**

10 B. Exemptions

11 The following developments are exempt from the standards and requirements of this Article:

- 12 1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-
13 family structure on a single lot.
- 14 2. Parking areas located within an enclosed parking structure.
- 15 3. Bona fide agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where the
16 property has a use that is classified as Agriculture, bona fide, with agricultural activities or
17 accessory agricultural uses, the property owner shall provide a six-foot high hedge along the
18 frontage of the property where it abuts a public street R-O-W. **[Ord. 2018-002]**
- 19 4. Uses such as airports, major utilities, and stockades which have planting requirements
20 regulated by Federal or State law. Off-site planting of required landscaping may be approved
21 in areas where there is a direct public benefit, such as in schools, parks, libraries, streets, and
22 medians.
- 23 5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-lieu
24 funds to the Glades Thoroughfare Beautification Fund.
- 25 6. Community Vegetable Gardens located in the WCRAO or CCRT Areas, unless stated
26 otherwise in Article 4.B.6.C, Definitions and Supplementary Use Standards for Specific Uses.

27

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EXHIBIT F

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS

CR – 2018-045
(Updated 09/17/2018)

1 Part 1. ULDC Art. 3.E.2.E.4.c.1), Public Civic (page 150-151 of 212), is hereby amended as
2 follows:

Reason for amendments: [Zoning]

1. To clarify that in the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary of the public civic pod and abutting public land may be reduced or eliminated.

3 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

4 Section 2 Planned Unit Development (PUD)

5 E. Pods

6

7 4. Civic Pod

8 A civic pod is intended to promote a coordinated land planning approach for providing and
9 encouraging publicly and privately owned civic, institutional, educational, and additional
10 recreational uses for the community.

11 a. Applicability

12 1) Public Civic

13 Where two percent of a PUD is less than 1.5 acres, public civic pods may not be
14 required subject to FD&O approval. [Ord. 2011-001]

15 2) Private Civic

16 If a public civic pod is not required in a CCRT area, a private civic pod shall be provided
17 unless waived by the BCC. For any other PUD, private civic pods shall be optional.
18 [Ord. 2011-001]

19 b. AGR PUD Calculation

20 A PUD in AGR-FLU areas shall use two percent of the developable portion of the PUD.
21 [Ord. 2011-001]

22 c. Public and Private Civic

23 All civic pods so designated shall be identified as public or private. PBC may require all or
24 a portion of a civic pod to be dedicated to PBC for public purposes. [Ord. 2011-001] [Ord.
25 2011-001]

26 1) Public Civic

27 **a)** Public civic pods shall be located adjacent to publicly owned, or anticipated to be
28 owned, lands. ~~In the event of co-location with property outside the boundary of the~~
29 ~~PUD, the required landscape buffer along the common boundary may be waived~~
30 ~~by the DRO. A minimum 5-foot setback shall be required for all permanent~~
31 ~~structures, measured from the common interior boundary. The remaining setbacks~~
32 ~~shall be applied pursuant to Table 3.E.2.D-PUD Property Development~~
33 ~~Regulations. [Partially relocated below to E.4.c.1.a.1]~~ The location of, and
34 access to, a public civic pod shall be acceptable to FDO prior to certification of the
35 master plan by the DRO.

36 (1) Where a public civic pod is located adjacent to publicly owned, or anticipated
37 to be owned, lands outside the boundary of the PUD, the required landscape
38 buffer along the common boundary may be reduced or eliminated on both
39 properties subject to the following:

40 (a) A minimum 5-foot setback shall be required for all permanent structures,
41 measured from the common interior boundary; and,

42 (b) The remaining setbacks for the public civic pod shall be applied pursuant
43 to Table 3.E.2.D – PUD Property Development Regulations. [Ord. 2005 – 002]

44 [Ord. 2008-037]

45 **ab) Conveyance**

46 Conveyance of a civic pod to PBC shall be in a form and manner acceptable to
47 FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by
48 the County Attorney. Documentation, such as a deed, survey, environmental
49 assessment, and evidence of a clear title shall be required to be provided by the
50 applicant prior to acceptance by PBC. Site shall also be conveyed with: [Ord.
51 2005 – 002]

52 1) concurrency;

53 2) drainage accommodated within and allowed to discharge into the storm water
54 management system of the PUD;

55 3) filled and stabilized;

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

1 Part 1. ULDC Art. 5.B.1.B, Emergency or Temporary Government or Utility Structures (page 40
2 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning/Building]
1. Split Emergency/Temporary Government/Utilities Structures and Construction Staging Areas from Temporary Structures since the nature of these temporary structures or activities is different. Clarify the new Section Art.5.B.1.C, Temporary Structures are usually for those non-emergency related uses.
2. Add authority to be transferred from Executive Director to his or her designee, e.g. Building Official or Zoning Director.

4 5 CHAPTER B ACCESSORY USES AND STRUCTURES

6 Section 1 Supplementary Regulations

7 B. ~~Government or Utility~~ Emergency or Temporary ~~Government or Utility~~ Structures

8 This Section is intended to facilitate the placement or construction of structures or facilities that are
9 temporary. These structures or facilities are utilized to ensure the health, safety and welfare of the
10 public from natural or pending disasters; or construction staging activities for infrastructure
11 improvements. Typical uses may include: fire stations, hurricane shelters, utility facilities; or
12 construction staging areas. [Ord. 2011-001] [Ord. 2018-002]

13 1. Review and Approval Process

14 Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR
15 process. The ZAR process may be waived by the Executive Director of PZB or designee as
16 stated below: [Ord. 2018-002]

17 a. Emergency Structures

18 The Executive Director of PZB may waive the ZAR process, and authorize the issuance of
19 a building permit for ~~a the~~ temporary structure upon determination that a public emergency,
20 pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001] [Ord. 2018-
21 002]

22 b. Temporary Structures

23 The Zoning Director may require a PAC with the DRO in order to seek input from the
24 various County Agencies on the temporary structure or staging area, or may seek direction
25 from the BCC through an AI pursuant to Art. 2.C.5.J, Administrative Inquiry. The Zoning
26 Director shall consider documentation from the Applicant and any other input from County
27 Agencies before issuance of a DO. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]
28 [Ord. 2018-002]

29 1) Duration

30 The DO shall be valid for up to a period of six months from date of issuance, with one
31 three month extension by the Zoning Director. The BCC may extend the timeframe
32 through an AI by the Zoning Director. [Ord. 2011-001] [Ord. 2018-002]

33 2) Construction Staging Areas for Right of Ways (R-O-W)

34 In addition to the requirements listed above, the following shall apply to those
35 construction staging areas located on or adjacent to residentially zoned parcels. [Ord.
36 2008-003] [Ord. 2018-002]

37 a) Hours of Operation

38 Activity on the site shall not commence prior to 7:00 a.m. and must be completed
39 prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification
40 from this provision. [Ord. 2008-003] [Ord. 2018-002]

41 b) Setbacks or Separations

42 Stored materials shall not be located within the required minimum district setback.
43 [Ord. 2008-003] [Ord. 2018-002]

44 c) Screening

45 Temporary screening material, a minimum of five feet in height and 85 percent
46 opacity shall be provided around the perimeter of the staging area, adjacent to
47 residential uses, to mitigate visual impact. [Ord. 2008-003] [Ord. 2018-002]

48 d) Dust Control

49 Appropriate measures shall be taken, pursuant to Health Department
50 requirements, to control dust or other airborne particulate matter. [Ord. 2008-003]
51 [Ord. 2018-002]

52 e) Exceptions

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Ord. 2018-002]

Part 2. ULDC Art. 5.B.1.B.2 and .3, Tents and Temporary Structures and Uses During Development Activity (page 40 - 44 of 110), is hereby amended as follows:

Reason for amendments: [Zoning/Building]

1. Delete requirements under tents since they are considered as temporary structures, and can be associated either with a Temporary Use pursuant to Art. 4.B.11, or used to facilitate the development of a permanent structure(s). If associated with anyone of those Temporary Uses as identified in Art. 4.B.11, regulations such as setback, location, duration, parking, signs and other limitations shall apply, and subject to the Zoning Agency Review (ZAR) process. However, structures that do not require Zoning review, may be subject to the Building Division's approval.

2. Tents

~~A tent may be used as a temporary structure subject to approval as a special permit and the standards of this Section. Tents used for retail purposes are also subject to Article 4.B.1.A.115, Retail Sales, Mobile or Temporary.~~

~~**a. Frequency**~~

~~Three times per lot per year.~~

~~**b. Maximum Duration**~~

~~The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to a finding by the Zoning Division that the tent and use continue to meet all the applicable requirements of this Code and the Building Code.~~

~~**c. Setbacks**~~

~~All principal use setback requirements of the underlying district shall be met.~~

~~**d. Location**~~

~~The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.~~

~~**e. Access**~~

~~Access shall be from an arterial street.~~

~~**f. Lighting**~~

~~Lighting shall be extinguished no later than 12:00 midnight.~~

~~**g. Parking**~~

~~Parking shall be provided in accordance with Article 6, PARKING.~~

Reason for amendments: [Zoning/Building]

1. Clarify temporary structures under the new Section 5.B.1.C is created to address those temporary structures which are only subject to Building Permit review, and are generally being utilized to facilitate construction activities. Delete definitions since these structures remain on a site for a limited period time, and Building Division Staff will determine which types of permits are required based on whether the structure is used for daytime activities or for overnight (residential) type of use.

2. Some of the requirements such as frequency, setbacks, location, etc. are proposed to be consolidated in the new Section 5.B.1.C.

3. Temporary Structures and Uses During Development Activity

~~Temporary structures and uses may be allowed as follows: [Ord. 2008-003]~~

~~**a. Construction Trailer**~~

~~**1) Use**~~

~~A construction trailer shall be limited to an office used by the businesses of professions actively involved in the construction of a building or structure authorized by a valid building permit issued for the site on which the trailers are located. Use of the trailer shall be limited to on site activities only. A construction trailer shall not be used as a dwelling.~~

~~**2) Number**~~

~~A maximum of one trailer per construction business or profession shall be allowed.~~

~~**3) Duration**~~

~~The construction trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit. [Partially relocated to Art. 5.B.1.C.3.b, Duration]~~

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

1 ~~4) Location~~

2 ~~The construction trailer and related parking shall be located on site so as not to~~
3 ~~interfere with access to developed areas or areas under construction.~~ [Partially
4 relocated to Art. 5.B.1.C.3.c, Location]

5 ~~5) Removal~~

6 ~~A construction trailer shall be removed from the site no later than 30 days after the final~~
7 ~~CO has been issued. The trailer shall be removed if construction ceases for more than~~
8 ~~180 consecutive days. An abandoned trailer shall be considered an unsafe structure~~
9 ~~and abated pursuant to the Building Code Enforcement Administrative Code of~~
10 ~~PBC.~~ [Partially relocated to Art. 5.B.1.C.3.g, Removal]

11 ~~b. Watchman Trailer~~

12 ~~1) Use~~

13 ~~A watchman trailer may be allowed on the site of an active construction project which~~
14 ~~has been authorized by a building permit. Use of the trailer shall be limited to on-site~~
15 ~~security purposes only. A watchman trailer may be used as a dwelling.~~

16 ~~2) Number~~

17 ~~A maximum of one watchman trailer per construction project shall be allowed.~~

18 ~~3) Location~~

19 ~~A watchman trailer, and required parking, shall be located in areas under construction~~
20 ~~only.~~ [Partially relocated to Art. 5.B.1.C.3.c, Location]

21 ~~4) Parking~~

22 ~~A minimum of two parking spaces shall be provided.~~

23 ~~5) Duration~~

24 ~~A watchman trailer shall remain on site only for the length of time necessary to~~
25 ~~construct a building or structure which has been issued a building permit.~~

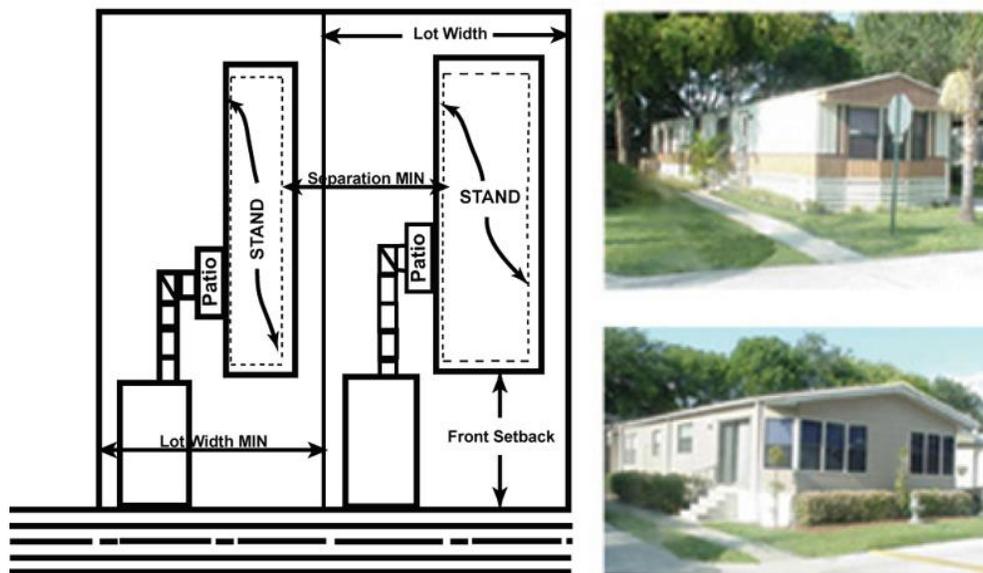
26 ~~6) Removal~~

27 ~~A watchman trailer shall be removed from the site no later than 30 days after the final~~
28 ~~CO has been issued. The trailer shall be removed if construction ceases for more than~~
29 ~~180 consecutive days. An abandoned trailer shall be considered an unsafe structure~~
30 ~~and abated pursuant to the Building Code Enforcement Administrative Code of PBC.~~

31 ~~7) Mobile Home~~

32 ~~A Mobile home used as a watchman quarters shall be subject to the following additional~~
33 ~~requirements:~~

34 **Figure 5.B.1.B – Typical Mobile Home Lot Layout**



35 ~~a) Special Permit~~

36 ~~A special permit shall be required. The special permit shall be renewed annually,~~
37 ~~for a maximum of two years; and~~

38 ~~b) Removal Agreement~~

39 ~~A notarized removal agreement shall be executed and submitted with the~~
40 ~~application for a special permit.~~

41

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

Reason for amendments: [Zoning/Building]

1. Consolidate Mobile Home While Constructing a Single Family Dwelling unit under the new Section 5.B.1.C, Temporary Structures, and replace the term "Mobile Home" under temporary structure because the difference between a trailer/structure that allows daytime/overnight use is the type of permits required.

~~d. Mobile Home While Constructing Single Family Dwelling~~

~~1) Definition~~

~~A mobile home used as a temporary residence during the construction of a Single Family structure. [Ord. 2017-007]~~

~~2) Zoning District – AR (RSA)~~

~~A temporary Mobile home may be allowed only in the AR Zoning District of the Rural Service Area (RSA). [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]~~

~~3) Agency Approval~~

~~Sanitary sewage facilities and potable water well shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation which must be obtained from the PZB Department and Health Department; [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.2.c, Agency Approval as it related to Approval Process]~~

~~4) Building Permit~~

~~a) A valid building permit for a Single Family dwelling unit on the land shall have been issued by the Building Division prior or concurrent to issuance of the tie down permit for the Mobile home; [Ord. 2017-007]~~

~~b) The approval for the Mobile home shall be valid for two years or up to 30 days after the issuance of the Certificate of Occupancy for the Single Family dwelling, whichever occurs first. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. No time extensions shall be granted. No more than one MH approval shall be granted per Property Control Number. [Ord. 2007-001] [Ord. 2017-007]~~

~~5) Additions~~

~~No additions shall be allowed to the Mobile home, except awnings and demountable screen panels, stairs, decks and trellises. [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]~~

~~6) Proof of Ownership~~

~~A current recorded warranty deed for the subject property shall be submitted.~~

~~e. Modular and Manufactured Structures~~

~~1) Use~~

~~A modular or manufactured structure may be temporarily utilized for non-residential uses with an approved DRO site plan during the construction of the permanent facility. [Ord. 2008-003]~~

~~2) Approval Process~~

~~The approved site plan shall be administratively amended to indicate the location and square footage of the structure. The tie down permit shall be applied for in conjunction with the building permit for the permanent structure. The structure shall comply with all applicable sections of the ULDC and existing conditions of approval. [Ord. 2008-003]~~

~~3) Time Limitations~~

~~The temporary structure shall be removed prior to issuance of the CO for the permanent facility if it is located in required parking spaces or impacts the circulation or function of the site as originally approved. If the temporary structure is not located in required parking spaces and does not impact the circulation or function of the site the temporary structure shall be removed within fourteen working days of the issuance of the CO. [Ord. 2008-003]~~

~~4. Portable Storage Container~~

~~Portable storage containers are weather resistant receptacles used for the temporary storage of goods for residential uses which may be Permitted by Right as follows: [Ord. 2017-025]~~

~~a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be allowed, for no more than 2 times a year for a maximum of 15 days each time. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]~~

~~b) Shall be located on driveways not to overlap easements, sidewalks or R-O-W. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]~~

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

- 1 ~~e) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other~~
- 2 ~~driveway areas are available, the setback may be reduced subject to the dimensions in~~
- 3 ~~Art. 6.C.1.A.1.a, Local or Residential Access Streets. [Ord. 2017-025]~~ [Relocated to Art.
- 4 **5.B.1.C.4, Portable Storage Containers]**
- 5 ~~d) Container location shall not result of required parking to be placed on areas not designed~~
- 6 ~~to park vehicles. [Ord. 2017-025]~~
- 7 **5. Shipping Containers**
- 8 ~~a) Shipping containers used as temporary storage on a construction site shall be permitted~~
- 9 ~~by right subject to the Building Division requirements. [Ord. 2017-025]~~
- 10 ~~b) A repurposed Shipping Container that complies with the Florida Building Code shall not be~~
- 11 ~~considered a Shipping Container. [Ord. 2017-025]~~
- 12

Reason for amendments: [Zoning/Building]
1. Clarify temporary structures are subject to Building Division review and different types of permits, where applicable. The proposed modifications are to clarify that these regulations are supplementing the Florida Building Code.
6. Clarify trailer, shipping container, tents, modular or manufactured structure may be considered as temporary structure if it is used to facilitate the development or construction of a project or a temporary use.
7. Clarify approval process of the Building Division. Some of these temporary structures may be exempt by State Law or the Building Code. At permit application time, the Building Division will determine which permits shall apply.
8. Identify requirements of each type of temporary structure namely: Construction Trailer; Watchman Trailer; Shipping Container, etc. and consolidate all the similar requirements such as location, duration, removal agreement, setback, etc. in one Section.

13 **C. Temporary Structures**

14 The purpose of this Section is to supplement regulations for temporary structures pursuant to the

15 latest edition of the Florida Building Code, Section 108, Temporary Structures and Use, and Section

16 3103, Temporary Structures. If there is a conflict between this Section and the provisions of the

17 Florida Building Code, as amended, the latter shall apply. Temporary structures may be temporarily

18 located on a property to facilitate the construction or development of an approved project, or for a

19 temporary use.

20 **1. Types of Temporary Structures**

21 Temporary structures may include, but are not limited to the following: trailer, shipping container

22 or construction fence. Temporary structures may be utilized for Residential and Non-

23 Residential related activities, except for tents. Tents may be utilized for non-residential activities

24 only. All temporary structures shall be subject to the following, except stated otherwise:

25 **a. Residential**

26 Temporary structures may be utilized for on-site security, or as a temporary dwelling while

27 a single family residence is under construction, and may be allowed only in the AR Zoning

28 District of the Rural Service Area (AR/RSA). [Partially relocated from Art. 5.B.1.B.3.d.1),

29 **Definition as it related to Mobile Home While Constructing Single Family Dwelling]**

30 No additions shall be allowed to except for awnings and demountable screen panels, stairs,

31 decks and trellises. [Ord. 2017-007] [Partially relocated from Art. 5.B.1.B.3.d.5),

32 **Additions related to Mobile Home While Constructing Single Family Dwelling]**

33 Construction fence shall be exempt from the above limitations.

34 **b. Non-Residential**

35 Temporary structures may be utilized as an office for professions who are actively involved

36 on the construction site; or for the storage of goods or equipment, or to accommodate

37 employees and business operation during the construction or renovation of a permanent

38 structure.

39 **2. Approval Process**

40 All temporary structures or construction fence that are listed in this Section maybe subject to

41 Building Permit approval process or applicable State Law. The Building Division shall

42 determine which permits would apply at the application submittal. The application may be

43 submitted concurrently with other permit applications for permanent or temporary structures.

44 The applications may be forwarded to the Zoning Division or other County Agencies for review.

45 **a. Concurrent Applications**

46 A permit for the temporary structure shall be submitted concurrent with the permit

47 application for the permanent structure.

48 **b. Plans or Survey**

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014

(Updated 9/14/18)

The Applicant may utilize a plan or the most current Survey of the property to indicate the location of the proposed temporary structures to demonstrate compliance of the requirements in this Chapter or any other applicable codes or Conditions of Approval.

c. Agency Approval

Sanitary sewage facilities and potable water well may be required for certain temporary structures by the governmental agencies having appropriate jurisdiction, permits, and inspections for the installation, if applicable, the approval must be obtained from the PZB Department and Health Department. **[Ord. 2017-007]** [Partially relocated from Art. 5.B.1.B.3.d, Agency Approval as it related to Mobile Home While Constructing Single Family Dwelling]

3. Additional Requirements for Temporary Structures

Temporary structures shall be subject to the following additional requirements, where applicable:

a. Placement or Erection of Temporary Structure

Temporary structure may only be placed or erected on the site ~~prior~~ after or concurrent with the issuance of a demolition permit or a building permit for land development activities, subject to the approval of the Building Division.

b. Duration

The temporary structure shall remain on the property only for the length of time necessary to construct a permanent structure. **[Partially relocated from Art. 5.B.1.B.3.a.3) Duration as it related to Construction Trailer]**

c. Location

The structure and related parking shall be located on the site so as not to interfere with access to developed areas or areas under construction. **[Partially relocated from Art. 5.B.1.B.3.a.4), Location – Construction Trailer]** A Watchman Trailer and required parking shall be allowed to be located in areas under construction. **[Partially relocated from Art. 5.B.1.B.3.b.3), Location – Watchman Trailer]**

d. Setbacks

Setbacks shall be in accordance with Table 3.D.1.A, Property Development Regulations, and the applicable zoning district in which the property is located.

e. Construction Fence

All construction sites shall be enclosed and secured by a continuous fence at least six feet in height and shall be installed in accordance with the Florida Building Code. All fences installed pursuant to this Section shall be subject to the visibility at intersections requirements of Article 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection of this Code.

f. Parking

Parking to serve the temporary structure shall be within the construction site.

g. Removal

The temporary structure shall be removed from the site after issuance of the Final Certificate of Occupancy (CO) or a Certificate of Completion (CC), of the permanent structure, unless a time extension is granted by the Building Official. Construction fences may be required to remain or be installed for safety purposes after the construction ceases. **[Partially relocated from Art. 5.B.1.B.3.a.5) Removal – Construction Trailer]**

Part 3. ULDC Art. 5.B.1.B.4, Portable Storage Container (page 44 of 110), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Clarify that the portable storage containers (PODs) are not subject to Building Permit review, the regulations are established to ensure the container is located within the driveway of the property, and adhere to the required setbacks to address impact issues. Clarify that the Portable Storage Containers are also not subject to the review of Zoning Division, but if there are violations of these requirements, Code Enforcement staff will utilize this Section to cite the property owner(s).

2. Delete Shipping Container, definition and the clarification that a repurposed shipping container is not considered a shipping container. The container is considered as a temporary structure used to facilitate some types of construction activities, and the requirements are already included under the proposed consolidated code as listed in this Section of Art. 5.

4. Portable Storage Container

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EXHIBIT G

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 9/14/18)

- 1 Portable storage containers may be used for the temporary storage of goods for residential
2 uses subject to the following requirements, and shall be exempt from the Zoning Division and
3 Building Permit review: [Ord. 2017-025]
4 a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be
5 allowed, for no more than 2 times a year for a maximum of 15 days each time. [Ord. 2017-
6 025]
7 b) Shall be located on driveways not to overlap easements, sidewalks or R-O-W. and, [Ord.
8 2017-025]
9 c) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other
10 driveway areas are available, the setback may be reduced subject to the dimensions in
11 Art. 6.C.1.A.1.a, Local or Residential Access Streets. and, [Ord. 2017-025]
12 d) Code Enforcement Division shall utilize the above requirements for any citation of
13 violations.

14 **Part 4. ULDC Art. 5.B.1.C, Flex Space (page 44-45 of 110), is hereby amended as follows:**
15

Reason for amendments: [Zoning]
1. Reorder Flex Space from Art. 5.B.1.C to Art.5.B.1.D.

16 **G. D. Flex Space**

- 17
18 **3. Uses Allowed**
19 The uses indicated in the table below, may utilize flex space provisions pursuant to the
20 applicable approval process indicated in Review Process above. **[Ord. 2017-007]**
21

Table 5.B.1.GD - Uses Allowed as Flex Space Component

Commercial Use	Industrial Uses
Retail Sales (1)	Contractor Storage Yard (2) Manufacturing and Processing (2) Warehouse (2) Wholesaling (2)
[Ord. 2017-007]	
(1) Flex space use to be allowed in IND or EDC FLU designation subject to DRO Approval.	
(2) Flex space use to be allowed in CH FLU designation subject to Class A Conditional Use approval.	

22
23
24 **Part 5. ULDC Art. 2.G.4.A, Building Official (page 93 of 99), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Clarify interpretation of Art. 5.B.1.C, Temporary Structure is subject to the Building Official.

25
26 **Section 4 STAFF OFFICIALS**

27 **A. Building Official**

- 28 **1. Creation and Appointment**
29 The Building Director of PZB shall be the division head of the Building Division of PZB, and
30 shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the
31 provisions of Chapter 1 (Administration) of The Florida Building Code with PBC Amendments.
32 **2. Jurisdiction, Authority and Duties**
33 In addition to the jurisdiction, authority and duties which may be conferred upon the Building
34 Official of PZB by other provisions of PBC Code, the Building Official of PZB shall have the
35 following jurisdictions, authority and duties under this Code: **[Ord. 2011-016]**
36 a. to interpret Art. 18, Flood Damage Prevention when the Building Official is also the Flood
37 Damage Prevention Administrator. **[Ord. 2011-016]**
38 **b. to interpret Art. 5.B.1.C, Temporary Structures;**
39 ~~b.c.~~ to review and approve, approve with conditions, or deny applications for development
40 permits for building permits; and
41 ~~c.d.~~ to review and approve, approve with conditions, or deny applications for development
42 permits for certificates of occupancy or completion.
43

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EXHIBIT H
ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO
[RELATED TO HOUSING TYPES]
SUMMARY OF AMENDMENTS

CR 2018-024
(Updated 09/10/18)

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

Reason for amendments: [Zoning]
1. Art. 3.E.1.E allows a change in housing type, a transfer in density or a density decrease from one Residential pod to another within the same Planned development, however this allowance is being cross referenced in Art. 2 under the processes and procedures. This amendment is to establish criteria for staff to evaluate whether the Applicant's request could be supported.

4 **CHAPTER C ADMINISTRATIVE PROCESSES**

5

6 **Section 5 Types of Application**

7

8 **B. Administrative Modifications to Prior DOs**

9

10 **2. Standards**

11 When considering a DO request for Administrative Modifications, the DRO shall utilize the
12 same Standards a through c pursuant to the Administrative Approval of a new use, the DRO
13 shall also consider the limitations and criteria stated in the following Table: [Ord. 2018-002]
14

Table 2.C.5.B - Administrative Modifications to Prior DOs		
Request	Allowable Modification	Criteria
Full DRO		
....		
ZAR		
....		
<u>Change in Housing Classification for PDD or TDD</u>	<u>Refer to Table 3.E.1.E - Housing Type</u>	<ul style="list-style-type: none"> • No height increase from the original BCC DO; and, • If there is a density transfer along with this request, comply with criteria listed below.
<i>Density Transfer</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<i>A maximum of 30 percent</i> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<ul style="list-style-type: none"> • <i>Units must be from one Residential pod to another Residential pod in the same PDD; and, [Relocated from Art. 3.E.1.E.1.h, Density Transfer]</i> • <i>The maximum number of units transferred to a Residential pod or TDD Neighborhood shall not exceed 30 percent above the number of units approved by the BCC for that pod or TDD Neighborhood. [Relocated from Art. 3.E.1.E.1.h, Density Transfer]</i>
<i>Density Decrease</i> [Relocated from Art. 3.E.1.E.1.i, Density Decrease]	<u>Allow reduction in the number of units</u>	<ul style="list-style-type: none"> • <u>The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and</u> • <u>Amendment to the approved Adequate Public Facilities to indicate a reduction in the number of units.</u>
Notes:		
(1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review.		
(2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]		
(3) Applicable to the Project Boundary instead of the individual property lines.		
(4) Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.		
[Ord. 2018-002]		

15
16
17 **Part 2. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision**
18 **Plan or Regulating Plan, (page 140-141 of 212), is hereby amended as follows:**
19

Reason for amendments: [Zoning]
1. Clarify that an Applicant may request to change housing classification from one residential pod to another residential pod subject to limitations. The allowable change criteria through the Administrative Review process is consolidated in Art. 2 under Table 2.C.5.B - Administrative Modifications to Prior DOs.
2. Clarified housing classifications for detached housing as SF, Cottage and ZLL and attached as Townhouse and Multifamily.

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EXHIBIT H
ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO
[RELATED TO HOUSING TYPES]
SUMMARY OF AMENDMENTS

CR 2018-024
(Updated 09/10/18)

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

2 **Section 1 General**

3 **E. Modifications**

4 Modifications to a planned development with a valid development order shall comply with Art.
5 2.A.6.B, Plan Requirements and Art. 2.C.5.B, Administrative Modifications Prior DOs. **[Ord. 2009-**
6 **040]**

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

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

15 **a. Consistency**

16 Modifications shall be consistent with the representations regarding the original approval,
17 the conditions of approval, and the development order. Modifications which change the
18 original goals or intent of the project, such as reduce internal trip capture, reduce non-
19 vehicular circulation or cross access, reduce the amount of affordable housing without a
20 corresponding decrease in density, or reduce the amount of land allocated to the
21 preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

22 **b. Pods**

23 The re-designation of a pod from one pod type to another shall require approval by the
24 BCC. The reconfiguration of pods may be approved by the DRO only if determined to be
25 an improvement to the project and no adverse impact on adjacent properties.

26 **c. Housing Classification ~~and Type~~**

27 The Housing type classification(s) approved by the BCC for each Residential pod may
28 only be changed through the ZAR process pursuant to Table 2.C.5.B, Administrative
29 Modifications to Prior DOs or Full DRO, whichever is applicable, and subject to the
30 limitations listed below as follows: **[Ord. 2018-002]**

Table 3.E.1.E - Housing Classification Type (1-2) (3)

From	To
<u>AttachedMF</u>	<u>Attached (1) Townhouse, Zero Lot Line, or Single Family</u>
<u>AttachedTownhouse</u>	<u>Detached MF with Maximum height of 35 feet, Zero Lot Line or Single Family</u>
<u>DetachedZLL</u>	<u>DetachedSingle Family</u>
Notes:	
1. Provided there is no height increase from the originally approve housing type.	
2. <u>Housing Classification Attached are Multifamily or Townhouse Housing Types</u>	
3. <u>Housing Classification Detached are Cottage Home, Zero Lot Line, or Single Family Housing Types</u>	
[Ord. 2018-002]	

32 **Reason for amendments:** [Zoning]

1. Relocate and consolidate density transfer and density decrease provisions reference next to the provisions that pertain to change of housing type between pods. The actual standards have been relocated as criteria in Table 2.C.5.B - Administrative Modifications to Prior Development Orders that are allowed through the Zoning Agency Review process.

33 **d. Density Transfer**

34 The Applicant may request a density transfer or a density decrease pursuant to the Criteria
35 listed in Table 2.C.5.B, Administrative Modifications to Prior DOs. A density transfer may
36 be processed in conjunction with a change in housing classification.

37 **de. Recreation**

38 The amount of recreation and useable open space shown on a plan approved by the BCC
39 shall not be reduced. Alternative locations may be approved by the DRO only if determined
40 to be an improvement to the project and no adverse impact on adjacent properties.

41 **ef. Traffic**

42 There shall be no substantial increase in traffic impact above that approved by the BCC,
43 as determined by the County Engineer.

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EXHIBIT H
ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO
[RELATED TO HOUSING TYPES]
SUMMARY OF AMENDMENTS

CR 2018-024
(Updated 09/10/18)

- 1 **fg. Access**
2 Access shall not be added to roads external to the project, internal roads indicated on the
3 Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod
4 and the addition of emergency access ways as required by PBC Fire Rescue. The DRO
5 shall ensure the District Commissioner is notified of this request in advance of final DRO
6 approval. The access point shall be secured by a gate that has the necessary mechanism
7 to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads
8 external to a residential pod, but internal to the project, may be added in accordance with
9 Art. 11, Subdivision, Platting, and Required Improvements. **[Ord. 2015-006]**
- 10 **gh. Non-Vehicular Circulation**
11 Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall
12 maintain a continuous non-vehicular circulation system within the project.
- 13 **h. ~~Density Transfer~~**
14 ~~The DRO may transfer a maximum of 30 percent of the un-built units from one pod to~~
15 ~~another pod in the same PDD. The maximum number of units transferred to a pod shall~~
16 ~~not exceed 30 percent above the number of units approved by the BCC for that pod.~~
17 **[Partially Relocated to Table 2.C.5.B - Administrative Modifications to Prior DOs]**
- 18 **i. ~~Density Decrease~~**
19 ~~The DRO may decrease the number of un-built units in a PDD, provided the resulting gross~~
20 ~~density of the project is consistent with the Plan.~~
21

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**EXHIBIT I
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CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS**

**CR-2018-031
(09/17/2018)**

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.
2. The proposed amendments address comments received from the FDOT Aviation and Spaceports Office on the amendments adopted in Round 17-01 [Ord. 2017-026]
3. The proposed amendments include updated references for locational criteria for educational facilities per amendments to Chapter 333. Airport Zoning adopted in 2016, and to clarify the location exemption for educational facilities and residential land uses.
4. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information is difficult to interpret and plot accurately and will be mapped and available on myGeoNav or available from the Department of Airports.
5. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.
6. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning.
7. The proposed amendment adds a reference to Art. 1.F Nonconforming Site Elements for site lighting.

1

2

3 **Part 1. ULDC Art. 1.F.5 Nonconformities, (page 25 of 118) is hereby amended as follows:**

Reason for amendments: [Airports]
1. The proposed amendment adds a reference to Art. 16 Airport Zoning for non-conforming site elements, specifically site lighting. Site lighting is one of the elements in the Regulated Areas in the Airport Land Use Compatibility Zoning Regulations.

4 **Section 5 Nonconforming Site Element**

5 **A. Applicability**

6 This Section establishes procedures for improvements and modifications to a prior approval with
7 nonconforming site elements and establishes thresholds for vesting nonconformities. This Section
8 shall apply to non-conforming site elements, including but not limited to: Art. 5.E.4.E, Outdoor
9 Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8, Signage that may be impacted by proposed
10 improvements or modifications to a prior approval. In addition, this Section shall also apply to
11 projects that meet the threshold pursuant to Art. 5.B, Accessory Uses and Structures and Art. 5.C,
12 Design Standards, and those that are subject to Art. 16 Airport Zoning. [Ord. 2010-005]
13
14

15 **Part 2. ULDC Art. 1.I. 2 Definitions, (pages 32, 33, and 83 of 118) are hereby amended as follows:**

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.

16 **CHAPTER I DEFINITIONS AND ACRONYMS**

17 **Section 2 Definitions**

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

19

20 **50. Airport protection zoning regulations – for the purposes of Art. 16 means airport zoning**
21 **regulations governing airport hazards.**

22 **[Renumber accordingly]**

23 **5453. Alteration -**

24
25 a. for the purposes of Art. 9, any change affecting the exterior appearance of an existing
26 structure or improvement by additions, reconstruction, remodeling, maintenance or
27 structural changes involving changes in form, texture, materials or color or any such
28 changes in appearance in specially designated historic sites, or historic interiors;

29 b. for the purposes of Art. 14.C, Human caused activity that modifies, transforms or otherwise
30 changes the vegetation, including, but not limited to:

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- 1) Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter nodal cutting, or poisoning) of vegetation excluding prescribed burns for the management of native vegetation communities;
- 2) Removal, displacement, demucking or disturbance of soil, rock, minerals or water within the plant's root zone;
- 3) Introduction of livestock for grazing; **[Ord. 2005-003]**
- 4) Placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; and
- 5) Use of mechanical equipment within the plant's root zone.
- c. for the purposes of Art. 16, modification to any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

[Renumber accordingly]

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

....

36. Person -

- a. For the purposes of Art. 14, any individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such jointly or severally.
- b. For the purposes of Art. 15 - any individual, corporation, company, association, partnership, state, subdivision of the State, municipality or federal agency.
- c. For the purposes of Art. 16, any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

....

Part 3. ULDC Art. 2.G.3.A.2. LDRAB (page 82 of 105) are hereby amended as follows:

Reason for amendments: [Airports]

1. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning. The Statute allows that if a preexisting commission already exists that this commission can also be appointed as the Airport Zoning Commission.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

1. Land Development Regulation Advisory Board

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

2. Powers and Duties

The LDRAB shall have the following powers and duties under the provisions of this Code:

- a. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
- b. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; ~~and~~
- c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S. § 163.3164(22-25) and F.S. § 163.3194; ~~and~~
- d. to serve as the Airport Zoning Commission pursuant to Section 333.05(2), F.S.

Part 4. ULDC Art. 4.B, Use Classification, (pages 75 and 79 of 204) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To be consistent with the regulations in Chapter 333.03, Florida Statutes as amended in 2016 for locational criteria for restricted uses for educational facilities.

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- 1 **CHAPTER B USE CLASSIFICATION**
2
3 **Section 4 Institutional, Public and Civic Uses**
4
5 **C. Definitions and Supplementary Use Standards for Specific Uses**
6
7 **5. College or University**
8
9 **d. Airport Land Use Compatibility Zoning**
10 The establishment of a new college or university shall be prohibited in accordance with Art.
11 16.C.1.E.2, Prohibited Land Uses.
12
13 **15. School - Elementary or Secondary**
14
15 **b. General**
16
17 **3) Airport Land Use Compatibility Zoning**
18 ~~New schools shall not be located within five miles of either end of a runway, pursuant~~
19 ~~to Art. 16, Airport Regulations, and State Statutes. The establishment of a new school~~
20 ~~shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.~~
21
22
23

24 **Part 5. ULDC Art. 16.B.1. Airspace Height Regulations (pages 4 – 8 of 15) are hereby amended**
25 **as follows:**

Reason for Amendment: [Airports]
1. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information will be mapped and available on myGeoNav or available from the Department of Airports.
2. Per the existing language, only those proposed structures/developments within 3,500 feet of the airport reference point (ARP) or those that penetrate the Part 77 surfaces would need to be reviewed by the FAA for impacts to the airspace surrounding the County's airports. In some cases, the 3,500-foot radius area from the ARP does not leave the airport property. The proposed language is consistent with the standards set forth within 14 CFR Part 77.9 -Safe, Efficient Use, and Preservation of Navigable Airspace (U.S. Code) related to the requirements for review by the FAA for impacts related to obstructions to air navigation. An airspace hazard can occur within any area of Palm Beach County; the new proposed Zone 1 is essentially the existing Zone 2, and the new proposed Zone 2 encompasses the remainder of the County. The basic premise of the changes is to alert proposers that they need to utilize the FAA Notice Criteria Tool to determine the need to file with the FAA.

- 26 **CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS**
27 **Section 1 Airspace Height Regulations**
28 **A. General**
29 In order to carry out the provisions of this Article, there are hereby created and established certain
30 zones which include all of the applicable land lying beneath the primary, horizontal, conical,
31 approach, and transitional surfaces as they apply to a particular airport. To regulate height, an
32 Airspace Notification Map, Appendix 1, and a procedure to review and permit obstructions has
33 been established. Airport height limitations and the notification procedures established in this
34 Section conform to the standards for determining obstructions to air navigation of Federal Aviation
35 Regulations Part 77, ss. 77.~~23~~ 17.
36
37
38 **C. Regulated Areas**
39
40 **1. Publicly-Owned, Public Use Airports**
41 **a. Zone 1—**
42 ~~All construction within 3,500 feet from the airport reference point in all directions. That area~~
43 ~~within the County limits extending outward 20,000 feet from the nearest point of the nearest~~
44 ~~runway of each County owned and operated airport, excluding heliports, as depicted on~~

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the Airspace Notification Map as Zone 1. This zone depicts an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet.

b. Zone 2 –

~~Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point. That area within the County outside the limits of Zone 1 as depicted on the Airspace Notification Map. The height for Zone 2 is 200 feet above ground level (AGL).~~

....
D. Airport Zones Established

Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps described below. These maps are ~~on file at the DOA and PZB and are incorporated herein~~ available online utilizing the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>. These maps are also included by reference and attached as Appendices 2-7, available at The Department of Airports.

....
E. Airport Runway Categories Defined

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. ~~The category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The zones associated with each airport in this Article correspond to the civil airport imaginary surfaces defined in FAR Part 77, §77.19, and are contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.~~

Table 16.B.1.E-1 Runway Category and Runway Protection Zone (RPZ) Defined, by Airport

Airport/Runway	Runway	Length	Inner Width	Outer Width	RPZ Acres	
Palm Beach International (PBI)	Runway 10L	Precision	2,500	1,000	1,750	78.914
	Runway 28R	Precision	1,700	1,000	1,510	48.978
	Runway 14/32	Non-Precision	1,700	500	1,010	29.465
PBC Park (Lantana)	Runway 10R/28L	Visual	1,000	500	700	13.770
	Runway 09/27	Non-Precision	1,700	500	1,010	29.465
	Runway 15/33	Non-Precision	1,700	500	1,010	29.465
PBC Glades (Pahokee)	Runway 03/21	Visual	1,000	500	1,010	13.770
	Runway 17/35	Non-Precision	1,700	500	1,010	29.465
Belle Glade Municipal Palm Beach North County	Runway 09/27	Visual	1,000	500	700	13.770
	Runway 08R	Precision	1,700	1,000	1,510	48.978
	Runway 26L	Non-Precision	1,700	500	1,010	29.465
Boca Raton	Runway 13/34	Non-Precision	1,700	500	1,010	29.465
	Runway 08L/26R	Visual	1,000	500	700	13.770
	Runway 05/23	Non-Precision	1,700	500	1,010	29.465

[Ord. 2017-025]

F. Airport Height Limitations

1. General

....
c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Airports Director, ~~or their~~ designee, to be a hazard to the safe and efficient use of airspace around an airport.

G. Airport Height Zone Definitions and Limitations

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view ~~in Appendices 2 through 7 and in isometric view in Appendix 15 in the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.~~ The specific definitions of each airport height zone (horizontal distance, width, arc radius, etc.) are listed on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway. General definition and height limitations are described in the Subsections to follow.

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Table 16.B.1.G-2 Specific Zone Definition, By Airport, By Runway

Airport/ Runway	Primary Zone Width (in feet)	Horizontal Arc Radius (in feet)	Conical Zone (in feet)	Approach Zone (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT (PBJA)						
Rwy 10L/28R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 14/32	500'			10,000'	500'	3,500'/1,500'
Rwy 10R/28L	250'	5,000'		5,000'	250'	1,250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/21						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'
[Ord. 2017-025]						

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1. Primary Zone Definition

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b. Primary Zone Width for each Specific Airport

The specific width of each Primary Zone for each airport is ~~listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

2. Horizontal Zone Definition

a. Horizontal Zone Height Limitations

~~No Only~~ structures or obstructions ~~that has a height greater than 150 feet above the airport elevation, for which the FAA has issued a determination of no hazard~~ will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

a. Conical Zone Height Limitation

~~No Only~~ structures or obstructions ~~for which the FAA has issued a determination of no hazard~~ will be permitted in the Conical Zone, ~~that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance,~~

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~~measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.~~

4. Approach Zone Definition

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

4a. Approach Zone Height Limitations

~~The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.~~

~~Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted in the Approach Zone.~~

4b. Approach Zone Horizontal Distance for each Specific Airport

The specific Approach Zone dimensions for each airport is ~~listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.~~

Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International (PBIA)	Runway 10L/28R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 14/32	One foot vertically for every 34 feet of horizontal distance.
	Runway 10R/28L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/21	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/23	One foot vertically for every 34 feet of horizontal distance.

[Ord. 2017-025]

5. Transitional Zone Definition

....

a. Transitional Zone Height Limitation

~~No Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted within the Transitional Zone, greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone. [Ord. 2017-025]~~

6. Terminal Navigational Aid Obstruction Zone

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse effect on the safe and efficient

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operation of navigational facilities. ~~An Airport Surveillance Radar (ASR) facility. A~~ Navigational Aid Obstruction Zone has been established extending outward 3,500 feet from the nearest point of the nearest runway of each County owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 1. extending in all directions to a radius of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map, Appendix 1. [Ord. 2017-025]

....

Part 6. ULDC Art. 16.B.1. Airspace Height Regulations (pages 8-10 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

1. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.

CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS

Section 1 Airspace Height Regulations

....

H. Airspace Height Review Procedures

All new construction, reconstruction or alteration that adds height to any obstruction within areas shown on the "Airspace Notification Map", Appendix 1, shall be reviewed for compliance with the standards of this Section. [Ord. 2017-025]

1. General

No Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB and County Attorney. No development permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or ~~exceed an obstruction standard of is determined a hazard by the~~ Federal Aviation Regulations Part 77 or other applicable Federal or State rules or regulations. [Ord. 2017-025]

a. Exemption

A Permit is not required for existing structures that received construction permits from the Federal Communications Commission for structures exceeding federal obstruction standards before May 20, 1975; a permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged.

2. Permit for Obstruction Review Procedures

An application for the construction, reconstruction or alteration of any obstruction must be reviewed in accordance with the development review procedures in Article 2, Application Processes and Procedures, prior to certification or approval of an application by DRO or issuance of a building permit for a permanent or temporary obstruction located within areas Regulated by this Article. [Ord. 2017-025]

a. FAA Review

1) ~~The DOA shall inform~~The applicant must utilize the FAA's Notice Criteria Tool found on the FAA's Obstruction Evaluation/Airport Airspace Analysis website at <https://oeaaa.faa.gov/> and submit the results to DOA. This tool will inform the applicant that review by the FAA is required if: ~~DOA determines that~~ the proposed obstruction represented in the application may exceed: [Ord. 2017-025]

1) ~~a) The standards of Federal Aviation Regulations Part 77. The structure will exceed 200 feet above ground level;~~

2) ~~b) The provisions of Article 16.B.1.F, Airport Height Limitations, and Article 16.B.1.G, Airport Height Zone Definitions and Limitations. The structure will be in proximity to an airport and will exceed the slope ratio of 100:1;~~

3) ~~c) Any other Federal or State rules and regulations; or. The structure involves construction of a traverseway (i.e. highway, railroad, waterway, etc.) and once adjusted upward with the appropriate vertical distance would exceed a standard of Part 77.9(a) or (b);~~

4) ~~d) Adversely affects the airspace surrounding any Airport defined herein. The structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy;~~

e) The structure will be in an instrument approach area and might exceed Part 77 Subpart C;

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- 1 f) The proposed structure will be in proximity to a navigation facility and may impact
2 the assurance of navigation signal reception;
3 g) The structure will be on an airport or heliport; or,
4 h) A filing has been requested by the FAA.
5 2) If the results of the Notice Criteria Tool indicate that the applicant must file, the FAA
6 must review and issue a determination of the proposal's effect on navigable airspace
7 where such ~~per~~ notification under Title 14, CFR, Part 77 is required. PZB shall
8 suspend any review of any development permit application process until FAA findings
9 of aeronautical affect are approved determined.
10 5)a) Responsibility of the Applicant
11 a)(1) The Applicant shall submit FAA Form 7460-1 electronically via the
12 FAA's website at https://oeaaa.faa.gov/.
13 b)(2) When the results are received, the Applicant shall submit in person
14 or forward by Certified Mail (Return Receipt Requested) to the DOA, the
15 FAA's determination of aeronautical affect, including a valid aeronautical
16 study number and a copy of the original electronic submittal of FAA Form
17 7460-1. [Ord. 2017-025]
18 **b. DOA Review**
19 **1) No application for development shall be approved solely on the basis that the FAA has**
20 **issued a determination of no hazard to air navigation under a valid aeronautical study.**
21 Following receipt of the FAA finding determination of aeronautical affect, if required,
22 the DOA shall consider the following criteria when determining whether to recommend
23 certification or approval of certify a development application with or without conditions
24 of approval; or recommend issuance or denial of a building permit with or without
25 conditions. [Ord. 2017-025]
26 a) The safety of persons on the ground and in the air; [Ord. 2017-025]
27 b) The safe and efficient use of navigable airspace; [Ord. 2017-025]
28 c) The nature of the terrain and height of existing structures; [Ord. 2017-025]
29 d) The effect of the construction or alteration on the state licensing standards for a
30 public-use airport contained in Chapter 333 FS and rules adopted thereunder; [Ord. 2017-025]
31 [Ord. 2017-025]
32 e) The character of existing and planned flight operations and developments at
33 public-use airports; [Ord. 2017-025]
34 f) Federal airways, visual flight rules, flyways and corridors, and instrument
35 approaches as designated by the FAA; [Ord. 2017-025]
36 g) The effect of the construction or alteration of the proposed structure on the
37 minimum descent altitude or the decision height at the affected airport; [Ord.
38 2017-025]
39 h) The cumulative effects on navigable airspace of all existing structures and all other
40 known proposed structures in the area; and, [Ord. 2017-025]
41 i) Any additional code requirements pertinent to evaluate and protect airspace and
42 airport operations.
43 **2) FDOT Review**
44 *Following receipt of a complete application indicating that the proposed construction*
45 *or alteration could be an obstruction, the DOA shall provide a copy of the application*
46 *to the FDOT aviation office for their review and evaluation pursuant to Chapter*
47 *333.025, Florida Statutes. [Relocated from Art. 16.B.1.H.2.b.4]*
48 **23) Structure(s) Not Exceeding Obstruction Standards or Other Provisions**
49 DOA shall review the FAA's determination issued in response to the applicant's FAA
50 Form 7460-1, any comments received from FDOT and the permit application. If ~~DOA~~
51 ~~determines that~~ the proposed construction or alteration ~~does not exceed the height~~
52 ~~limitations in this Section is not a hazard~~, the DOA shall ~~issue the permit~~ recommend
53 certification or approval of an application by the DRO with or without conditions of
54 approval or ~~issue~~ issuance of a building the permit with or without conditions ~~of~~
55 ~~approval~~ so that the proposed structure may be erected in accordance with permitting
56 requirements of PZB. PZB may certify the development application or issue a building
57 permit, as applicable. The applicant shall present a copy of the permit to PZB with the
58 development application or building permit application. [Ord. 2017-025]
59 **34) Structure(s) Exceeding Obstruction Standards or Other Provisions**
60 DOA shall review the FAA's determination issued in response to the applicant's FAA
61 Form 7460-1, any comments received by FDOT and the permit application. If ~~DOA~~
62 ~~determines~~ the proposed obstruction ~~exceeds the height limitations outlined in this~~

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1 ~~Section is a hazard~~, then the DOA shall deny the permit. The notice shall state the
2 reasons for denial and inform the applicant that they may appeal the decision pursuant
3 to Article 16.C.2. [Ord. 2017-025]

4 ~~4) FDOT Review~~

5 ~~Following receipt of a complete application, the DOA shall provide a copy of the~~
6 ~~application to the FDOT aviation office for their review and evaluation pursuant to~~
7 ~~Chapter 333.025, Florida Statutes. [Ord. 2017-025]~~ [Relocated to Art.

8 16.B.1.H.2.b.2]

9 **c. Building Permit Requirement**

10 The applicant shall present a copy of the Permit, along with all Development Order
11 comments and conditions of approval, to the Building Director in order to ensure that any
12 conditions are adequately addressed prior to the issuance of a building permit, including
13 obstruction lighting and marking conditions, if applicable. [Ord. 2017-025]

14 **d. Obstruction Marking and Lighting**

15 The owner shall mark and light the structure in accordance with the provisions of Chapter
16 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the
17 FAA Advisory Circular 70/7460H-1L, ~~Obstruction Marking~~ or and ~~Lighting~~, as may be
18 amended from time to time. The permit may be conditioned to require the applicant to mark
19 and light the structure, at applicant's own expense, or to allow DOA to install, operate and
20 maintain at its own expense, such markers and lights as may be necessary to indicate to
21 pilots the presence of an airspace obstruction if warranted.

24 **Part 7. ULDC Art. 16.C.1, Airport Land Use Regulations (page 10-11 of 15) are hereby amended
25 as follows:**

Reason for Amendment: [Airports]
1. The proposed amendments updates reference to Airport Zones as this information is now mapped and available on myGeoNav or from the Department of Airports.
2. To add Zone 3 to the Regulated Areas for land use compatibility for purposes of applying the Additional Use Regulations to a geographic area larger than the RFP and ALUNZ for protection of airspace.
3. To clarify that the definition of construction does not include those improvements that are underground and not regulated by this Article.

26 **CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS**

27 **Section 1 Airport Land Use Regulations**

28 **A. General**

29 In order to carry out the provisions of this Article, there are hereby created and established certain
30 zones, which include all the land lying beneath the Runway Protection Zone (RPZ) and within
31 Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport, and within Zone 3.
32 All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9
33 through 14 are subject to review and technical analysis by DOA, and other applicable governmental
34 agencies, in consultation with PZB, in accordance with this Article. [Ord. 2017-025]

35 To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule
36 Appendix 8, maps and review procedures have been established. ~~The RPZ dimensions are defined~~
37 ~~in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The~~
38 ~~noise zones are depicted on the Airport Land Use Noise Maps, (Appendices 9 through 14).~~

39 **B. Regulated Land Use**

40

41 **1. Construction, defined**

42 For purposes of this Section, construction includes but is not limited to creating new structures,
43 making alterations or repairs and additions to any existing building or structure, or moving or
44 relocating a building(s) or structure(s) within a Regulated Area. Construction does not include
45 paving, ~~drainage~~ underground utility infrastructure or similar types of improvements. [Ord.
46 2017-025]

47

48 **C. Regulated Areas**

49 To regulate land uses within the RPZ and ALUNZ, ~~an~~ Off-Airport Land Use Compatibility
50 Schedule, maps and review procedures have been established. Only the portion of the lot falling
51 within the boundaries of the Schedule, maps and review procedures have been established.

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1 within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use
2 Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport
3 operations within these zones. **[Ord. 2017-025]**

4 **1. Runway Protection Zone (RPZ)**

5 The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport
6 Zoning Maps, ~~in Appendices 2 through 7 on the County's myGeoNav application~~
7 <http://maps.co.palm-beach.fl.us/mygeonav/>, or on the Airport Layout Plan for all County-owned
8 airports in PBC ~~available at the Department of Airports.~~

9 **2. Airport Land Use Noise Zones (ALUNZ)**

10 The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable
11 Airport Land Use Zone Maps, ~~in Appendices 9 through 14, on the County's myGeoNav~~
12 [application http://maps.co.palm-beach.fl.us/mygeonav/](http://maps.co.palm-beach.fl.us/mygeonav/) for all airports in PBC.

13 **3. Zone 3**

14 ~~That area within the County limits extending outward 10,000 feet from the nearest point of the~~
15 ~~nearest runway for each County owned and operated airport, excluding heliports, as depicted~~
16 ~~on the Airspace Notification Map as Zone 3.~~

17
18
19 **Part 8. ULDC Art. 16.C.1.E.2, Prohibited Land Uses, (page 12 of 15) are hereby amended as**
20 **follows:**

Reason for Amendment: [Airports]
1. To be consistent with the regulations in Chapter 333.03, Florida Statutes for locational criteria for restricted uses for educational facilities.
2. To clarify the exemption provision for locational criteria residential uses.

21 **CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS**

22 **Section 1 Airport Land Use Regulations**

23

24 **E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)**

25

26 **2. Prohibited Land Uses**

27 a. In no case shall a new Limited or General Day Care, ~~or~~ School- Elementary or Secondary,
28 ~~or College or University, with the exception of aviation school facilities,~~ be permitted within
29 an area contiguous to the airport measuring ½ the length of the longest runway on either
30 side of and at the end of each runway centerline at either end of a runway within an area
31 that extends five statute miles in a direct line along the centerline of the runway and which
32 has a width of the length of 1/2 the runway.

33 **1) Exemption**

34 For Palm Beach International Airport (PBI) and Boca Raton Airport that have
35 completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use
36 Compatibility Studies, educational land uses within regulated areas defined in Article
37 16.C.1.D.1.a Palm Beach International Airport (PBI) and Article 16.C.1.D.1.b Boca
38 Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the
39 study or be compliant with 14 C.F.R. Part 150 Appendix A.

40 **42)** Nothing in subsection a. above shall be construed to require the removal, alteration,
41 sound conditioning, or other change, or to interfere with the continued use or expansion
42 to contiguous properties of any public or private educational structure in existence, or
43 real property in use, on November 1, 1996. Construction of new education structures
44 shall meet the provisions of Article 16.B.1.H, Airspace Height Review Procedures, and
45 the provision of sound insulation materials in accordance with established architectural
46 and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later
47 version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft
48 Operations, is encouraged.

49 **23)** The language in subsection a. above shall not be construed to require the removal,
50 alteration, sound conditioning, or other change, or to interfere with the continued use
51 or expansion of any Limited or General Day Care use in existence, or real property in
52 use, or with a valid development order prior the effective date of this Ordinance.
53 Expansion or alterations of a Day Care located within the runway area that represents
54 an increase in the number of occupants shall be prohibited. **[Ord. 2011-016]**

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- b. In no case shall new residential construction be permitted within an area contiguous to the airport measuring ½ the length of the longest runway on either side of and at the end of each runway centerline unless it meets the conditional notes in the Off-Airport Land Use Compatibility Schedule - Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10-14.

1) Exemption

~~Land uses within regulated areas defined in Article 16.C.1.D.1.a, Palm Beach International Airport (PBI) and Article 16.C.1.D.1.b, Boca Raton Airport Land Use Noise Zone (Airports which have completed Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Studies), "Palm Beach International Airport and Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set forth herein.~~

For Palm Beach International Airport (PBI) and Boca Raton Airport that have completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use Compatibility Studies, residential land uses within regulated areas defined in Article 16.C.1.D.1.a Palm Beach International Airport (PBI) and Article 16.C.1.D.1.b Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 C.F.R. Part 150 Appendix A.

- c. In no case shall a new Landfill be permitted, or an existing Landfill expanded, within 10,000 feet from the nearest point of any Airport runway used by only turbine aircraft; within 5,000 feet from the nearest point of any Airport runway used by only nonturbine aircraft; or within the lateral limits of the civil airport imaginary surfaces, ~~Appendix 15.~~

Part 9. ULDC Art. 16.C.1.E.3, Additional Use Regulations, (page 12-13 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

- | |
|---|
| 1. To clarify that the additional use regulations are apply to the three Regulated Areas. |
|---|

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....
E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)

....
3. Additional Use Regulations

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule Appendix 8, all uses within Regulated Areas shall comply with the following provisions:

....
c. Obscuration

No operations of any type shall produce smoke, glare or other obscuration ~~within three statute miles of any usable runway of a public airport.~~

....
e. Noise Level Reduction (NLR) Requirements

~~If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.~~

1) Exemptions

~~Land Uses within regulated areas defined in Article 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.~~

2) Use and Occupancy

~~Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.~~

3) Relocated Buildings

~~Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.~~

4) Proposed or Newly Constructed Buildings

~~Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16,~~

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~~AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]~~

~~**5) Design Requirements**~~

~~The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]~~

~~[Relocated to Art. 16.C.1.F.1 below]~~

fe. Disclosure

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed or altered, as provided in Article 16, AIRPORT REGULATIONS, proposed to be located within regulated areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

Part 10. ULDC Art. 16.C.1.F, Review Procedure for Airport Land Use Noise Zones (ALUNZ), (page 13 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To better clarify that these regulations are applicable to lands within the ALUNZ.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

F. Review Procedure for Airport Land Use Noise Zones (ALUNZ)

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA in consultation with PZB shall review the application for compliance with this Article. **[Ord. 2017-025]**

1. Noise Level Reduction (NLR) Requirements

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

a. Exemptions

Land Uses within regulated areas defined in Article 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

b. Use and Occupancy

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

c. Relocated Buildings

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

d. Proposed or Newly Constructed Buildings

Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]

e. Design Requirements

The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is

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on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]
[Relocated from Art. 16.C.1.3.e above]

Part 11. ULDC Art. 16.C.3, Administration (page 13) and Art. 16.C.4 Enforcement (page 14) are hereby amended as follows:

Reason for Amendment: [Airports]
1. To be consistent with the nomenclature used in the code.
2. As Interlocal Agreements with municipalities with lands within regulated area are authored, this allows the cities to retain ultimate approval authority, and give the County to right to review and comment.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 3 Administration

- A.** This ~~section~~ Article of the ULDC shall be interpreted by the Director of Airports. DOA, in consultation with the PZB, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority ~~shall~~ may administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Permit for Obstruction is required, then the DOA ~~shall~~ may administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. **[Ord. 2008-003] [Ord. 2017-025]**
- B.** In the event that any violation of the requirements of this Article are found, the Director of Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this ~~Section~~ Article. **[Ord. 2017-025]**

....

Section 4 Enforcement

- A. Non-compliance**
Failure to comply with the requirements of this ~~Section- Article~~ or any permit or Approval granted or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease and Desist Order or withhold a Certificate of Occupancy until the provisions of this ~~Section Article~~ have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in F.S. Chapter 333.07, and F.S. Chapter 333.13, as may be amended from time to time, or may pursue any other remedy available at law, in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein shall be considered a separate offense and enforced in accordance with the provisions of Article 10, ENFORCEMENT. **[Ord. 2017-025]**

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EXHIBIT J

**PO DEVIATIONS
SUMMARY OF AMENDMENTS**

CR-2018-026
(Updated 09/14/2018)

1 **Part 1. ULDC Art. 2.A.2.C, Application Processes and Procedures, General, Zoning**
 2 **Applications, Application Types and Authorities, Table 2.A.2.C Board of County**
 3 **Commissioners (page 11-12 of 105), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications. The current Code has references in different Articles that allows development supporting government facilities within the PO Zoning District to request a Deviation approval from the BCC or the County Engineer from Code requirements. The reference for these Deviations are located within Article 2, Applicant Processes and Procedures; Article 4 Use Regulations; Article 5 Supplementary Standards; Article 6 Parking; Article 7 Landscaping; and Article 11 Subdivision, Platting and Required Improvements. This Amendment is to consolidate the references and clarify the process and procedures for the Deviations approved by the BCC. Deviations approved under Article 11, by the County Engineer remain the same.

4 **CHAPTER A GENERAL**

5

6 **Section 2 Zoning Applications**

7

8 **C. Application Types and Authorities**

9 For the purposes of this Article, the authority of the Board of County Commissioners, Zoning
 10 Commission and Development Review Officer shall be limited to the powers and duties pursuant
 11 to Art. 2.G, Decision Making Bodies on those applications specified below. **[Ord. 2006-036] [Ord.**
 12 **2018-002]**

13 **1. Board of County Commissioners (BCC)**

14 The BCC shall make a final decision on the following types of applications: **[Ord. 2018-002]**
 15

**Table 2.A.2.C - Board of County Commissioners
Legislative and Quasi-Judicial Processes**

Legislative
Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)
County Initiated Official Zoning Map Amendment (Rezoning)
Quasi-Judicial
Official Zoning Map Amendment (Rezoning) (1)
Class A Conditional Use (2)
Development Order Amendment (DOA) of a prior DO approved by the BCC
DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC
Development Order Abandonment (ABN) of a prior DO approved by the BCC
Status Report of a prior DO approved by the BCC (3)
Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center and Articles 5, 6, and 7 for development supporting Government Facilities within the Public Ownership (PO) Zoning District.
Public Ownership (PO) Deviations(4)
Type 2 Waiver
Unique Structure
Release of Agreement (3)
Administrative Inquiry (AI) (3)
Corrective Resolution for prior DO approved by the BCC
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]
Notes:
1. Only rezoning to a PDD or TDD will issue a DO. A rezoning to a Standard District with a COZ may result in the issuance of a DO.
2. Includes where it specifies the process is subject to the BCC in Table 4.A.9.B. – Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B, Use Classifications, Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.
3. This is not considered as quasi-judicial process, however, it is subject to the Public Hearing process.
4. PO Deviations reviewed by the BCC do not include those PO Deviations described in Article 11 that are reviewed and approved or denied by the County Engineer.

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EXHIBIT J

PO DEVIATIONS SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 09/14/2018)

1 **Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-application**
 2 **Conference (PAC) and Pre-Application Appointment (PAA) (pages 14-15 of 105), is**
 3 **hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

4 **CHAPTER A GENERAL**

5

6 **Section 5 Pre-application Conference (PAC) and Pre-application Appointment (PAA)**

7 It is mandatory for the Applicants to meet with staff prior to the official submittal of applications that are
 8 listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the
 9 requests are in compliance with the applicable Comprehensive Plan or Codes. **[Ord. 2018-002]**

Table 2.A.5 - PAC and PAA

PAC	PAA
Applications requesting an IRO (1)	PIA
Applications within the PRA (1)	Type 2 Variance
Concurrent Review (2)	Type 2 Waiver
-	Type 1 Waiver for Landscaping
-	Type 1 Variance
-	Zoning Confirmation Letter - Formal
-	WHP, AHP and TDR
	PO Deviations (3)
[Ord. 2018-002]	
Notes:	
1. A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.	
2. Applicants shall indicate whether they have questions related to the request(s) for staff to address before submitting for the Concurrent Review.	
3. <u>The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request.</u>	

12 **A. Pre-Application Conference (PAC)**

13

14 **B. Pre-Application Appointment (PAA)**

15 The purpose of a PAA is to provide the Applicant an opportunity to discuss the proposed request(s)
 16 with Zoning Division staff prior to the official submittal of an application. **[Ord. 2018-002]**

17 **1. Applicant's Request and Responsibility**

18 The Applicant shall request the PAA and specify whether the attendance of the other County
 19 Agencies is required. Prior to the PAA, the Applicant shall specify the requests, prepare a list of
 20 questions related to the subject property, and provide a copy of relevant information regarding the
 21 proposed development to the DRO.

22 **a.** For a DOA application, it shall be the responsibility of the Applicant to research and review prior
 23 approved files, which includes but not limited to, plans, resolutions and other relevant
 24 documents prior to the PAA. **[Ord. 2018-002]**

25 **b.** For a PO Deviation application, it is the responsibility of the Applicant to complete the
 26 Application including the Justification Statement, and provide a draft copy of these documents
 27 for review at the time of the PAA.

31 **Part 3. ULDC Art. 2.B.3, Application Processes and Procedures, Public Hearing Processes,**
 32 **General (pages 24-25 of 105) is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that the Government Agency is responsible for obtaining comments from other Government Departments on the review of proposed Deviation request.

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EXHIBIT J
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 09/14/2018)

1 **CHAPTER B PUBLIC HEARING PROCESSES**

2

3 **Section 3 General**

4 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
5 request(s), and in accordance with Table 2.A.2.C, Board of County Commissioners, Legislative and Quasi-
6 Judicial Processes, and Table 2.A.2.C, Zoning Commission, Quasi-Judicial Processes. For PO Deviation
7 application, the Applicant shall be responsible to coordinate the review of the application with the applicable
8 Agencies. The application(s) shall be assigned by the DRO to be reviewed through the Full DRO, which
9 consists of all applicable County Agencies. An Applicant may also request a Concurrent Review by the
10 DRO. [Ord. 2018-002]

11
12
13 **Part 4. ULDC Art. 2.B.4, Application Processes and Procedures, Public Hearing Processes,**
14 **Review, Resubmittal and Certification Title (page 25 of 105) is hereby amended as**
15 **follows:**

Reason for amendments: [Zoning]	
1.	Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2.	Clarify that the process for PO Deviations in that it is the Applicants responsibility to obtain comments from other Government Agencies and address their issues before proceeding to a Public Hearing.
3.	<u>At the August 22, 2018 LDRAB an issue was raised pertaining to Table 2.B.4 - Review, Resubmittal and Certification footnote 1 and reference "...Sufficiency review is completed by the DRO to ensure the requests complies with Article 2.B.7.G., Types of Applications." The reference to DRO is a Staff Official who's powers and duties are established under Article 2.G, and are not construed to mean a process or application type.</u>

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

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

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

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar (1)
Sufficiency Review by Staff	10 days from the date of Application Submittal.(1)
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.

[Ord. 2018-002]

1. PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the requests complies with Article 2.B.7.G., Types of Applications and PPM ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Article 11, shall be submitted directly to the County Engineer for review.

21
22 **A. Review**
23 The DRO shall prepare a list of issues and comments and make it available to the Applicant. The
24 Applicant shall provide a written response addressing all outstanding issues and comments by the
25 next Submittal date. [Ord. 2018-002]

26 **B. Certification**
27 If the resubmitted documents satisfy Code requirements and address the DRO's list of outstanding
28 issues and comments, the DRO shall issue a Result Letter indicating the certification of the
29 application. [Ord. 2018-002]

30 **C. Non-certification**
31 If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO
32 shall issue a Result List indicating that the application is not certified. [Ord. 2018-002]

33 **1. Resubmittal Requirements**
34 The Applicant shall provide a written response, addressing all outstanding issues and
35 comments for those applications that are not certified, in a manner and form acceptable to the

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EXHIBIT J
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 09/14/2018)

1 DRO. The revised documents shall be resubmitted on the Submittal date as established on the
2 Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002]

3 **D. Application Modification After Certification**

4 Applications shall not be significantly modified after certification, unless requested or agreed to by
5 the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a
6 scheduled public hearing date shall result in a postponement. For the purposes of this Article, a
7 modification shall be considered significant if it exceeds 30 percent or more change from the
8 certified plan or application request. The DRO may consider, but not limited to: intensity, density,
9 land area, or vehicular use areas, to determine whether the certified plans or documents exceed
10 the 30 percent threshold. [Ord. 2005 – 002] [Ord. 2018-002]

11 **E. Continuance or Postponement**

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

16
17
18 **Part 5. ULDC Art. 2.B.5, Application Processes and Procedures, Public Hearing Processes,**
19 **Notification (pages 26-28 of 105), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

20
21 **Section 5 Notification**

22 **A. Applicability**

23 Applications subject to Public Hearing or Type 1 Variance processes, corrective resolutions, or
24 Administrative Inquiries, or any application that will result in the redevelopment of an existing
25 occupied mobile home park, shall require notification to the public, in accordance with the following
26 Table: [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002]

Table 2.B.5.A – Notification Applicability

Requests	Newspaper Publication	Courtesy Notice	Signs
ABN (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1 Variance	N/A (2)	Yes	Yes
Type 2 Variance	Yes	Yes	Yes
PO Deviations	Yes	Yes	N/A
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
Redevelopment of Mobile Home Parks	N/A	N/A	Yes (4)
[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007][Ord. 2017-025] [Ord. 2018-002]			
Notes:			
1. Applies to Public Hearing and Administrative Abandonments, excluding: DOs advertised and abandoned simultaneously as part of a subsequent; and, DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Notification shall be required in compliance with F.S. 286.011.			
3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]			
4. In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional posting requirements.			

28
29 **B. Newspaper Publication**

30 Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S.
31 125.66. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

32 **C. Courtesy Notice**

33 **1. Applicability and Mailing Boundary**

34 Courtesy notices shall be mailed to all property owners, interested parties or other entities
35 identified in the following table: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-
36 031] [Ord. 2018-002]

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Table 2.B.5.C – Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)(7)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type 1 Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	N/A	Counties and Municipalities (4)
Type 2 Variance		NA	N/A	
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver, and PO Deviation)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2)	N/A

[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002]

Notes:

- Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban and Rural Tiers, or 1,000 feet for properties in other Tiers. **[Ord. 2012-003]**
- Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.
- Includes condominium associations and all real property owners when real property consists of a condominium.
- Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map
- The Applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. **[Ord. 2016-016]**
- Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry.
- A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban or Rural Tiers.

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2. Notice Content

Courtesy notices shall include the following information: **[Ord. 2011-016] [Ord. 2018-002]**

- A general summary of the application; **[Ord. 2011-016] [Ord. 2018-002]**
- A date, time and place for the Public Hearing(s) or the Public Meeting(s) for Type 1 Variance; **[Ord. 2011-016] [Ord. 2018-002]**
- A general location map of the subject property; ~~and~~ **[Ord. 2011-016] [Ord. 2018-002]**
- A statement indicating that interested parties may appear at the Public Hearing or the Public Meeting for the Type 1 Variance to be heard regarding the request; ~~and~~ **[Ord. 2011-016] [Ord. 2018-002]**
- ~~For PO Deviations, the notice will shall state the name, phone number, address and email address of the Applicant. Responses to any letters from interested parties shall will be mailed directly to the Applicant, and they the Applicant shall will be responsible for notifying the BCC of the responses to the notification at the Public Hearing when the item # is discussed.~~

3. Failure to Receive Courtesy Notice

Failure to receive a notice shall not be deemed a failure to comply with Art. 2.B.5, Notification, or be grounds to challenge the validity of any decision made by the approving authority. **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]**

D. Signs

- The Applicant shall post signs regarding the public hearing or the public meeting on the property subject to the application. The signs shall be prepared by the Applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016] [Ord. 2018-002]**

2. Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. **[Ord. 2018-002]**

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PO DEVIATIONS SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 09/14/2018)

1 **Part 6. ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Process, Public**
2 **Hearing Procedures (page 29 of 105), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that for PO Deviations the PM for the Government Agencies is responsible for gathering comments from other Agencies for the proposed request. The Government Agencies is responsible to contact the DRO for scheduling the item for the public hearing.
3. Clarify that for PO Deviations the PM for the Government Agencies is responsible for writing and presenting the staff report, findings, and recommendations.

3 **Section 6 Public Hearing Procedures**

4 All decision making persons and bodies shall act in accordance with the time limits established in this Code,
5 unless stated otherwise. **[Ord. 2018-002]**

6 **A. Scheduling**

7 Once an application has been certified by the DRO, the DRO shall schedule a public hearing in
8 accordance with the dates established in the Annual Zoning Calendar, or such time as is mutually
9 agreed upon between the Applicant and the DRO. The scheduling of the application for public
10 hearing shall ensure the public notice requirements are satisfied. **[Ord. 2018-002]**

11 **1. Number of Hearings**

12 Both the ZC and the BCC shall hold at least one public hearing on applications that are subject
13 to the Public Hearing processes, unless otherwise stated herein. **[Ord. 2018-002]**

14 **2. Exception for Official Zoning Map Amendment**

15 The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a
16 proposed amendment to the boundaries of the Official Zoning Map for PBC initiated
17 applications consisting of ten or more contiguous acres of land. **[Ord. 2018-002]**

18 **3. Exception for PO Deviations**

19 The scheduling of the application for public hearing shall be placed on the next available BCC
20 Zoning Hearing for which the public notice requirements can be satisfied.

21 **B. Staff Report and Recommendation**

22 The DRO or the PBC official responsible for reviewing the application shall prepare a report for
23 each application. The DRO shall incorporate the analysis and Conditions of Approval of the
24 Agencies who are responsible for reviewing the application, and a recommendation of approval,
25 approval with conditions, or denial based on the applicable Standards. The report shall be made
26 available to the public at least five days prior to the hearing date. **[Ord. 2018-002]**

27 **1. PO Deviations**

28 The Applicant is responsible for preparing a staff report and recommendation. The report shall
29 include an analysis of the request and Standards, as described in Article 2.B.7.G Types of
30 Applications, including any proposed Conditions of Approval. The report shall be available to
31 the public at least five days prior to the hearing date.

32 **C. Board Action**

33 **1. Action by ZC**

34 The ZC shall conduct a public hearing on the application, subject to the following procedures:
35 **[Ord. 2018-002]**

36 **a. Recommendations by the ZC**

37 The ZC shall consider the application where the BCC makes a final decision, including staff
38 report, relevant support materials, public testimony and public testimony given at the
39 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
40 application be approved, approved with Conditions, modified, continued, postponed or
41 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. **[Ord.**
42 **2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]**

43 **b. Final Decision by the ZC**

44 The ZC shall consider the application where the ZC makes a final decision, including, staff
45 report, relevant support materials, DRO certification, public testimony, and public testimony
46 given at the hearing. After close of the public hearing, the ZC shall by not less than a
47 majority of a quorum present approve, approve with conditions, modify, postpone, or deny
48 the application. The actions shall be based upon the applicable and any Standards specific
49 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution
50 approving, approving with Conditions, or denying the proposed request. The resolution
51 shall be filed with the Zoning Division. **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]**

52 **c. Remand by the ZC**

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- 1 If at any time during the public hearing, the ZC determines that the application is based
2 upon incomplete, inaccurate information or misstatements of fact, it may remand the
3 application back to the DRO for further review and a revised staff report. **[Ord. 2018-002]**
- 4 **2. Action by BCC**
- 5 **a. Recommendations by the ZC**
- 6 The BCC shall consider the application, staff report, relevant support materials, the
7 recommendation of the ZC, and the public testimony submitted before and given at the
8 hearing. **[Ord. 2018-002]**
- 9 **b. Final Decision by the BCC**
- 10 The BCC shall consider the application, staff report, relevant support materials, DRO
11 certification, the ZC recommendation, public testimony submitted before and given at the
12 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
13 quorum present approve, approve with conditions, modify, postpone, or deny the
14 application. The actions shall be based upon the applicable and any Standards specific to
15 the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
16 approving with Conditions, or denying the proposed request. The resolution shall be filed
17 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
18 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. **[Ord.**
19 **2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]**
- 20 **c. Remand by the BCC**
- 21 If at any time during the public hearing, the BCC determines that the application is based
22 upon incomplete, inaccurate information or misstatements of fact, the BCC may remand
23 the application back to the ZC or DRO for further review and a revised staff report. **[Ord.**
24 **2018-002]**
- 25 **3. Action by the Hearing Officer**
- 26 At the public hearing(s), the Hearing Officer shall consider the application, all relevant support
27 materials, staff report, testimony given, and evidence introduced into the record at the public
28 hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify
29 or withdraw the request. **[Ord. 2006-036] [Ord. 2018-002]**
- 30 **D. Conduct of Hearings**
- 31 **1. Oath or Affirmation**
- 32 All testimony and evidence shall be given under oath or by affirmation to the body conducting
33 the hearing. **[Ord. 2018-002]**
- 34 **2. Rights of All Persons**
- 35 Any person may appear at a public hearing and submit evidence, either individually or as a
36 representative of an organization. Anyone representing an organization shall present evidence
37 of his/her authority to speak on behalf of the organization in regard to the matter under
38 consideration. Each person who appears at a public hearing shall be identified, state an
39 address, and if appearing on behalf of an organization, state the name and mailing address of
40 the organization. **[Ord. 2018-002]**
- 41 **3. Procedures for Public Hearings**
- 42 The procedures of the hearings shall be in accordance with Art. 2.G.2, General Provisions.
43 The decision making body may adopt bylaws stipulating the manner in which the proceedings
44 will be conducted. The body conducting the hearing may exclude testimony or evidence that
45 it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules
46 of evidence shall not apply but fundamental due process shall be observed. The order of the
47 proceedings shall be as follows: **[Ord. 2018-002]**
- 48 a. The Applicant shall present any information the Applicant deems appropriate. **[Ord. 2018-**
49 **002]**
- 50 b. The PBC official responsible for reviewing the applications shall present a written or oral
51 recommendation, including any report prepared. This recommendation shall address each
52 standard required to be considered by this Code prior to rendering a decision on the
53 application. For PO Deviations, the Applicant shall present a written or oral
54 recommendation, including any report prepared, with no presentation from the PBC
55 Official. This recommendation shall address each standard required to be considered by
56 this Code prior to rendering a decision on the application. **[Ord. 2018-002]**
- 57 c. Public testimony shall be heard. **[Ord. 2018-002]**
- 58 d. The PBC official responsible for reviewing the application may respond to any statement
59 made by the Applicant or any public comment. **[Ord. 2018-002]**
- 60 e. The Applicant may respond to any testimony or evidence presented by the PBC staff or
61 public at the discretion of the Chair. **[Ord. 2018-002]**
- 62 f. The decision making body may direct questions to staff and the Applicant specific to the
63 request. **[Ord. 2018-002]**

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g. The decision making body shall discuss the facts of the application and make a recommendation. **[Ord. 2018-002]**

E. Continuance or Postponement of Hearings

The BCC or ZC conducting the public hearing may, on its own motion or at the request of an Applicant, continue the public hearing to a fixed date, time and place. The BCC or ZC shall determine if an application shall be postponed when an Applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. **[Ord. 2005-041] [Ord. 2006-036] [Ord. 2018-002]**

1. Postponement by Right

An Applicant shall be granted a postponement by right to the next regularly scheduled hearing if requested in writing five days prior to the hearing. If the postponement is requested less than five days prior to the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC. **[Ord. 2018-002]**

F. Finalization of Approved DOs

The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved DOs in accordance with the procedures in Art. 2.C.3, Finalization of BCC or ZC DOs, as applicable. **[Ord. 2018-002]**

G. Other Procedures

Other procedures, which include: Remand, Suspension of Development Review, Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and Appeal in Art. 2.A.14. **[Ord. 2018-002]**

Part 7. ULDC Art. 2.B.7, Application Processes and Procedures, Public Hearing Processes, Types of Applications (page 40 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Create a Type of Application for PO Deviations and relocate the standards found in Articles 5 and 6 to Article 2 consistent with other applications.

Section 7 Types of Application

....
G Public Ownership (PO) Deviations

1. Purpose

A PO Deviation is to allow adjustment from certain Code requirements as it applies to land development that supports government facilities within the PO Zoning District.

2. Applicability

Requests for PO Deviation shall only be permitted as indicated in the following Table.

Table 2.B.7.G – PO Deviations

<i>Article 4.B.4.C.10.d Homeless Resource Center, Location and Separation Requirements</i>
<i>Article 5 Supplementary Standards</i>
<i>Article 6 Parking</i>
<i>Article 7 Landscaping</i>

3. Standards

Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: [Ord. 2007-013] [Ord. 2010-022]

- a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]*
- b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]*

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- c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]
d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord.2007-013]
f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013] [Relocated from Article 5.A.3.A and Article 6.A.1.B.4]

4. Effect of Issuance of a DO

Issuance of a PO Deviations DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it was issued.

Part 8. ULDC Art. 2.G.1, Application Processes and Procedures, Decision Making Bodies, Board of County Commissioners (page 79 of 105) is hereby amended as follows:

Table with 2 rows: Reason for amendments: [Zoning]; 1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.; 2. Minor update to be consistent with modifications in Article 2.A

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- 1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; [Ord. 2009-040]
4. to initiate, hear, consider and approve, approve with conditions, or deny applications for DO to amend the Official Zoning Map of this Code; [Ord. 2018-002]
5. to hear, consider and approve, approve with conditions, or deny applications for DO for Class A Conditional uses; [Ord. 2018-002]
6. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; [Ord. 2018-002]
7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC; [Ord. 2018-002]
8. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.6.B, Plan Requirements; [Ord. 2018-002]
9. to hear, consider and approve, approve with conditions, or deny applications for ABN; [Ord. 2018-002]
10. to hear, consider and approve, approve with conditions, or deny applications for Status Report of a prior approved DO; [Ord. 2018-002]
11. to review, hear, consider, and approve, approve with conditions, or deny requests for PO Deviations described in Article 2.B.7.G from: Art. 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; [Ord. 2018-002]
12. to hear, consider and approve, approve with conditions or deny applications for Type 2 Waivers; [Ord. 2018-002]
13. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; [Ord. 2018-002]
14. to hear and consider release of agreement; [Ord. 2018-002]
15. to hear and consider AI; [Ord. 2018-002]

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EXHIBIT J

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- 1 16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; **[Ord. 2018-002]**
2 **2018-002]**
3 17. to establish fees for the review of applications for development orders or permits, and
4 appropriate funds to defray the costs of administering this Code; **[Ord. 2018-002]**
5 18. to act to ensure compliance with Development Orders or permits as approved and issued;
6 **[Ord. 2018-002]**
7 19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission
8 on applications for development permits for Class B conditional uses; **[Ord. 2018-002]**
9 20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO
10 Type 1 Waivers; **[Ord. 2018-002]**
11 21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
12 **[Ord. 2018-002]**
13 22. to appoint other advisory boards that are determined necessary to assist in the implementation
14 of this Code or the Plan; and, **[Ord. 2018-002]**
15 23. to take such other action not delegated to the decision-making bodies set forth in this Article or
16 other officials of PBC Departments, as the BCC may deem desirable and necessary to
17 implement the provisions of the Plan and this Code; **[Ord. 2009-040] [Ord. 2018-002]**
18
19

20 **Part 9. ULDC Art. 2.G.3.L, Application Processes and Procedures, Decision Making Bodies,**
21 **Appointed Bodies, Zoning Commission (page 92-93 of 105) is hereby amended as**
22 **follows:**

Reason for amendments: [Zoning]
1. Amend to show that Zoning PO Deviations do not need a ZC recommendation.
2. Amend previous Powers and Duties, to clarify which applications the ZC makes recommendations. <u>Code reference of Article 2.A.1.C.2 is incorrect and was modified through Ordinance ORD-2018-002.</u>
3. Delete duplicative language.

- 23
24 **L. Zoning Commission**
25 **1. Establishment**
26 There is hereby established a Zoning Commission (ZC)
27 **2. Powers and Duties**
28 The ZC shall have the following powers and duties under the provisions of this Code.
29 a. to initiate, review, hear, consider, and make recommendations to the BCC to approve,
30 approve with conditions, or deny applications to amend the Official Zoning Map, Class A
31 Conditional Use, Development Order Amendment (DOA) of a prior DO approved by the
32 BCC, Type 2 Waiver, and Unique Structure; **[Ord. 2009-040]**
33 ~~b. to review, hear, consider, and make recommendations to the BCC to approve, approve~~
34 ~~with conditions, or deny applications for development orders pursuant to Art. 2.A.1.C.2,~~
35 ~~Zoning Commission Quasi-Judicial Processes;~~ **[Ord. 2009-040] [Ord. 2018-002]**
36 ~~be-~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
37 development permits for Class B Conditional uses and Type Variance applications; **[Ord.**
38 **2006-036] [Ord. 2018-002]**
39 ~~cd.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
40 development orders for DOA for a prior approved DO approved by the ZC; **[Ord. 2018-**
41 **002]**
42 ~~e. to hear, consider and approve, approve with conditions, or deny applications for DO for~~
43 ~~Preliminary Plans for Class B Conditional Uses pursuant to Art. 2.A.6.B, Plan~~
44 ~~Requirements;~~ **[Ord. 2018-002]**
45 ~~df.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
46 ABN; **[Ord. 2018-002]**
47 ~~eg.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
48 Status Reports; **[Ord. 2018-002]**
49 ~~fh.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
50 Unique Structures; **[Ord. 2018-002]**
51 ~~gi.~~ to review, hear, consider, and approve, or deny applications for Corrective Resolutions;
52 **[Ord. 2018-002]**
53 ~~hj.~~ to make its special knowledge and expertise available upon request of the BCC to any
54 official, department, board, commission or agency of PBC, the State of Florida or Federal
55 government;
56 ~~ik.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings
57 and recommendations, with reference thereto, from time to time, to the BCC;

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EXHIBIT J

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- 1 ~~j.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with
2 this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
3 ~~k.~~ to consider and render a final decision on appeals of Green Architecture application; and
4 **[Ord. 2009-040] [Ord. 2011-016] [Ord. 2018-002]**
5 ~~l.~~ to hear, consider and decide appeals from decisions of the DRO on applications for Type
6 1 Waivers, except URAO. **[Ord. 2011-016] [Ord. 2012-027]**

7

8
9 **Part 10. ULDC Art. 4.B.4.10, Use Classification, Institutional, Public, and Civic Uses (page 77-78**
10 **of 204 is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Correct reference due to relocation of standards to Article 2

12 **CHAPTER B USE CLASSIFICATION**

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

14

15 **10. Homeless Resource Center**

16 **a. Definition**

17 A public or private establishment that provides multiple services for the homeless
18 population.

19 **b. Typical Services**

20 Typical services provided by a Homeless Resource Center may include but are not limited
21 to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities,
22 temporary housing, intake, social services, employment services, and administrative
23 offices.

24 **c. Approval Process**

25 A Homeless Resource Center owned or operated by a governmental entity may be allowed
26 where Government Services uses are allowed by Table 4.B.4.A., Institutional, Public and
27 Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be Permitted by
28 Right where Government Services uses are allowed in non-residential districts, provided
29 that prior to development, or any modification to a previously approved development,
30 program or operation, an eligible government entity complies with the following:

- 31 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 32 2) Prepare a report documenting compliance with Palm Beach County Facilities,
33 Development and Operations, FDO PPM-071, Public Outreach and Community
34 Involvement for Homeless Resource Centers;
- 35 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting
36 placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 37 4) The BCC shall make a finding that the governmental entity has complied with FDO
38 PPM-071, which may include Conditions of Approval; and,
- 39 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid
40 for three years, or as otherwise provided by Condition of Approval.

41 **d. Location and Separation Requirements**

42 For the purpose of required separations, measurements shall be made from facade to
43 facade, except where the separation required is between a structure and a zoning district
44 boundary.

- 45 1) A minimum 250-foot separation shall be required from the property line of residentially
46 zoned parcels. Type 2 Variance relief, in accordance with Art. 2.B, Public Hearing
47 Processes, may be requested if this standard cannot be met.
- 48 2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another
49 Homeless Resource Center.
- 50 3) Facilities owned or operated by a governmental entity and located in the PO Zoning
51 District may request a PO Deviation from Location and Separation Requirements,

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- subject to BCC approval, utilizing the standards in Art 2.B.7.GArt. 5.A.3.A, PO Deviations for the PO Zoning District.
e. Facility Use
f. Nonconformities
g. Existing Approvals

Part 10. ULDC Art. 5.A.3, Supplementary Standards, General, and Deviations (page 9 of 110 is hereby amended as follows:

Table with 2 columns: Reason for amendments: [Zoning], 1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications. 2. Relocate Standards for PO Deviations from 5 to Article 2, and make reference to the new location.

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, parks and recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

See Art. 1.I, DEFINITIONS & ACRONYMS

Section 3 Deviations

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to Article 2 Application Process and Procedures and PPM ZO-O-063, as applicable and as amended, for the following: [Ord. 2007-013] [Ord. 2010-022]

- A. PO Zoning District
Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: [Ord. 2007-013] [Ord. 2010-022]
1. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]
2. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]
3. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]
4. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]
5. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord. 2007-013]
6. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

Part 11. ULDC Art. 6.A.1, Parking, Parking, General (page 3 of 40), is hereby amended as follows:

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CR-2018-026
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Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 6 to Article 2, and therefore can be struck out here. Cross reference to the new location added.

CHAPTER A PARKING

Section 1 General

A. Purpose and Intent

The purpose of this Article is to ensure the provision of off-street parking, loading, queuing, on-site circulation, driveways, and access are in proportion to the demand created by each use. By requiring such facilities, it is the intent of this Article to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, loading, queuing, on-site circulation, driveways and access.

B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All off-street parking areas established by this Section shall be continuously maintained in accordance with this Article.

1. New Buildings and Uses

Off-street parking and loading shall be provided for any new building constructed and for any new use established.

2. Additions, Enlargements and Changes of Occupancy

Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

3. Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be provided in accordance with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements.

4. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to Art. 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as amended. ~~subject to approval by the BCC utilizing the following standards: [Ord. 2007-013]~~

~~a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]~~

~~b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]~~

~~c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]~~

~~d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]~~

~~e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord. 2007-013]~~

~~f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]~~

Part 12. ULDC Art. 7.B.1.C Landscaping, Applicability and Approval Process, Applicability (page 10 of 53), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 5 and 6 to Article 2. There was no previous reference to the standards in Article 7, and cross reference to those being relocated to Article 2 has been added.

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EXHIBIT J
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 09/14/2018)

Reason for amendments: [Zoning]
<u>3. Edit the Park Exception to use consistent terminology of Public Park, rather than PBC Park.</u>

1 **CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

2 **Section 1 Applicability**

3 The provisions of this Article shall be considered minimum standards and shall apply to all new development
4 unless stated otherwise herein. **[Ord. 2018-002]**

5 **A. Relation to Art. 14.C, Vegetation Preservation and Protection**

6 Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation
7 Preservation and Protection, nothing in this Article shall be applied to contradict these
8 requirements. **[Ord. 2018-002]**

9 **B. Exemptions**

10 The following developments are exempt from the standards and requirements of this Article:

- 11 1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-
12 family structure on a single lot.
- 13 2. Parking areas located within an enclosed parking structure.
- 14 3. Bona fide agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where
15 the property has a use that is classified as Agriculture, bona fide, with agricultural activities
16 or accessory agricultural uses, the property owner shall provide a six-foot high hedge along
17 the frontage of the property where it is abuts a public street R-O-W. **[Ord. 2018-002]**
- 18 4. Uses such as airports, major utilities, and stockades which have planting requirements
19 regulated by Federal or State law. Off-site planting of required landscaping may be
20 approved in areas where there is a direct public benefit, such as in schools, parks, libraries,
21 streets, and medians.
- 22 5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-
23 lieu funds to the Glades Thoroughfare Beautification Fund.

24 **C. ~~PBC Public Park Exception or PO~~ Deviations**

25 Deviations or Exceptions from the minimum standards of this Article may be permitted as
26 follows:

- 27 1. ~~PBC Public~~ parks, as specified in Art. 5.D.2.G, Public Park Landscape Standards; and,
28 **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2018-002]**
- 29 2. Development supporting government facilities within the PO Zoning District, subject to Art.
30 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as
31 amended. subject to approval by the BCC. **[Ord. 2006-004] [Ord. 2007-013]**

32

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**Department of Planning,
Zoning & Building**

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

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
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**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board
(LDRAB) wesblackman@gmail.com

FROM: Scott Rodriguez, Senior Planner
Planning Division

DATE: September 19, 2018

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC amendments Exhibit C through Exhibit O of the packet provided by the Zoning Division and scheduled for the September 26, 2018 LDRAB/ LDRAC meeting are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Lorenzo Aghemo, Planning Director
Jon MacGillis, ASLA, Zoning Director
Bryan Davis, CNU-A, Principal Planner
Wendy Hernandez, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Zona Case, Zoning Technician

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EXHIBIT K

ARTICLE 1.I, DEFINITIONS & ACRONYMS [PROJECT] SUMMARY OF AMENDMENTS

CR-2014-012

(Updated 08/23/2018)

1 Part 1. ULDC Art. 1.I.2, Definitions (page 140 of 194), is hereby amended as follows:
2

Reason for amendments: [Zoning]

1. To delete redundant definition (81 c) related to Article 12 as it is already addressed (81 b).

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

5

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

7

8 81. Project -

9 a. Land use or group of land uses involving the development of a particular parcel of land at
10 a particular intensity or density which was granted a Development Order, or which
11 substantially complies with applicable provisions of the PBC Subdivision Code as
12 determined by the Director of the Land Development Division of the PBC Engineering
13 Department. **[Ord. 2010-022]**

14 b. For the purposes of Art. 12, a land use or group of land uses, or land development activity
15 or activities, or amendment thereto, which require the issuance of a Development Order(s).
16 All Public Civic Sites dedicated as part of a PUD or otherwise obtained by a governmental
17 agency for public use shall be considered a Project separate from the PUD for the purposes
18 of reviewing the traffic impacts of the Civic Sites under this Article.

19 ~~c. For the purposes of Art. 12, a land use or group of land uses, or land development activity~~
20 ~~or activities, or amendment thereto, which require the issuance of a Development Order.~~
21 **[Ord. 2006-036]**

22

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EXHIBIT L

ARTICLE 1, GENERAL PROVISIONS [STATUTE REFERENCE] SUMMARY OF AMENDMENTS

CR-2016-016

(Updated 08/23/2018)

1 **Part 1. ULDC Art. 1.A.1.B, Authority (page 7 of 194), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Delete References to Florida Administrative Code Rules 9J-5 and 9J-24 that were repealed in 2011. The rules were adopted by the Department of Community Affairs (DCA) and provided details and specificity for local governments to create their comprehensive plan. The law contains specific provisions related to the contents and requirements of the Comprehensive Plan elements.

2 **CHAPTER A AUTHORITY**

3 **Section 1 General**

4
5 **B. Authority**

6 The Board of County Commissioners (BCC) has the authority to adopt this Code pursuant to Article
7 VIII, Sec. 1(g), Fla. Const., the PBC Charter, F.S. §125.01, F.S. §163.3161, ~~Rule 9J-5, F.A.C., Rule~~
8 ~~9J-24, F.A.C.~~, and such other authority and provisions that are established by statutory statute,
9 administrative rule, or common law in the State of Florida.

10
11
12
13 **Part 2. ULDC Art. 1.I.2, Definitions (page 78 & 140 of 194), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. See part 1 for reason.

14 **CHAPTER I DEFINITIONS & ACRONYMS**

15
16 **Section 2 Definitions**

17
18 **C. Terms defined herein or referenced Article shall have the following meanings:**

19
20 69. **Concurrency Requirements of the Plan** - the provisions in the Plan and the implementing
21 land development regulations requiring that public facilities for traffic circulation, mass transit,
22 sanitary sewer, potable water, recreation/open space, fire-rescue, solid waste, and drainage
23 are available at the minimum LOS concurrent with the impact of the Development; and, as to
24 the applicability of expanded or more stringent traffic performance standards pursuant to State
25 of Florida mandates under F.S. Chapter 163, ~~and Rule 9J-5, F.A.C.~~ such requirements as set
26 forth in the future traffic performance standards ordinance(s).
27

28 **Part 3. ULDC Art. 12.I.4, MUNICIPAL LEVELS OF SERVICE (page 33), is hereby amended as**
29 **follows:**

Reason for amendments: [Zoning]
1. See part 1 for reason.

30 **CHAPTER I COASTAL RESIDENTIAL EXCEPTION**

31 ...
32 **Section 4 Municipal Levels of Service**

33 Nothing in this Article shall be construed as derogating the requirement under F. S. Chapter 163, ~~or Rule~~
34 ~~9J-5, F.A.C.~~ that Municipalities set the LOS on PBC and State roads consistent with the PBC and State
35 LOS to the maximum extent feasible.

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EXHIBIT M

ARTICLE 5.F, LEGAL DOCUMENTS SUMMARY OF AMENDMENTS

CR-2016-013

(Updated 08/23/2018)

1
2 Part 1. ULDC Art. 5.F.2.A.2, Major Encroachments (page 74 of 110), is hereby amended as
3 follows:

Reason for amendments: [Zoning]

1. To clarify that major encroachments of buildings and structures designed for human occupancy, into easements, are prohibited, and therefore no variances are allowed. Issue was raised during May 30, 2014 Interpretation Meeting.

4 CHAPTER F LEGAL DOCUMENTS

5 Section 2 Easements

6 A. Easement Encroachment

7 1. Minor Encroachments

8 Minor encroachments of buildings and structures may be allowed within an easement in
9 accordance with this Chapter.

10 2. Major Encroachments

11 Buildings or structures designed for human occupancy, screen enclosures, pools, or spas shall
12 ~~not~~ be permitted prohibited within any easement ~~unless otherwise provided for in this Section.~~
13 [Ord. 2010-005]

14 3. Incompatible Uses

15 No construction shall be permitted within any easement where such construction is
16 incompatible with the use for which the easement was established. If the terms of the
17 easement, statute, law, ordinance, rule, regulation, or approval pursuant to which the easement
18 was established prohibits or excludes the use, such use shall be considered incompatible. The
19 burden shall be on the applicant to demonstrate that the proposed construction is or will not
20 become incompatible with the purpose for which the easement was established, or impair the
21 rights of the easement holders and beneficiaries. The determination of whether a use is
22 incompatible with the purpose for which an easement was established shall be made by the
23 appropriate regulating agency(s) in accordance with this Chapter.

24 4. Application Process

25 Buildings and structures, which are not prohibited pursuant to Art. 5.F.2.A.2, Major
26 Encroachments, shall be subject to the following:

27 a. If an application for a building permit includes construction in an easement, the application
28 shall include consent from all easement holders and beneficiaries. The consent shall be
29 specific to the proposed construction and in a form acceptable to PZB; and

30 b. Prior to the issuance of the building permit, the applicant shall record an executed removal
31 and indemnification declaration. The removal and indemnification declaration shall inure to
32 the benefit of the easement holders and beneficiaries.

33 5. All Other Approvals Required

34 a. All other government permits, approvals, or consents necessary for the construction shall
35 be obtained prior to commencement of the construction.

36 b. Compliance with this Chapter shall not be construed to relieve the applicant from obtaining
37 any required approvals, if applicable, for encroaching into the affected easement.

38 c. Nothing herein shall be construed as affecting any right to construct except to the limited
39 and strict extent of any approval granted hereunder. An approval granted in accordance
40 with this Chapter is for the limited purpose of complying with this Chapter only.

41

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EXHIBIT N

ARTICLES 1 AND 3 SPECIAL PERMITS
SUMMARY OF AMENDMENTS

CR 2018-042
(Updated 08/23/2018)

1 Part 1. ULDC Art. 1.I.2.R.11, Recreational Vehicle (page 88 of 118), is hereby amended as
2 follows:

Reason for amendments: [Zoning]
1. Clarify that the special permit reference is specific to F.S. §316.550 State Uniform Traffic Control.

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

6
7 11. Recreational Vehicle -

- 8 a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel
9 or other vehicle with or without motor power which has been converted or equipped with
10 living or sleeping quarters and is designed and constructed to travel on public
11 thoroughfares without a special permit in accordance with the provisions of F.S. §316.550
12 of the Vehicle Code of the State of Florida.
- 13 b. For the purposes of Art. 18, a vehicle which is: [Ord. 2004-013] [Ord. 2017-026]
 - 14 1. Built on a single chassis; [Ord. 2017-026]
 - 15 2. 400 square feet or less when measured at the largest horizontal projection; [Ord. 2017-
16 026]
 - 17 3. Designed to be self-propelled or permanently towable by a Light-Duty Truck; and [Ord.
18 2017-026]
 - 19 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
20 for recreational, camping, travel or seasonal use (see F.S. 320.01, as amended or
21 replaced). [Ord. 2017-026]
 - 22 5. Not occupied for more than six months. [Ord. 2017-026]

23

24
25
26 Part 2. ULDC Art. 1.I.2.S.66, Sport vehicle (page 98 of 118), is hereby amended as follows:

Reason for amendments: [Zoning]
1. See Part 1 for reason.

27 CHAPTER I DEFINITIONS & ACRONYMS

28 Section 2 Definitions

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

- 30
31 66. Sports Vehicle - for the purposes of Art. 6, any wheeled or tracked motorized vehicle designed
32 or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc.
33 without a special permit in accordance with the provisions of F.S. §316.550 of the Vehicle Code
34 of the State of Florida.

35

36
37
38 Part 3. ULDC Art. 3.B.2.B.2.a.4), Specific use Regulations (page 22 of 212), is hereby amended
39 as follows:

Reason for amendments: [Zoning]
1. Revise the chart to reflect the Special Permit approval process for the Caretakers Quarters use has been modified to be consistent with the changes to Article 2 completed under Ordinance 2009-002. Article 2 requires approval by the DRO and through the ZAR process.

40 CHAPTER B OVERLAYS

41 Section 2 AZO, Airport Zoning Overlay

42 B. Applicability

- 43
44 2. Uses on Airport Properties
45 a. Use Regulations

- 46
47 4) Specific Use Regulations

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EXHIBIT N

ARTICLES 1 AND 3 SPECIAL PERMITS SUMMARY OF AMENDMENTS

CR 2018-042
(Updated 08/23/2018)

1 The following uses are permitted in the AZO on airport properties: [Ord. 2006-036]
2

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

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarter	DS	DS	CG or IG		All
Commercial Uses					
Auction, Indoor		D	CG	2	All
Auction, Outdoor		A	CG	2	All
Car Wash		D	CG or IL	4	All
Catering Service	P	D	CG or IL	5	All
Cocktail Lounge	P	A	CG	6	All
Convenience Store		D	CG	7	All
Dispatching Service	P	D	CG	8	All
Dog Daycare	P	D	CG	9	All
Financial Institution	P	P	CG	10	All
Financial Institution with Drive Thru Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]					
Notes:					
(1) For purposes of determining the applicable property development regulations (PDR) for non-airport related uses, the Corresponding Zoning District's PDR identified in Table 3.D.1.A-5, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage and setbacks. [Ord 2018-002]					
(2) Reference Art.4, Use Regulations for additional Supplementary Use Standards. [Ord. 2017-007]					
(3) Temporary Use through the ZAR Process. [Ord. 2018-002]					
Key					
P Permitted by right					
D Permitted subject to approval by the DRO					
B Permitted only if approved by the Zoning Commission (ZC)					
A Permitted only if approved by the Board of County Commission (BCC)					
1 Palm Beach International Airport (PBIA)					
2 PBC Glades Airport					
3 PBC Park Airport (aka Lantana Airport)					
4 North PBC General Aviation Airport					
PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport					

3
4

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EXHIBIT O
ARTICLE 4- VETERINARY CLINIC
SUMMARY OF AMENDMENTS

CR-2018-011
(Updated 08/23/2018)

1 **Part 1. ULDC Art. 4.B.2.c.41, Veterinary (page 60 of 204), is hereby amended as follows:**
2

Reason for amendments: [Zoning]
1. To allow a Veterinary Clinic within the AGR Zoning District to have outdoor runs without requiring BCC approval. A Veterinary Clinic is allowed in the AGR district subject to a Class A Conditional Use approval. However, the current Code also allows a Clinic with outdoor runs with a lesser approval process in certain Agricultural and Commercial Districts to be Permitted by Right if the Veterinary Clinic is limited in size. In addition, Veterinary Clinics in the AGR district must have a lot size of 5 acres or more, therefore, Staff has determined that allowing the outdoor run with setback requirements will not result in a negative impact to the neighboring properties.

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 2 Commercial Uses**

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

6

7 **41. Veterinary Clinic**

8 **a. Definition**

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

11 **b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU**
12 **Designation**

13 1) A Veterinary Clinic may be Permitted by Right in ~~the AGR~~, AR, CLO Zoning Districts
14 and MUPD with CL ~~or~~, CLO FLU designation, subject to the following limitations:

15 ~~a.1) GFA shall not exceed 5,000 square feet; and,~~

16 ~~b.2) Shall not include outdoor runs.~~

17 2) ~~A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA~~
18 ~~shall not exceed 5,000 square feet.~~

19 **c. Lot Size – AR and AGR Districts**

20 Shall be located on a minimum of five acres.

21 **d. Zoning District**

22 A Veterinary Clinic shall not have outdoor runs and limited to the following:

23 **1) CC and CN Zoning Districts**

24 Shall not occupy more than 3,000 square feet of GFA.

25 **2) MUPD with CL FLU Designation and TDD Districts**

26 Shall not occupy more than 5,000 square feet of GFA.

27 **3) Infill Redevelopment Overlay**

28 Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.

29 **e. Outdoor Runs**

30 A Veterinary Clinic with outdoor runs shall comply with the following standards:

31 **1) Lot Size**

32 A minimum of one acre.

33 **2) Setbacks**

34 Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel
35 of land with a residential FLU designation or use; or 25 feet from any property line
36 adjacent to a non-residential zoning district, use, or FLU.

37 **3) WCRAO**

38 Outdoor runs shall not be located within 25 feet of any property line.

39 **4) Standards**

40 A six-foot high fence shall be required around the runs. If the fence is not opaque or
41 screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
42 minimum of four feet at installation, shall be provided around the run.

43 **5) Waste Disposal**

44 A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
45 all applicable rules and regulations of the FDEP, PBCHD and SWA.

46 **f. Facility without Outdoor Runs**

47 A Veterinary Clinic without outdoor runs shall be required to make accommodations to
48 ensure animal waste is properly disposed of within the facility.

49

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E. Appeal to Circuit Court

An applicant may appeal a final decision of the DRAB within 30 calendar days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC.

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; **[Ord. 2009-040]**
4. to initiate, hear, consider and approve, approve with conditions, or deny applications for DO to amend the Official Zoning Map of this Code; **[Ord. 2018-002]**
5. to hear, consider and approve, approve with conditions, or deny applications for DO for Class A Conditional uses; **[Ord. 2018-002]**
6. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; **[Ord. 2018-002]**
7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC; **[Ord. 2018-002]**
8. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.6.B, Plan Requirements; **[Ord. 2018-002]**
9. to hear, consider and approve, approve with conditions, or deny applications for ABN; **[Ord. 2018-002]**
10. to hear, consider and approve, approve with conditions, or deny applications for Status Report of a prior approved DO; **[Ord. 2018-002]**
11. to review, hear, consider, and approve, approve with conditions, or deny requests for Deviations from: Art. 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; **[Ord. 2018-002]**
12. to hear, consider and approve, approve with conditions or deny applications for Type 2 Waivers; **[Ord. 2018-002]**
13. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; **[Ord. 2018-002]**
14. to hear and consider release of agreement; **[Ord. 2018-002]**
15. to hear and consider AI; **[Ord. 2018-002]**
16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; **[Ord. 2018-002]**
17. to establish fees for the review of applications for development orders or permits, and appropriate funds to defray the costs of administering this Code; **[Ord. 2018-002]**
18. to act to ensure compliance with development orders or permits as approved and issued; **[Ord. 2018-002]**
19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for development permits for Class B conditional uses; **[Ord. 2018-002]**
20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO Type 1 Waivers; **[Ord. 2018-002]**
21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate; **[Ord. 2018-002]**

22. to appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Plan; and, **[Ord. 2018-002]**
23. to take such other action not delegated to the decision-making bodies set forth in this Article or other officials of PBC Departments, as the BCC may deem desirable and necessary to implement the provisions of the Plan and this Code; **[Ord. 2009-040] [Ord. 2018-002]**

Section 2 GENERAL PROVISIONS

Unless otherwise noted, the following provisions shall apply to each appointed body described in this Article. In addition, each board shall be governed by PBC Resolution No. 2013-0193. In case of conflict between the general provisions in this Section, and the specific provisions of each appointed body, the specific provisions shall prevail. **[Ord. 2014-001]**

A. Board Membership

1. Qualifications

Unless otherwise noted, each member of a board described in this Article, Decision-Making Bodies shall be a qualified elector of PBC for at least two years prior to appointment. No member of the BCC, BCC aide, or PBC employee shall serve on a board described herein.

2. Term of Office

The term of office for each member shall be three years. All members serving on a board on the effective date of this Code shall complete their terms according to their prior appointments.

3. Vacancy

- a. The BCC shall fill a vacancy within 60 days.
- b. When a person is appointed to fill out the term of a departing member, that person's term shall end at the same time the departing member's term would have ended.

4. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. **[Ord. 2006-004]**

5. Elected Office

Members shall not be prohibited from qualifying as a candidate for elected office.

B. Appointments and Termination

1. Appointments

a. Individual BCC Appointments

A board member shall serve at the pleasure of the member of the BCC who appointed that member and may be removed by the BCC member without cause at any time.

b. At-Large BCC Appointments

A board member shall serve at the pleasure of the BCC and may be removed by the BCC without cause at any time.

c. Attendance

Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meeting shall not be counted towards the attendance requirements.

d. Termination

In the event that any board member is no longer a qualified elector, or the member is convicted of a felony, or an offense involving moral turpitude while in office, the BCC shall terminate the appointment of the member.

e. Immediate Removal

Members removed pursuant to Art. 2.G.2.B.1, Appointments through Art. 2.G.2.B.1.d, Termination, above, shall not continue to serve on the board and such removal shall create a vacancy.

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C. Conflict of Interest

1. Substantive Conflict

No board member shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activities, or incur any obligation of any nature which is in substantial conflict with the proper discharge of duties as a board member.

2. Provisions Related to Conflict of Interest

To implement this policy, members are directed to:

- a. be governed by the applicable provisions of state and local law;
- b. not accept any gift, favor or service that might reasonably tend to improperly influence the discharge of official duties;
- c. make known by written or oral disclosure, on the record at a meeting, any interest which the member has in any pending matter before that board, before any deliberation on that matter;
- d. abstain from using membership on the board to secure special privileges or exemptions;
- e. refrain from engaging in any business or professional activity which might reasonably be expected to require disclosure of information acquired by membership on the board not available to members of the general public, and to refrain from using such information for personal gain or benefit;
- f. refrain from accepting employment which might impair independent judgment in the performance of responsibilities as a member of the board; and
- g. refrain from participation in any matter in which the member has a personal investment which will create a substantial conflict between private and public interests.

3. Board Action

Willful violation of this Section which affects a vote of a board member shall render that action voidable by the BCC.

D. Officers

1. Chair and Vice-Chair

At an annual organizational meeting, each board shall elect a Chair and Vice-Chair from among the members. The term of the Chair and Vice-Chair's terms shall be one year. The Chair shall administer oaths, be in charge of all procedures before the board and shall take such action as shall be necessary to preserve the order and integrity of all proceedings before the board. In the absence of the chair, the vice-chair shall act as Chair and shall have all the powers of the Chair.

E. Rules of Procedure

1. Quorum and Voting

The presence of a majority of the members of the board shall constitute a quorum necessary to take action and transact business. All actions shall require a simple majority of the quorum present and voting at the meeting. In the event of a tie vote, the motion shall fail. No member shall abstain from voting unless the member has a voting conflict pursuant to State of Florida law.

2. Robert's Rules of Order

All meetings shall be governed by Robert's Rules of Order. Each board may by majority vote of the entire membership adopt additional rules of procedure for the transaction of business and shall keep a record of meetings, resolutions, findings and determinations.

3. Meetings

- a. The location of all meetings shall be in PBC, Florida.
- b. If a matter is postponed due to lack of a quorum, the item shall be rescheduled to the next meeting.
- c. All meetings and public hearings shall be open to the public.
- d. All meetings shall be set for time certain after due public notice. Due public notice shall include notification that a record is required to appeal a final decision of the board pursuant to F.S. §286.0105.

4. County Attorney's Office

The County Attorney's Office shall provide counsel and interpretation on legal issues.

F. Compensation

Board members shall receive no compensation for their services with exception of Code Enforcement Special Master and Hearing Officers who may be compensated for their services at discretion of the BCC. Travel reimbursement for members shall be limited to expenses incurred only for travel outside PBC necessary to fulfill the responsibilities of membership on the particular board. Travel reimbursement shall be made only when sufficient funds have been budgeted and are available, and upon prior approval of the BCC. No other expenses are reimbursable except documented long distance telephone calls to PBC staff that are necessary to fulfill the responsibility of membership on the particular board. **[Ord. 2006-036]**

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

1. Land Development Regulation Advisory Board

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

2. Powers and Duties

The LDRAB shall have the following powers and duties under the provisions of this Code:

- a. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
- b. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
- c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S.§ 163.3164(22) and F.S.§ 163.3194.

3. Board Membership

a. Appointment

- 1) The LDRAB shall be composed of 16 members and two at-large alternate members. **[Ord. 2015-006]**
- 2) Nine of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 2.G.3.A, LDRAB Expertise. **[Ord. 2015-006]**
- 3) Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Art. 2.G.3.A.3.b, Qualifications.
- 4) The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Art. 2.G.3.A.3.b, Qualifications.

b. Qualifications

- 1) The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 2.G.3.A, LDRAB Expertise.
- 2) Each BCC appointment shall be with consideration in the following areas of expertise:
 - a) Landscape Architecture.
 - b) Redevelopment Expertise.
 - c) Fiscal Impact Analysis Expertise.
 - d) Land Use/Real Estate Law.
 - e) Natural Sciences.
 - f) Business Development.
- 3) No more than two members of the LDRAB shall represent the same occupation or business. **[Ord. 2010-022]**

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Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	Realtors Association of the Palm Beaches
7. Surveyor	Florida Surveying and Mapping Society.
8. Commercial Builder	Assoc. General Contractors of America
9. AICP Planner	PBC Planning Congress
[Ord. 2010-022] [Ord. 2015-006]	

c. Terms of Office

Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]

4. Staff

The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.

5. Meetings

a. General

General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.

b. Subcommittees

The LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]

c. Alternate Members Vote

The alternate members may vote on a matter only when serving in place of an absent regular member. [Ord. 2018-002]

B. Code Enforcement Special Master

1. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master. [Ord. 2015-006]

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those