

ORDINANCE 96-28

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AMENDING SECTIONS OF 92-20, UNIFIED LAND DEVELOPMENT CODE

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ORDINANCE 96-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, AS AMENDED, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA, as follows: Section 1.6 (NONCONFORMITIES, GENERAL); Section 1.7 (NONCONFORMING USES); Section 1.8 (NONCONFORMING STRUCTURES); CREATING Section 1.12 (USES AND STRUCTURES WITHIN AN AIRPORT ZONE); Section 3.2 (DEFINITIONS); Section 4.5 (BOARD OF ADJUSTMENT); Section 4.13 (GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD); Section 4.26 (DIRECTOR OF ERM); Section 5.1 (GENERAL APPLICABILITY); Section 5.2 (SITE SPECIFIC (FUTURE LAND USE ATLAS) COMPREHENSIVE PLAN AMENDMENTS); Section 5.7 (VARIANCES AND APPEAL OF ADMINISTRATIVE DECISIONS); Section 5.8 (COMPLIANCE WITH TIME LIMITATIONS); Section 6.2 (DISTRICT PURPOSES AND USES); Section 6.4 (USE REGULATIONS AND DEFINITIONS); Section 6.5. (PROPERTY DEVELOPMENT REGULATIONS); Section 6.6 (SUPPLEMENTARY REGULATIONS); Section 6.7 (OVERLAY DISTRICT REGULATIONS); Section 6.8.A (PLANNED DEVELOPMENT DISTRICT REGULATIONS, GENERAL); Section 6.8.B. (PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT); Section 6.8.C. (TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT); Section 7.2. (OFF-STREET PARKING AND LOADING); Section 7.3 (LANDSCAPING AND BUFFERING); Section 7.6 (EXCAVATION) is repealed in its entirety and replaced with new Section 7.6 (EXCAVATION); Section 7.8 (MISCELLANEOUS STANDARDS); Section 7.14 (SIGNAGE); Section 9.1 (COASTAL PROTECTION); Section 9.4 (WETLANDS PROTECTION); REPEALING Section 7.5 (VEGETATION PRESERVATION AND PROTECTION) AND REPEALING Section 9.2 (ENVIRONMENTALLY SENSITIVE LANDS); AND CREATING Section 9.5 (VEGETATION PRESERVATION AND PROTECTION); Article 10 (IMPACT FEES); Section 14.2 (ENFORCEMENT BY CODE ENFORCEMENT BOARD AND/OR SPECIAL MASTER); Section 14.3 (GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD); Section 14.6 [ADMINISTRATIVE REMEDIES FOR ARTICLE 9, (ENVIRONMENTAL STANDARDS), SECTION 7.5 (VEGETATION PRESERVATION AND PROTECTION) SECTION 7.6, (EXCAVATION)]; Article 15 (TRAFFIC PERFORMANCE STANDARDS); Section 16.1 (ON SITE DISPOSAL SYSTEMS - ENVIRONMENTAL CONTROL RULE I); Section 16.2 (WATER SUPPLY SYSTEMS - ENVIRONMENTAL CONTROL RULE II); CREATING Section 16.4 (OPEN BURNING); CREATING Article 18 (AIRPORT ZONING REGULATIONS); PROVIDING FOR THE REPEAL OF ORDINANCE 78-2 IN ITS ENTIRETY (AIRPORT ZONING ORDINANCE FOR PALM BEACH COUNTY); PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

51  
52  
53

**WHEREAS**, the Unified Land Development Code was adopted on June 16, 1992, pursuant to Section 163.3202, Florida Statutes, to further growth management requirements; and

54  
55  
56

**WHEREAS**, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code pursuant to Chapter 163, Florida Statutes; and

57  
58

**WHEREAS**, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and

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Underlined language indicates proposed new language.  
~~Language crossed-out~~ indicates language proposed to be deleted.  
... (ellipses) indicates language not amended which has been omitted to save space.

1 enforce land development regulations within the unincorporated  
2 area of Palm Beach County; and  
3  
4 **WHEREAS**, current information and increased population  
5 require re-evaluation and adoption of updated development  
6 standards; and  
7  
8 **WHEREAS**, the Board of County Commissioners has mandated that  
9 County staff conduct periodic reviews of the Unified Land  
10 Development Code to evaluate its various provisions and propose  
11 amendments to resolve new or outstanding issues; and  
12  
13 **WHEREAS**, the Board of County Commissioners has determined  
14 that periodic amendments to the Unified Land Development Code are  
15 necessary to comply with the Comprehensive Plan, State Statutes  
and federal law; and  
16  
17 **WHEREAS**, Chapter 162, Florida Statutes, permits local  
18 governing bodies to establish Code Enforcement Boards and  
19 procedures; and permits the assessment of civil penalties by code  
20 enforcement boards for violations that are deemed by the board to  
be irreparable or irreversible in nature; and  
21  
22 **WHEREAS**, the Board of County Commissioners has determined  
23 that criteria and procedures are necessary to establish an  
24 appropriate review process for commercial land use amendments;  
and  
25  
26 **WHEREAS**, the Board of County Commissioners has determined  
27 that it is in the economic interest of Palm Beach County to  
ensure the payment of debts to the County in a timely manner; and  
28  
29 **WHEREAS**, the Board of County Commissioners has determined  
30 that it is in the best interest of public welfare to ensure  
31 developments are constructed and continuously operated in  
32 accordance with the Unified Land Development Code, conditions of  
approval and adequate public facilities; and  
33  
34 **WHEREAS**, the Board of County Commissioners has determined  
35 that a process is needed to appeal decisions denying  
36 administrative time extensions for development orders approved by  
the Development Review Committee; and  
37  
38 **WHEREAS**, the Board of County Commissioners has determined  
39 that the Unified Land Development Code should provide  
40 opportunities for the co-location of certain compatible uses  
41 while ensuring the protection of public safety and welfare by  
the application of development standards; and  
42  
43 **WHEREAS**, the Board of County Commissioners has determined  
44 that provisions to accommodate technological advances in the  
45 field of telecommunications are necessary and in the best  
46 interest of public, if designed and sited in locations ensuring  
47 the least amount of impact on residential areas and on other  
surrounding development; and  
48  
49 **WHEREAS**, the Board of County Commissioners has determined  
50 that new development patterns should be accommodated by the  
51 Unified Land Development Code to respond to market demand,  
52 encourage economic development, provide incentive for  
53 redevelopment, and to utilize vacant or under-utilized buildings  
54 while maintaining the integrity of the zoning district through  
reasonable restrictions and development regulations; and

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1           **WHEREAS**, the Board of County Commissioners has determined  
2 that the Unified Land Development Code should be amended to  
3 provide guidance on the application of development standards to  
4 housing types which may have been approved by a development  
5 order but are no longer permitted; and

6           **WHEREAS**, the Board of County Commissioners has determined  
7 that provisions for amateur radio and television antennas  
8 accessory to residential uses are necessary, with reasonable  
9 limitations to protect the health, safety and welfare of  
10 surrounding residential uses; and has identified the need to  
11 establish a reasonable process through which the standards for  
12 amateur radio and television antennas may be exceeded, while  
13 ensuring adequate evaluation of the impact on surrounding  
14 residential areas; and

15           **WHEREAS**, the Board of County Commissioners has determined  
16 that the ULDC should be consistent with the Comprehensive Plan  
17 and allow opportunity for evaluation of applications for  
18 commercial excavation and mining activities in the Rural  
19 Residential area in order to supply the fill source demand in  
20 Palm Beach County; and has determined that applications for  
21 commercial excavation and mining activities in the Rural  
22 Residential Land Use Category should be subject to reasonable  
23 restrictions and property development regulations in order to  
24 protect the health, safety and welfare of the residential area.

25           **WHEREAS**, the Board of County Commissioners has determined  
26 that reasonable locational, access, siting operational and  
27 compatibility criteria, as well as certain other limitations,  
28 should apply to commercial mining activities in the Rural  
29 Residential areas in order to protect existing and future  
30 residential development; and locational and access criteria is  
31 critical in determining where commercial excavation operations  
32 can be located in order to prohibit, where appropriate, and  
33 minimize the impact of the mining and hauling activity on  
34 surrounding land uses and streets, especially local residential  
35 streets; and separation, setback and buffer requirements are  
36 necessary to ensure protection of the health, safety and welfare  
37 of surrounding residents; and  
38

39           **WHEREAS**, the Board of County Commissioners has determined  
40 that excavation operations should be permitted in conjunction  
41 with a bona fide development order provided the fill remains on  
42 site in order to reduce the demand to haul fill to the site; and

43           **WHEREAS**, the Board of County Commissioners has determined  
44 that improved construction, environmental and reclamation  
45 standards regarding mining and excavation will be beneficial to  
46 the environment, further the protection of public health, safety  
47 and welfare and reduce non-compliance and enforcement problems;  
48 and the reorganization of the provisions for excavation and  
49 mining activities are necessary to clarify and consolidate  
50 existing language to ensure consistency and compliance with all  
51 excavation and mining related activities; and

52           **WHEREAS**, the Board of County Commissioners has determined,  
53 that commercial excavation and mining activities should comply  
54 with all local codes and conditions of approval and non  
55 compliance should result in expeditious compliance or revocation of  
56 the development order, based on the impact such operations have  
57 on surrounding land uses; and

58           **WHEREAS**, the Board of County Commissioners has determined

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1 that the sign regulations contained in Section 7.14 of the  
2 Unified Land Development Code are the minimum standards necessary  
3 to promote the health, safety and welfare and aesthetics of the  
4 community; and to insure that commercial signs are not given  
5 preference over non-commercial signs, this ordinance is amended  
6 to provide that any sign may contain non-commercial copy in lieu  
7 of other copy.

8           **WHEREAS**, the Board of County Commissioners, on February 6,  
9 1996, approved Resolution R96-168-D, A stipulated settlement  
10 agreement with various firms owning billboards within the County,  
11 including Ackerley Communications and 3M National Advertising, to  
12 resolve long standing litigation regarding the amortization and  
13 elimination of billboards within unincorporated Palm Beach  
14 County; and the terms of the stipulated settlement agreement  
15 require Palm Beach County to adopt amendments to the Unified Land  
16 Development Code to codify the various provisions of the  
17 agreement; and the proposed amendments have been reviewed by the  
18 various signatories to the settlement agreement, and those  
19 parties support adoption of the proposed amendment; and the Board  
20 of County Commissioners finds this amendment implements the  
21 billboard settlement agreement; and

22           **WHEREAS**, the initiation of the State Environmental Resource  
23 Program on October 3, 1995, has resulted in a situation where the  
24 County and the State would be providing a duplication of effort  
25 and a waste of limited government resources by issuing permits  
26 for the same projects in wetland areas; and the Board of County  
27 Commissioners has expressed a desire to reduce or eliminate  
28 duplicate permitting processes; and the proposed amendment to  
29 Article 9, Section 9.4, Wetlands Protection ordinance, of the  
30 Unified Land Development Code, suspends a duplicate dredge and  
31 fill permitting process; and is not expected to diminish natural  
32 resource protection efforts; and

33           **WHEREAS**, the Board of County Commissioners desires to  
34 maintain the biological diversity of Palm Beach County by  
35 protecting native upland communities and environmentally  
36 sensitive lands from degradation and loss; and that the  
37 alteration or destruction of native vegetation and  
38 environmentally sensitive lands will cause an irreparable  
39 environmental, educational, aesthetic, and cultural loss to the  
40 citizens and visitors of Palm Beach County and will result in  
41 harm and degradation to the quality of life, ground water,  
42 surface waters, and air quality; and

43           **WHEREAS**, the Board of County Commissioners has determined  
44 that it is in the best interest of the County to consolidate and  
45 streamline the review processes for protection of native upland  
46 communities and environmentally sensitive lands; and

47           **WHEREAS**, Article 10 of the Unified Land Development Code  
48 sets forth a series of impact fees to generate a portion of the  
49 funds required to defray the costs of providing adequate public  
50 facilities necessitated by new development; and the Palm Beach  
51 County Charter provides that County Ordinances shall prevail over  
52 conflicting municipal ordinances in matters related to certain  
53 impact fees; and

54           **WHEREAS**, the Palm Beach County Environmental Control Act,  
55 Chapter 77-616, Special Act, Laws of Florida, provides that the  
56 Palm Beach County Environmental Control Board shall adopt rules  
57 necessary for the effective and continuing control and regulation  
58 of the environment; and

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1                   **WHEREAS**, Palm Beach County Environmental Control Act,  
2 Chapter 77-616, Special Acts, Laws of Florida, authorized the  
3 Board of County Commissioners of Palm Beach County, acting as the  
4 Palm Beach County Environmental Control Board, to enact standards  
5 for residents and visitors that will ensure sanitary practices  
6 and freedom of the environment from contaminants or synergistic  
7 agents which are injurious to human, plant or animal life or  
8 which unreasonably interfere with the comfortable enjoyment of  
9 life or property or the conduct of business; and the protection  
10 of the residents and visitors from the health and environmental  
11 hazards of improper onsite sewage treatment and disposal systems  
12 and unsafe drinking water is necessary to promote the general  
13 welfare; and current scientific information, and increased  
14 population in the County and changes in state and federal  
15 regulations require modifications to certain existing provisions;  
16 and

17                   **WHEREAS**, the BCC has determined that land clearing activity  
18 associated with development results in the open burning of land  
19 clearing debris; and such activity has a potential to adversely  
20 impact surrounding areas; and that provisions regulating open  
21 burning are necessary to promote the general welfare the  
22 protection of the residents and visitors from the health and  
23 environmental hazards of air pollutants and contaminants; and

24                   **WHEREAS**, Chapter 333.03, Florida Statutes, mandates Palm  
25 Beach County to enact Airport Zoning Regulations; and

26                   **WHEREAS**, the Legislature of the State of Florida has found  
27 that airport hazards endanger the lives and property of users of  
28 the airport(s) and of the occupants of land in its vicinity, and  
29 also, if of the obstruction type, in effect reduces the size of  
30 the area available for the taking off, maneuvering, or landing of  
31 aircraft, thus tending to destroy or impair the utility of the  
32 airport(s) and the public investment therein; and

33                   **WHEREAS**, the Legislature of the State of Florida has  
34 declared that the creation or establishment of an airport hazard  
35 and the incompatible use of land in airport vicinities are public  
36 nuisances and injure the community service by Palm Beach County  
37 airports; and

38                   **WHEREAS**, the Legislature of the State of Florida has  
39 declared that it is necessary in the interest of the public  
40 health, public safety, and general welfare that the creation and  
41 establishment of airport hazards and incompatible land uses be  
42 prevented; and

43                   **WHEREAS**, the Legislature of the State of Florida has  
44 declared that airport hazards should be prevented to the extent  
45 legally possible by the exercise of police power without  
46 compensation; and

47                   **WHEREAS**, it is the objective of this ordinance to regulate  
48 uses of land within airport hazard areas and land use noise zones  
49 that are incompatible with normal airport operations, and which,  
50 if not regulated could increase the potential for personal injury  
51 and property damage in the event of an aircraft accident.

52                   **WHEREAS**, the Board of County Commissioners has determined  
53 that it is in the best interest of the public to establish an  
54 airport noise zone to give current and future residents, in  
55 unincorporated Palm Beach County, notice that their property is  
56 in a noise zone and may be affected by aircraft noise; and

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1 Requirements for uses nonconforming to Airport regulations are  
2 set forth in Section 1.12. Uses that are either a major or minor  
3 nonconforming use and are also nonconforming to the Airport  
4 zoning regulations shall be regulated as follows:

5 (a) Uses deemed a major nonconforming use and nonconforming to  
6 the Airport regulations shall comply with the major  
7 nonconforming use provisions.

8 (b) Uses deemed a minor nonconforming use and nonconforming to  
9 the Airport regulations shall comply with both the minor  
10 nonconforming provisions and the Airport nonconforming  
11 provisions.

12 **A- B.** **Major Nonconforming Use.** A nonconforming use is  
13 designated as major when it is legally established in a  
14 zoning district where the use is now prohibited in such  
15 district under the terms of this code and the location  
16 is inappropriate so that its location creates or  
17 threatens to create incompatibilities ~~potentially~~  
18 ~~injurious detrimental~~ to the public welfare. Therefore,  
19 strict limits are set forth in this section for the  
20 expansion and continuation of major nonconforming uses.

21 ...

22 **B- C.** **Minor Nonconforming Use.** A minor nonconforming use is a  
23 use which was legally established in a zoning district  
24 where the use is now prohibited in the district in  
25 which it is located under the terms of this code, or is  
26 inconsistent with the physical or permit requirements  
27 of this Code. Minor nonconforming uses do not create or  
28 threaten to create incompatibilities injurious to the  
29 public welfare. Therefore, provisions which allow  
30 limited expansion of minor nonconforming uses are  
31 established.

32 ...

33 **2. Enlargement or expansion....**  
34 **a. Prohibited in district....**  
35 **b. Noncompliance with physical limitations or permitting**  
36 **requirements.** A minor nonconforming use that is not in  
37 compliance with this Code's physical requirements, such as  
38 landscaping, locational criteria or parking regulations, or  
39 this Code's permit requirements, such as possessing a  
40 required development order for conditional use, may expand  
41 on one (1) occasion, pursuant to Development Review  
42 Committee review. Based on the standards set forth in this  
43 section, the DRC shall deny, approve or approve with  
44 conditions the request for expansion pursuant to the process  
45 established in Article 5.6 of this Code.

46 ...

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Table 1.7-1  
Schedule of Nonconforming Uses

Land Use Uses of Land*	Zoning Districts																							
	P C	A O R	A P	S A	R E S	A R	C R S	R E	R T	R T S	R T U	R S	R M	R H	C N	C G	C G O	C L O	C R E	L	IG	7 P D	P D	
AGRC <sup>1</sup>	A	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Res <sup>2</sup>	A	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
RMF <sup>3</sup>	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	B	B	B	B	B	B	B	B
MH <sup>4</sup>	A	B	B	B	B	B	B	B	B	B	B	A	B	B	B	B	B	B	A	B	B	B	B	B
Comm-<25 <sup>5</sup>	A	A	A	B	B	A	A	A	A	A	A	A	B	B	B	B	B	B	A	B	B	B	B	B
Comm->25 <sup>6</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	A	A	A	B	B	B	B
OFF <sup>7</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	B	A	B	B	B	B	B
L-Ind <sup>8</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	A
H-Ind <sup>9</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	B	B	A
Inst <sup>10</sup>	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	B	B	B	B	B	B	B	B

Note:

- 16 \*
- 17 \*\* Regardless of zoning district, whether a use is a major nonconforming or a minor nonconforming use is determined by the specific land use in a zoning district.
- 18 \*\*\* "A" constitutes a Major Nonconforming Use.
- 19 "B" constitutes a Minor Nonconforming Use.
- 20 1. AGRC means an Agricultural land use.
- 21 2. RSF means a Residential Single Family land use.
- 22 3. RMF means a Residential Multi Family land use.
- 23 4. MH means a Mobile Home land use.
- 24 5. Comm-<25 means a Commercial land use of less than 25,000 sq ft.
- 25 6. Comm->25 means a Commercial land use of greater than 25,000 sq ft.
- 26 7. OFF means an Office land use.
- 27 8. L-Ind means a Light Industrial land use.
- 28 9. H-Ind means a Heavy Industrial land use.
- 10. Inst means an Institutional land use.

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1           **Subpart**   Section 1.8., Nonconforming Structures is amended to  
2                           add and delete language as follows:

3           **SEC. 1.8 NONCONFORMING STRUCTURES.** A nonconforming structure  
4                           devoted to a use permitted in the zoning district in  
5                           which it is located, may be continued in accordance  
6                           with the provisions in this section. Requirements for  
7                           structures nonconforming to Airport regulations are set  
8                           forth in Section 1.12.

9  
10           **Subpart**   Section 1.12., Uses and Structures Within an Airport  
11                           Zone is created as follows:

12           **SEC. 1.12 USES AND STRUCTURES WITHIN AN AIRPORT ZONE.**

13           **A. Applicability.** Uses permitted prior to the effective date of  
14                           the Airport Zoning regulations, (effective date), that lie  
15                           within regulated areas defined in Article 18 (Airport Zoning  
16                           Regulations), which does not comply with the Airport Land  
17                           Use Compatibility Schedule or Department or Transportation's  
18                           Guidelines for the Sound Insulation of Residences Exposed to  
19                           Aircraft Operations, or exceeds permitted height limitations  
20                           shall be considered a nonconforming use unless the structure  
21                           or use is brought into conformance with the provisions of  
22                           Article 18.

23           **1. Exemptions.** Land Uses within regulated areas defined in  
24                           Article 18, Section VII, D.2.(a), "Airport Land Use Noise  
25                           Zones for Airports Which Have Not Completed an FAR Part 150  
26                           Noise and Land Use Compatibility Study," are exempt from the  
27                           requirements of this section.

28           **B. Existing uses and occupancy.** The requirements of Article 18  
29                           shall not be construed to necessitate the removal, lowering  
30                           or alteration of a structure or building supporting an  
31                           existing use nonconforming to the requirements therein, or  
32                           otherwise interfere with the continuance of such use which  
33                           legally existed prior to (effective date of this ordinance)  
34                           provided the continuation does not jeopardize life or  
35                           health. Construction or alterations which existed or had  
36                           started prior to (effective date of this ordinance), and is  
37                           diligently pursued and completed in accordance with building  
38                           permitting requirements as defined by PZ&B, shall not be  
39                           required to comply with the provisions in Article 18.

40           **(1) Change in use and occupancy.** If a change of use is proposed  
41                           for an existing structure or building which does not comply  
42                           with the Airport Zoning provisions for that particular use,  
43                           as specified in the Airport Land Use Compatibility Schedule,  
44                           the entire structure or building shall be brought into  
45                           conformance with Article 18.

46           **C. Abandonment of a use.** If a use nonconforming to the Airport  
47                           Zoning regulations has been abandoned for 365 days (one  
48                           year), a permit cannot be issued to repair, reconstruct or  
49                           restore the structure to re-establish the use unless the  
50                           extent of the repair, reconstruction or restoration complies  
51                           with the requirements in Sec. VI.G. (Airspace Height  
52                           Regulations), and Sec. VII.E. (Off-Airport Land Use  
53                           Compatibility Schedule).

54           **D. Repair, reconstruction, restoration, or alteration of a**  
55                           **structure.**

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1 1. Height restrictions. No permit shall be granted that  
2 would allow an existing structure to become higher or become  
3 a greater hazard to air navigation than it was as of  
4 (effective date of ordinance). All structures shall comply  
5 with Article 18, Section VII.G. (Airspace Height  
6 Regulations).

7 2. Use restrictions. Any permits to substantially alter,  
8 repair, restore, reconstruct or rebuild a structure  
9 supporting a non-conforming use shall comply with Article  
10 18, Section VII.G. (Airspace Height Regulations), and Sec.  
11 VII.E. (Off-Airport Land Use Compatibility Schedule). In  
12 such cases the entire building or structure shall be brought  
13 into conformance with these requirements. For the purposes  
14 of this section, substantially alter shall mean:

15 a. the structure is more than 80 percent torn down, destroyed,  
16 deteriorated, or decayed; or

17  
18 b. the cost of repair, reconstruction or restoration exceeds  
19 80% of the assessed value of the existing building or  
20 structure; or,

21 c. the non-structural alterations or repairs exceed 50 percent  
22 of the assessed value of the existing building or structure.

23 If the structure does not meet these criteria, then only the  
24 new construction, alteration or repair shall be subject to  
25 the requirements of Article 18.

26 E. Relocated Buildings. Buildings or structures moved into or  
27 within Palm Beach County, into a RPZ or ALUNZ shall comply  
28 with the height and noise level reduction provisions in  
29 Article 18, as applicable.

30 F. Obstruction and marking requirements. Any repair,  
31 restoration, reconstruction or alteration to a nonconforming  
32 structure or establishment of a new use shall require  
33 compliance with the Obstruction Marking and Lighting  
34 provisions in Section VI of this Article.

35 **Subpart** Section 3.2., Definitions is amended to add and delete  
36 language as follows:

37 **SEC. 3.2 DEFINITIONS.** Terms in this Code shall have the  
38 following definitions. Supplemental definitions for  
39 terms in Section 7.17 and Articles 9 and 15 are defined  
40 in the referenced Section or Article. If a conflict  
41 exists in terms between definitions found in Article 3  
42 and Section 7.17 and Articles 9 and 15, the terms  
43 defined in the specified Article shall apply.

44 ~~Alteration or materially alter means the result of human caused~~  
45 ~~activity which modifies, transforms or otherwise changes the~~  
46 ~~environment, including but not limited to the following:~~

47 ~~1. The addition, removal, displacement, or disturbance (severe~~  
48 ~~pruning, hatracking, poisoning) of vegetation, but shall~~  
49 ~~exclude prescribed ecological burning for the management of~~  
50 ~~native Florida communities, the removal of trees, seedlings,~~  
51 ~~runners, suckers, and saplings of prohibited plant species~~  
52 ~~identified in Article 9, Environmental Standards.~~

53 ~~2. Demucking and grading of soil.~~

54 ~~3. The removal, displacement, or disturbance of rock, minerals~~

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- 1 or water.
- 2 ~~4. The grazing of cattle or other livestock.~~
- 3 ~~5. The removal, addition, or moving of sand.~~
- 4 ~~6. Any construction, excavation or placement of a structure~~
- 5 ~~which has the potential to affect coastal biological~~
- 6 ~~resources, the control of beach erosion, hurricane~~
- 7 ~~protection, coastal flood control or shoreline and offshore~~
- 8 ~~rehabilitation.~~

9 Best Management Practices means practices which are a  
 10 technologically and economically feasible means of preventing or  
 11 reducing amounts of pollution generated by point and non-point  
 12 sources to a level compatible with the water quality and quantity  
 13 objectives of the County.

14 Director of Environmental Resources Management (ERM) means the  
 15 agency head of ERM.

16 ~~Environmentally sensitive lands mean ecological sites (ecosites),~~  
 17 ~~other than wetlands, that are designated in the Inventory of~~  
 18 ~~Native Ecosystems in Palm Beach County and on its accompanying~~  
 19 ~~aerial photographs as "A" quality, representing high quality~~  
 20 ~~native Florida upland ecosystems. These sites are indicated on~~  
 21 ~~the aerial photographs (received on May 30, 1989) that are on~~  
 22 ~~file at ERM and are incorporated herein by reference.~~

23 Excavate or excavation means The extraction of minerals from the  
 24 earth necessary to (1) construct a single family dwelling; or (2)  
 25 support bona-fide agricultural production operations; or (3) to  
 26 implement a final site development plan; or (4) any act wherein  
 27 which material the earth is cut into, dug, quarried, uncovered,  
 28 removed, displaced, related or otherwise deliberately disturbed  
 29 to create a temporary or permanent body of water, including the  
 30 conditions resulting therefrom. Excavation excludes agricultural  
 31 plowing, site grading, dry retention/detention, demucking and  
 32 canal dredging in preparation for construction.

33 Excavated surface area means the area created to construct a  
 34 permanent or temporary body of water measured from outside edge  
 35 of the excavated area to outside edge of excavated area (top of  
 36 bank to top of bank).

37 Excavation, agricultural means excavation undertaken necessary to  
 38 support bona fide agricultural production activities operations,  
 39 including but not limited to the creation of ponds or lakes to  
 40 construct accessory structures supporting the agricultural use,  
 41 livestock ponds, canal laterals and roads, but excluding  
 42 customary agricultural activities such as plowing and maintenance  
 43 of canals and roads.

44 Excavation, commercial. See excavation, Type IIIA and Type IIIB.

45 Excavation, Type I (A) means excavation necessary to create a  
 46 pond to obtain fill for the construction of for the construction  
 47 of a single family dwelling as permitted by right in any zoning  
 48 district with or an accessory structure on a lot area greater  
 49 than one (1.0) acre or greater with an excavated surface area  
 50 less than two tenths (0.2) of an acre.

51 Excavation, Type I (B) means excavation necessary for the  
 52 creation of a pond or lake which shall be accessory to for the  
 53 construction of a single family dwelling or accessory use  
 54 permitted by right in any zoning district on a lot greater than  
 55 two and one half (2.5) acres or greater with an excavated surface

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1 area in excess of two tenths (0.2) of an acre but less than two  
2 (2.0) acres.

3 ~~Excavation, Type II means excavation necessary to implement a~~  
4 ~~final site development plan. means excavation necessary to create~~  
5 ~~a lake which is required to implement a development order for a~~  
6 ~~final site development plan provided a minimum of 90% of the~~  
7 ~~extracted material remains on-site.~~

8 Excavation, Type IIIA means mining activity, primarily for  
9 commercial purposes, that extracts materials from the earth and  
10 may require limited on-site processing by using mobile crushers,  
11 sifters and conveyor systems. A Type IIIA excavation activity  
12 shall not include the use of explosive devices or permanent  
13 structures or equipment used to process material. means the  
14 mining, quarrying, developing of mines for exploration of  
15 nonmetallic minerals, except fuels, or other extractive materials  
16 primarily for commercial purposes, including but not limited to  
17 treating, crushing, or processing the material or off site  
18 disposition for fill

19 Excavation, Type IIIB means mining activity, primarily for  
20 commercial purposes, that extracts materials from the earth and  
21 may require extensive processing of the material on-site. Type  
22 IIIB excavations may involve the use of explosives and permanent  
23 heavy industrial structures or equipment to crush, sift and  
24 transport the material on site.

25 Excavation, West County Agricultural Area (WCAA) means excavation  
26 necessary to support bona fide agricultural operations located  
27 within the WCAA and has the Agriculture Production designation on  
28 the land use map in the land use element of the Palm Beach County  
29 Comprehensive Plan.

30 FDPR means Florida Department of Professional Regulation.

31 ~~Inventory of Native Ecosystems in Palm Beach County means reports~~  
32 ~~and annotated arials produced during the study with this title,~~  
33 ~~which was conducted by consultants under contract to Palm Beach~~  
34 ~~County.~~

35 Mined ~~L~~lake, excavated means a body of water, excluding canals of  
36 conveyance, greater than one (1) acre in size or greater than six  
37 (6) feet in depth from ~~OHW~~ OWL and which will remain open for  
38 longer than one hundred eighty (180) days. Multiple (more than  
39 one) bodies of water constructed on a parcel or parcels of  
40 property under common ownership or control shall be considered a  
41 mined lake when such water bodies have a combined surface area  
42 greater than one (1) acre.

43 Mined ~~L~~lake, excavated-existing, means a lake constructed, under  
44 construction or to be constructed under permit of a  
45 jurisdictional agency prior to the effective date of ~~Sec. 7-6~~  
46 ~~(Excavation)- June 16, 1992.~~

47 Lake, mined means a lake created by the extraction of minerals  
48 from the earth for commercial purposes.

49 Mangrove fringe means those shoreline mangrove areas whose width  
50 does not exceed thirty (30) feet as measured from the landward  
51 edge of the mangrove trunk most landward of MHW (or MHW itself in  
52 the absence of any landward tree), waterward along a line  
53 perpendicular to MHW, to the waterward edge of the mangrove trunk  
54 most waterward of MHW.

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1 Mining means the extraction of materials from the earth,  
2 quarrying, developing of mines for exploration of non-metallic  
3 minerals, or other extractive materials primarily for commercial  
4 purposes, including but not limited to treating, crushing, or  
5 processing the material including off-site disposition of fill.  
6 Mining operations are classified as either as a Type IIIA or Type  
7 IIIB excavations and shall comply with the procedures and  
8 standards for a Type III excavation operation.

9 Mining, commercial. See Mining and Excavation Type IIIA and Type  
10 IIIB.

11 ~~Mining operation means the extraction of subsurface materials for~~  
12 ~~use at a location other than the immediate construction site.~~

13 ~~Mitigation means an action or series of actions that will offset~~  
14 ~~the adverse impacts to the native upland ecosystems in Palm Beach~~  
15 ~~County that cause a project to be not approved.~~

16 Operating permit means the permit required of certain activities  
17 to operate within wellfield zones, the criteria for which are set  
18 forth under Sec. 9.43.

19 Ordinary High Water (OHW) means, for areas with an established  
20 control elevation, the control elevation will be the OHW. For  
21 areas without an established control elevation, the wet season  
22 water table prior to the ~~mining~~ excavation activity will be OHW.

23 Ordinary Water Level (OWL) means the average level of water as  
24 determined by an engineer or by the applicant's appointee. The  
25 established water surface elevation shall consider seasonal  
26 fluctuations in the groundwater table and other factors that may  
27 cause fluctuations of the water level.

28 Pond. A permanent body of water less than 1 acre in size and less  
29 than six feet (6') in depth.

30 ~~Preservation management plan~~ means a plan that will provide for  
31 the perpetual viability of a designated preserve area including  
32 the ongoing control of invasive non native plant species.

33 Preserve or preserve area means that portion of native vegetation  
34 which is required to be set aside from development to be retained  
35 in its natural state in perpetuity, or other alteration  
36 activities, protected from the removal of any native plant  
37 species, managed to maintain viability for wildlife habitat, and  
38 maintained free of non native plant species.

39 Reclamation. Re-establishment of the soil and earth to a useable  
40 condition.

41 Street, local commercial means a street designed and maintained  
42 primarily to provide legal and vehicular access to abutting land  
43 commercial or industrial lots. A local commercial street is of  
44 limited continuity, is not for through traffic, and is the middle  
45 order street of minor streets. ~~being of a higher classification~~  
46 ~~than a residential street~~

47 Street, local residential means a street designed and maintained  
48 primarily to provide legal and vehicular access to abutting  
49 residential lots. A local residential street is of limited  
50 continuity, is not for through traffic, and is the middle order  
51 street of minor streets, being of a higher classification than a

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1 residential access street.  
2 **Tree** means a woody perennial plant commonly with a single ~~four~~  
3 ~~(4) foot clear stem and having a minimum diameter at breast~~  
4 height (dbh) of three (3) inches, having a more or less defined  
5 crown, that usually grows to at least ~~fifteen (15)~~ four (4)  
6 meters or thirteen (13) feet in height at maturity.

7 **Upland Reclamation area.** Land area preserved or re-established  
8 around the perimeter of an excavated area created to ensure  
9 useable end-use of the land.

10 **Upland reclamation planting.** Installation of vegetation to re-  
11 establish plant and animal habitats.

12 ~~**Vegetation, protected** means all vegetation other than:~~

- 13 ~~1. Prohibited plant species; or~~  
14 ~~2. Vegetation excluded from protection by Sec. 7.5 Vegetation~~  
15 ~~Preservation and Protection.~~

16 ~~**Vegetation removal** means:~~

- 17 ~~1. The actual extraction of vegetation; or~~  
18 ~~2. Direct or indirect actions resulting in the effective~~  
19 ~~removal of vegetation through damaging or poisoning; or~~  
20 ~~3. Similar actions directly or indirectly resulting in the~~  
21 ~~death of vegetation.~~

22 ~~**Vine** means a plant with a flexible stem which normally requires~~  
23 ~~support to reach mature form.~~

24 ~~**Violator** means a person who has been ordered by Code Enforcement~~  
25 ~~to correct a violation.~~

26 ~~**West County Agricultural Area (WCAA).** The WCAA area is bounded~~  
27 ~~roughly by Lake Okeechobee, Palm Beach Hendry County Line, and~~  
28 ~~the South Florida Water Management District Levees L 4, L 5, L 6,~~  
29 ~~L 7 and L 8. and is the agriculture production designation on the~~  
30 ~~land use map of the land use element of the comprehensive plan,~~  
31 ~~also known as the Everglades Agricultural Area (EAA).~~

32 **Subpart** Section 4.5.B., Board of Adjustment, Powers and duties  
33 is amended to add language and renumber sections as  
34 follows:

35 **B. Powers and duties.** The Board of Adjustment shall have the  
36 following powers and duties under the provisions of this  
37 Code:

38 ...

39 4. To hear, review, consider and approve or reverse decisions  
40 of the Zoning Director and/or Airport Director on matters  
41 pertaining to the enforcement of the airport zoning  
42 regulations of Article 18, as provided in Chapter 333.08.,  
43 Fla. Stat., 1995, as amended.

44 4-5.

45 5-6.

46 **Subpart** Section 4.13.B., Groundwater and Natural Resources  
47 Protection Board, Powers and Duties is amended to add

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and delete language as follows:

**B. Powers and duties.** The Groundwater and Natural Resource Protection Board shall have the following powers and duties:

...

~~7. To levy fines not to exceed two hundred fifty dollars (\$250) for a first violation, or five hundred dollars (\$500) for a repeat violation, for each day a violation continues past the first day.~~

~~7. 2-~~ To lien property.

~~8. To assess administrative fines and costs pursuant to Article 14.~~

**Subpart** Section 4.26.B, Director of ERM, Jurisdiction, authority and duties is amended to add and delete language as follows:

**B. Jurisdiction, authority and duties.** In addition to the jurisdiction, authority and duties which may be conferred upon the Director of ERM by other provisions of the County Code and the County Charter, the Director of ERM shall have the following jurisdictions, authority and duties under this Code:

1. To review, consider and render interpretations to Art. 9, Environmental Standards and Secs. ~~7-5~~ and 7.6;

2. To review and approve, approve with conditions or deny applications for development or permits for ~~coastal protection, sea turtle protection and sand preservation, environmentally sensitive lands,~~ wetlands protection, wellfield protection, upland vegetation preservation and protection, removal, excavation, water and irrigation conservation, stormwater pollution prevention, and other ordinances as may be assigned by the Board of County Commissioners;

3. To initiate enforcement action pursuant to Article ~~9~~ and Secs. ~~7-5~~ and 7.6 whenever evidence has been obtained or received establishing that a violation has been committed. The Director of ERM shall issue a notice to correct the violation, a citation to cease the violation, or a notice of violation and cause same to be served upon the violator;

4. To terminate an investigation or an enforcement action commenced under the provisions of Article ~~9~~ and Secs. ~~7-5~~ and 7.6 and to resolve the alleged violations by execution of a written consent (settlement) agreement between the County and the person(s) who is(are) the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of the Code by said person(s). The consent agreement may, at the discretion of the Director of ERM, provide the following: remedial or corrective action; environmental mitigation; compensatory damages; punitive damages; civil penalties; costs and expenses of the County in tracing the source of any discharge, in controlling and abating the source of the pollutants and the pollutants themselves, and in restoring the waters and property, including animal, plant and aquatic life, of the County to

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1 their former conditions; and costs of the County for  
2 investigation, enforcement, testing, monitoring, and  
3 litigation Executed written consent agreements are hereby  
4 deemed to be lawful orders or contracts of the County; and

5 ...

6 **Subpart** Section 5.1.A., General Applicability, Applicability is  
7 amended to add and delete language as follows:

8 **SEC.5.1 GENERAL APPLICABILITY.**

9 **A. Applicability.** ~~The All~~ provisions of this section shall  
10 apply to every application for a development permit, except  
11 for reviews pursuant to Sec. 5.8. Only Sec. 5.1.K., 5.1.M.,  
12 and 5.1.O shall apply to reviews pursuant to Sec 5.8. Unless  
13 otherwise specified, development orders and permits are  
14 transferable to new owners and run with the land.

15 **Subpart** Section 5.1.F.4.e., Public Hearing procedures for  
16 application for development permit, Conduct of Hearing  
17 is amended to add and delete language as follows:

18 **e. Continuance or postponement of public hearing or meeting.**  
19 **(1) Public Hearing Items.** The body conducting the public hearing  
20 or meeting may, on its own motion or at the request of any  
21 applicant, continue the public hearing or meeting to a fixed  
22 date, time and place. An applicant shall have the right to  
23 request and be granted one (1) thirty (30) day entitlement  
24 continuance without an additional fee; however, all  
25 subsequent continuances shall be granted at the discretion  
26 of the body conducting the hearing only upon good cause  
27 shown and shall be subject to a fee as established by BCC.  
28 Any request for continuance shall be submitted in writing  
29 five (5) working days prior to the hearing.

30 **(2) Development Review Committee.** Except for the entitlement  
31 continuance, all applications for development continued for  
32 more than six (6) months by the Development Review  
33 Committee, must obtain approval from the Zoning Director.  
34 All applications not continued for more than six (6) months  
35 by the Zoning Director, shall be administratively withdraw.

36 **Subpart** Section 5.1.O., General Applicability, Outstanding  
37 Liens or Fines is created as follows:

38 **O. Outstanding liens or fines.** Development Order applications  
39 for properties which have outstanding liens or fines owed to  
40 Palm Beach County shall be paid as required below:  
41 1. Rezoning. DRC shall not approve a final site plan or  
42 final subdivision plan until payment of any outstanding  
43 liens or fines.  
44 2. Conditional Use A or B, Development Order Amendment and  
45 Variations. The approving body shall impose a condition of  
46 approval requiring the payment of any outstanding liens or  
47 fines by a date certain or prior to a specific event.  
48 3. Applications for Uses Designated as a "D" in Table 6.4.1.  
49 DRC shall not approve the application until the payment of  
50 any outstanding liens or fines.  
51 4. Time Extension Approved by the Zoning Commission or BCC.  
52 The "Notice of Intent to Withhold Development Permits"  
53 required by Section 5.8 shall not be released until payment  
54 of any outstanding liens or fines.  
55 5. In the event litigation contesting the validity of the

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1                    lien or fine is initiated prior to the application for the  
2                    Development Order, the time for payment shall be established  
3                    only after the conclusion of litigation. In this case, a  
4                    condition shall be in place that requires the  
5                    owner/developer to notify the County Attorney at Final Order  
6                    and if the lien is upheld, payment of the lien shall be 35  
7                    days after Final Order.  
8                    6. Effectiveness. Notwithstanding the above, staff shall  
9                    review the effectiveness of this process and present a  
10                   report to the BCC in November 1997.

11                   **Subpart**    Section 5.2.D.7., Site Specific Comprehensive Plan  
12                                      Amendments, Commercial Application Review and Track  
13                                      Determination is created and sections renumbered as  
14                                      follows:

15                   **5.2.D.7. Commercial Application Review and Track Determination.**  
16                                      Each commercial amendment request shall be classified  
17                                      as either Track 1 or Track 2. The track determines the  
18                                      level of review appropriate for a commercial amendment  
19                                      request.

20                   **a. Track Classification.**

21                   **(1) Track 1: Consistency/Compatibility Review Application.** The  
22                                      following criteria shall be considered by the Planning  
23                                      Director, in making a favorable determination for a Track 1  
24                                      Review:

25                   **(a) The parcel is in a developed, or built-up area, and the**  
26                                      roadway segments are predominantly built-out (the roadway  
27                                      does not contain 1 mile of contiguous undeveloped land).

28                   **(b) The parcel is within the boundaries of an adopted**  
29                                      neighborhood plan, community plan, redevelopment area, or  
30                                      special study area.

31                   **(c) The parcel is within an area where a "commercial land use**  
32                                      needs and location study" has already been completed.

33                   **(d) The parcel is not of significant size, or the requested use**  
34                                      is not of significant intensity, to require a commercial  
35                                      land use needs and location study.

36                   **(2) Track 2: Commercial Study Area Application.** Amendment  
37                                      requests for parcels located within areas of the County  
38                                      where the land use pattern has yet to be established, and  
39                                      which do not meet any of the criteria as outlined in Sec.  
40                                      5.2.D.7., shall be designated a Track 2 application. The  
41                                      Development of Regional Impact (DRI) process and the Florida  
42                                      Quality Development process shall substitute for the data  
43                                      and analysis portion of the commercial land use needs and  
44                                      location study.

45                   **b. Procedural requirements.** The following process shall be  
46                                      conducted to classify the review track.

47                   **(1) The application is submitted to the Planning Director and**  
48                                      the Director or designee classifies each request as either a  
49                                      Track 1 or Track 2 application;

50                   **(2) The Planning Director provides the determination to the Land**  
51                                      Use Advisory Board (LUAB) at the first available meeting  
52                                      following receipt of the application. The track  
53                                      determination is affirmed or revised by the LUAB.

54                   **c. Review determination.**

55                   **(1) A Track 1 determination allows the applicant to proceed**  
56                                      through the consistency/compatibility review as part of the  
57                                      Comprehensive Plan Amendment Process.

58                   **(2) A Track 2 determination requires that a commercial**  
59                                      allocation study and market study be completed. The

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- 1                    applicant shall coordinate with the Planning Division and  
2                    the LUAB in establishing the study boundaries and completing  
3                    the study. The study area boundaries shall be approved by  
4                    the LUAB based on the following factors:  
5                    (a) the type of commercial use CL-O to CH, and appropriate  
6                    market area for such use;  
7                    (b) existing and proposed development patterns;  
8                    (c) natural or man-made boundaries - i.e., canals; and  
9                    (d) travel and access patterns, existing & proposed roads, etc.
- 10                   Following completion of the study, the applicant may then proceed  
11                   through the consistency/compatibility review portion of the  
12                   amendment process.
- 13                   ~~8.7-~~            **Notice....**  
14                   ~~9.8-~~            **Action by the Land Use Advisory Board sitting as the**  
15                                      **Local Planning Agency....**  
16                   ~~10.9-~~          **Action by Board of County Commissioners....**  
17                   ~~11.10-~~         **Standards....**
- 18                   **Subpart**        Section 5.7.B., Variances and Appeal of Administrative  
19                                      Decisions, Authority is amended to add and delete  
20                                      language as follows:
- 21                   **B. Authority.**
- 22                   1.    The Board of Adjustment, in accordance with the procedures,  
23                                      standards and limitations of this section shall approve,  
24                                      approve with conditions, or deny an application for  
25                                      development permit for a variance, after recommendation by  
26                                      the Zoning Director, or County Engineer, whichever is  
27                                      appropriate. The Board of Adjustment is granted the  
28                                      authority to hear and decide on variances only to Art. 6  
29                                      (except for Sec. 6.2, District Purpose and Intent and Table  
30                                      6.4-1 Use Regulation Schedule), Art. 7, Site Development  
31                                      Standards, Type IA and IB; excavations (except for Sec. 7.6,  
32                                      (except for provisions in Sec. 7.6 which are regulated by  
33                                      ERM) Type II and Type III Excavations; Art. 8, Subdivision,  
34                                      Platting, and Required Improvements, Sec. 15.1, Traffic  
35                                      Performance Standards, and Secs. 16.1 and 16.2, the  
36                                      Environmental Control Rule I and II; and Art. 8-  
37                                      Subdivision, Platting, and Required Improvements. 18,  
38                                      Airport Zoning.
- 39                   2.    The Board of Adjustment is not authorized to grant a  
40                                      variance to permit a use in a zoning district which does not  
41                                      expressly permitted it under the terms of this code, except  
42                                      as provided in the Airport Zoning regulations. Uses that lie  
43                                      within an Airport zone that are determined to be  
44                                      incompatible with Airport operations may seek variance  
45                                      relief to establish such use pursuant to Article 18. This  
46                                      provision in no way authorizes the Board of Adjustment to  
47                                      grant a variance to establish a use in a zoning district  
48                                      that prohibits it as defined in Sec. 6.4.D. of this code. in  
49                                      the zoning district involved In addition, the Board of  
50                                      Adjustment is not authorized to grant any use expressly  
51                                      prohibited by the terms of this code in the said zoning  
52                                      district or from a variance from a threshold requirement  
53                                      that determines a specified review process.
- 54                   3.    Unless otherwise specified, the Board of Adjustment shall  
55                                      hear and decide appeals from interpretation or decisions of  
56                                      the Zoning Director ~~or~~, the County Engineer or Airport  
57                                      Director regarding provisions of this Code pursuant to the

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- 1 procedures and standards in Article 2 of this Code.
- 2 a. In exercising its powers, the board of adjustment may, in  
3 conformity with the provisions of this Code, reverse or  
4 affirm, wholly or partly, or may modify the decision or  
5 determination made by the Zoning Director ~~or~~ the County  
6 Engineer or the Airport Director pursuant to this Code, and  
7 make such order, recommendation, decision or determination  
8 as ought to be made, and to that end shall have all the  
9 powers of the officer from whom the appeal is taken.
- 10 b. In making its decision, the interpretation of the Zoning  
11 Director ~~or~~ County Engineer or Airport Director shall be  
12 presumed to be correct and the applicant shall have the  
13 burden to demonstrate the error.
- 14 4. In no case shall the Board of Adjustment grant a permit to  
15 establish or re-establish a use prohibited in ~~the a~~  
16 specified zoning district except as provided in Sec. 2.  
17 above.
- 18 5. Airport Zoning. When reviewing variances to the Airport  
19 zoning provisions, the Board of Adjustment may approve,  
20 approve with conditions, postpone, or deny a variance for  
21 the erection, alteration, or modification of any structure  
22 which would cause the structure to exceed the federal  
23 obstruction standards as contained in 14 C.F.R. ss. 77.21,  
24 77.23, 77.25, 77.28, and, 77.29. The variance may not always  
25 be evaluated or granted solely on the basis that the  
26 proposal will not exceed these federal obstruction  
27 standards. If applicable, the standards in Sec. 5.7.E. shall  
28 be used to evaluate the variance application.
- 29 **Subpart** Section 5.7.D., Variances and Appeal of Administrative  
30 Decisions, Procedure is amended to add and delete  
31 language as follows:
- 32 **D. Procedure.**
- 33 1. **General.**
- 34 a. **Submission of application.** An application for a development  
35 permit for a variance, except a variance to Art. 8,  
36 Subdivision, and to Art. 18, Airport Regulations, shall be  
37 submitted to the Zoning Director, ~~along with a nonrefundable~~  
38 ~~application fee that is established by the Board of County~~  
39 ~~Commissioners from time to time to defray the actual cost of~~  
40 ~~processing the application.~~ An application for a development  
41 ~~permit for a variance to Art. 8, Subdivision, shall be~~  
42 ~~submitted to the County Engineer, along with a nonrefundable~~  
43 ~~application fee that is established by the Board of County~~  
44 ~~Commissioners from time to time to defray the actual cost of~~  
45 ~~processing the application.~~ An application for a variance to  
46 Art. 18, Airport Regulations, shall be submitted to the  
47 Director of Airports. All applications shall include a  
48 nonrefundable application fee that is established by the  
49 Board of County Commissioners from time to time to defray  
50 the actual cost of processing the application.
- 51 ...
- 52 e. Airport zoning; FAA and FDOT comments required prior to  
53 review by Board of Adjustment. Application for a variance  
54 from the Airport Zoning regulations shall comply with the

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- 1                    special review procedures in Article 18.  
2                    ...  
3                    3. **Determination of sufficiency.** The Zoning Director, County  
4                    Engineer, or Airport Director, whichever is appropriate,  
5                    shall determine if the application is sufficient and  
6                    includes data necessary to evaluate the application within  
7                    five (5) working days of its receipt.
- 8                    a. **Incomplete Application.** If the Zoning Director, ~~or~~ County  
9                    Engineer or Airport Director, whichever is appropriate,  
10                    determines that the application is not sufficient, a written  
11                    notice shall be served on the applicant specifying the  
12                    application's deficiencies. ~~The Zoning Director, or County~~  
13                    ~~Engineer, whichever is appropriate, Further action shall not~~  
14                    ~~take no further action place~~ on the application until the  
15                    deficiencies are remedied. If the applicant fails to correct  
16                    the deficiencies within twenty (20) working days, the  
17                    application shall be considered withdrawn.
- 18                    b. When the application is determined to be sufficient, the  
19                    Zoning Director ~~or~~, County Engineer, or Airport Director  
20                    ~~whichever is appropriate, determines the application is~~  
21                    ~~sufficient, the Zoning Director, or County Engineer,,~~  
22                    ~~whichever is as~~ appropriate, shall place schedule the  
23                    application ~~on~~ for the next available hearing consistent  
24                    with the Zoning Director's calendar.
- 25                    4. **Review and recommendation by the Zoning Director, ~~or~~ County**  
26                    **Engineer, or Airport Director.**
- 27                    a. Zoning and Subdivision variances. ~~Within fifteen (15)~~  
28                    ~~working days after the application is determined sufficient,~~  
29                    The Zoning Director or County Engineer, ~~whichever is as~~  
30                    appropriate, and the other appropriate applicable County  
31                    Departments shall review the application and shall forward a  
32                    staff report, including recommended findings of fact and  
33                    conclusions of law, either recommending approval, approval  
34                    with conditions, or ~~disapproval denial~~ of the application  
35                    based upon the standards in Sec. 5.7.E. within fifteen (15)  
36                    working days after the application is determined sufficient.
- 37                    ...
- 38                    d. Airport Zoning variances. An application for variance to the  
39                    requirements of Article 18 shall not be considered by the  
40                    Board of Adjustment until a copy of the application has been  
41                    furnished by DOA to the County Attorney, and FDOT (Aviation  
42                    Section) at least fifty (50) working days prior to the Board  
43                    of Adjustment public hearing.
- 44                    (1) Additional Application Requirement for Variances to Height  
45                    Limitations. If the application is for a height variance,  
46                    the applicant shall forward a copy of the application by  
47                    Certified Mail to the FDOT, Aviation Office, and the FAA.  
48                    The FDOT shall have forty-five (45) days from receipt of the  
49                    application to provide comments to the applicant and the  
50                    Board of Adjustment, after which time that right to comment  
51                    is waived.
- 52                    (2) Consideration of application. The Board of Adjustment may  
53                    proceed with consideration of an application only upon  
54                    receipt of FDOT comments or upon the applicant's filing a  
55                    copy of a certified mail return receipt showing the forty-  
56                    five (45) days have elapsed, demonstrating FDOT's intent to

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waive the right to comment.

**Subpart** Section 5.7.E.3., Variances and Appeal of Administrative Decisions, Standards is amended to add and delete language as follows:

**3.** Noise violations (Sec. 7.8). To authorize any variance to Sec. 7.8.A.4, Noise, only the following standards must be met.

...

**Subpart** Section 5.7.E.4., Variances and Appeal of Administrative Decisions, Standards, Airport height and land use noise limitations (Art. 18) is created as follows:

**4.** Airport height and land use noise limitations (Art. 18). In addition to the criteria defined in Section 5.7.E.i. above, the Board of Adjustment shall consider the following standards to authorize variance to Art. 18.

- a.** The nature of the terrain and height of existing structures.
- b.** Public and private interests and investments.
- c.** The character of flying operations and planned developments of airports.
- d.** Federal airways as designated by the FAA.
- e.** Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.
- f.** Technological advances.
- g.** The safety of persons on the ground and in the air.
- h.** Land use density.
- i.** The safe and efficient use of navigable airspace.
- j.** The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdiction comprehensive plans, and all other known proposed structures in the area.

**Subpart** Section 5.7.F., Variances and Appeal of Administrative Decisions, Conditions is amended to add and delete language as follows:

**F. Conditions....**  
**1.** Marking and lighting. A variance to Article 18 (Airport Regulations Height Limitations) shall require the owner of the subject structure or tree to install, operate, and maintain thereon, at owner's own expense, marking and lighting necessary to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by the FDOT.

**Subpart** Section 5.8.A.1., Compliance with Time Limitations is amended to retitle section, and add and delete language as follows:

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1 approved both prior to and subsequent to the effective date  
2 of this amendment.

3 C. Procedures.

4 1. Suspension of development orders. ~~Suspension of development~~  
5 ~~orders upon failure to comply with time requirement or~~  
6 ~~failure to comply with condition of development approval.~~

7 a. Upon expiration of any time period established by this Code  
8 or for any failure to comply with, or continued violation  
9 of, a condition of development approval, no new development  
10 orders affecting the property shall be issued by Palm Beach  
11 County, and no action which might tend to vest the  
12 development order shall be permitted, except as permitted by  
13 Sec. 5.8.C.1.e., until a final determination is made by the  
14 executive director, or designee, or Board of County  
15 Commissioners or Zoning Commission pursuant to subsections  
16 5.8.C.2. and 5.8.C.5. herein. ~~There will be no suspension of~~  
17 ~~development rights if the only recommendation in the status~~  
18 ~~report to the Board of County Commissioners is to delete a~~  
19 ~~condition of approval.~~ This suspension of development rights  
20 shall not preclude the property owner from filing a new  
21 petition for the subject property to amend or supersede an  
22 existing development order, or the Board of County  
23 Commissioners or Zoning Commission from approving this  
24 petition.

25 b. This suspension of development rights shall have the  
26 following effect on new petitions and code enforcement  
27 actions:

28 (1) If the property owner files a new petition, no new  
29 development orders shall be issued until the completion of  
30 the zoning process except the development order which  
31 approves the petition.

32 (2) If the Board of County Commissioners directs staff to cite  
33 the property owner for violating the provisions of the  
34 development order Code, no new development orders shall be  
35 issued until the alleged violation has been ruled upon by  
36 the code enforcement board, and any enforcement action is  
37 completed, or penalty is satisfied. This shall not, however  
38 preclude compliance with the specific condition cited in the  
39 status report after the Board of County Commissioners or  
40 Zoning Commission has directed the Code Enforcement Division  
41 to cite the property owner for noncompliance with that  
42 condition.

43 c. Upon the expiration of any time period except for a time  
44 period to comply with a condition of approval imposed by the  
45 Development Review Committee or upon reasonable cause to  
46 believe that a condition of development approval has been  
47 violated, a document shall be filed with the clerk of the  
48 circuit court to be placed with the records governing title  
49 to the affected property except as provided in subsection  
50 5.8.C.1.ea. herein. This document may apply only to that  
51 portion of the property related to the expired time period,  
52 or any condition violated. The document shall give record  
53 notice that:

54 ...

55 (3) Until the review is completed, no new development orders  
56 shall be issued by Palm Beach County; and no action which

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1 might tend to vest the development order shall be permitted  
2 and,

3 ...

4 d. If the Board of County Commissioners, Zoning Commission, or  
5 the executive director approves further development pursuant  
6 to subsection 5.8.C.2. or 5.8.C.5., herein, a second  
7 document shall be filed with the clerk of the circuit court  
8 to be placed with the records governing title to the  
9 property indicating:

- 10 (1) That the rights to develop have been restored; and,  
11 (2) Such other information as may be reasonable and necessary to  
12 afford adequate record notice of the effect of this section  
13 on the rights of property owners.

14 This document shall only be recorded upon payment of all  
15 status report fees as established from time-to-time by the  
16 Board of County Commissioners, and upon payment of any  
17 outstanding liens or debts owed on the subject property to  
18 Palm Beach County. The status report fee may be waived if:  
19 (1) the property owner is a government agency; or (2) the  
20 property owner is prevented from complying by a government-  
21 caused delay or by litigation that would prevent action by  
22 the property owner to bring the approval into compliance.

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

31 e. There will be no suspension of development rights if the  
32 only recommendation in the status report to the Board of  
33 County Commissioners or Zoning Commission is to delete a  
34 condition of approval.

35 2. **Administrative extension of time.**

36 ...

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

42 ...

43 3. **Appeal.** An appeal of a denial of an administrative time  
44 extension may be made to the Board of County Commissioners  
45 for development orders approved by the Board of County  
46 Commissioners or Zoning Commission, and to the Development  
47 Review Appeals Board for conditions imposed by the  
48 Development Review Committee. An appeal shall be made upon  
49 forms prescribed by the department within thirty (30) days  
50 of the mailing of the notice that the request for an  
51 administrative extension has been denied. The appeal shall  
52 be set on the ~~zoning authority~~ Board of County  
53 Commissioners' or Development Review Appeals Board agenda

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1 within sixty (60) days of receipt by the department. The  
2 Board of County Commissioners or Development Review Appeals  
3 Board shall either affirm the decision of the department or  
4 grant an extension of time. This decision shall be made  
5 within sixty-five days of the date the appeal first appears  
6 on an agenda of the Board of County Commissioners or  
7 Development Review Appeals Board unless a longer  
8 postponement is requested by the property owner. An  
9 extension of time may be granted only upon a finding by the  
10 Board of County Commissioners or Development Review Appeals  
11 Board that the requirements of subsection 5.8.C.2.c. or  
12 5.8.C.2.d., as appropriate, have been satisfied.

13 **4. Failure to comply with conditions or time requirements.**

14 a. In the event that a property owner fails to comply with any  
15 time requirement and has not received a time extension or a  
16 property owner violates a condition of approval, staff shall  
17 advertise a status report public hearing for the agenda of  
18 the Board of County Commissioners or Zoning Commission. The  
19 hearing shall be held within ninety (90) days of the filing  
20 of the notice required by subsection 5.8.C.1.a. herein.  
21 Unless the property owner utilizes the provisions of  
22 subsection 5.8.C.4.a.1 below. Staff may delay the scheduling  
23 of the status report public hearing if, prior to the most  
24 recent deadline for compliance:

25 (1) The property owner files for an amended or new development  
26 order which may affect the time requirement or any condition  
27 being violated. If the new petition is approved and the time  
28 requirement has not been affected, or if the petition is  
29 denied, staff will place the status report on a Board of  
30 County Commissioners' or Zoning Commissions' agenda within  
31 sixty-five ~~sixty~~ (65~~60~~) days; or

32 (2) Staff is notified by the property owner that there is a  
33 deadline to commence development or record a plat, and that  
34 either a complete building permit application has been  
35 submitted, or technical compliance for a plat has been  
36 received, as appropriate, and development will commence, or  
37 the plat will be recorded, within ninety (90) days of the  
38 deadline. The suspension of development orders as required  
39 by subsection 5.8.C.1. will only occur if development has  
40 not commenced, or a plat has not been recorded within the  
41 ninety (90) day time period. This subsection shall also  
42 apply to those development orders which are not eligible for  
43 time extensions.

44 b. The status report shall contain a description of the  
45 development order, a summary of the background and current  
46 status of the development, including any documentation  
47 provided to staff of efforts to comply with the requirement,  
48 or circumstances beyond the control and cause of the  
49 property owner, other than economic conditions, which have  
50 prevented compliance; a description of any outstanding liens  
51 or fines; a description of any Code violations; a  
52 description of any uncompleted conditions or time certain  
53 requirements; a review of criteria set forth in subsection  
54 5.8.C.2.d for status reports prepared for failure to comply  
55 with a condition of approval, a description of any violation  
56 of a condition of approval and circumstances related to the  
57 violation; as well as a determination of whether the  
58 development order:

59 (1) Is consistent with the Palm Beach County Comprehensive Plan;

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- 1 (2) Is consistent with the Unified Land Development Code; and  
2 (3) Complies with the Countywide Traffic Performance Standard.

3 Based on the above ~~these~~ factors, staff shall make a  
4 recommendation for one (1) or more of the actions identified  
5 in subsection 5.8.C.5.b. herein.

6 ~~e. An administrative status report fee shall be established by~~  
7 ~~the Board of County Commissioners in order to provide for~~  
8 ~~this process.~~

9 ~~c.d.~~ Consideration of all actions, except a rezoning, permitted  
10 by Sec. 5.8.C.5.b., shall occur in the following manner:

11 ...

12 ~~d.e.~~ Consideration of all rezonings on properties less than ten  
13 (10) contiguous acres, by the Board of County Commissioners,  
14 shall occur in the following manner:

15 ...

16 ~~e.f.~~ Prior to consideration of all rezoning on properties of ten  
17 (10) or more contiguous acres by the Board of County  
18 Commissioners, notice to the owner of record and  
19 advertisement of the proceedings shall occur in the  
20 following manner:

21 ...

22 5. Decision by the Board of County Commissioners or Zoning  
23 Commission.

24 ...

25 b. After deliberation, the Board of County Commissioners or  
26 Zoning Commission shall take one (1) or more of the  
27 following actions provided the action complies with Sec.  
28 5.1.O. (Outstanding liens or fines):

29 ...

30 (6) Grant a time extension;  
31 (a) To commence development or record a plat for a period not to  
32 exceed twenty-four (24) months during which time the  
33 property owner shall comply with the time requirement. The  
34 term of the time extension shall commence upon the  
35 expiration of the date to complete the time certain  
36 activity, or the expiration of the last extension, whichever  
37 is applicable. When the board approves an extension of time  
38 for the payments of fees, the amount due shall increase by  
39 an interest payment equal to twelve (12) percent a year. If  
40 the extension covers a period less than a year, the interest  
41 shall be prorated.

42 (b) To comply with a condition of approval:

43 i) Posting of surety for a conditional certificate of  
44 concurrency....

45 ii) All other conditions of approval....

46 (9) Deny or revoke a building permit; issue a stop work order;  
47 deny a Certificate of Occupancy on any building or  
48 structure; revoke any concurrency reservation, concurrency  
49 exemption, or adequate public facilities determination; deny  
50 or revoke any permit or approval for any developer-owner,  
51 commercial-owner, lessee, or user of the subject property.

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TABLE 5.8-1

TIME LIMITATIONS OF DEVELOPMENT ORDER FOR EACH PHASE						
TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION	
REZONING	2	Commence development <sup>1</sup>	three (3) years <sup>2</sup>	twelve (12) months	BCC review pursuant to subsections C.1 and C.5 herein	
CONDITIONAL USES CLASS "A" AND CLASS "B"	2 <sup>5</sup>	Commence development or use Conditional Use if no construction is required <sup>1</sup>	three (3) years <sup>2</sup>	twelve (12) months	Pursuant to subsections C.4 and C.5 herein:  Class A - BCC review;  Class B - Zoning Commission review	
PLANNED DEVELOPMENT DISTRICT: NON PLANNED UNIT DEVELOPMENT	4	Commence development <sup>1</sup>	three (3) years <sup>2</sup>	twelve (12) months	BCC review pursuant to subsections C.4 and C.5 herein	
PLANNED DEVELOPMENT DISTRICT: PLANNED UNIT DEVELOPMENT	no maximum	Record plat	three (3) years <sup>2</sup>	no extensions permitted	BCC review pursuant to subsections C.4 and C.5 herein	
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE REQUIREMENTS OF SECTION 5.8 (THOSE LISTED ABOVE):	SITE PLAN	2	Commence development <sup>1</sup>	four (4) years <sup>3</sup>	no extensions permitted	Plan null and void for the undeveloped phases of a site plan, and unplatted phases of a subdivision plan.
	FINAL SUBDIVISION PLAN: NON-RESIDENTIAL	2	Commence development <sup>1</sup>	four (4) years <sup>3</sup>		
	FINAL SUBDIVISION PLAN: RESIDENTIAL	no maximum	Record plat	three (3) years <sup>3</sup>		

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- 1           <sup>1</sup> Commencement of development shall consist of:
- 2           a. Receipt of a building permit and first inspection approval for a) the entire development, or b) all of the
- 3           next phase if phasing is provided by the development order and final Master Plan pursuant to subsection
- 4           5.8.D.3.b herein; or
- 5           b. The initiation of significant site improvements such that the improvements would only permit the
- 6           development of the approved project, and any other pattern of development would require extensive
- 7           changes to the installed improvements.
- 8           Commencement of development shall not consist of:
- 9           a. The dividing of land into parcels, unless the determination of commencement is to be made for property
- 10           with straight residential zoning and this division is accomplished through the recordation of a plat or plat
- 11           waiver; or
- 12           b. Demolition of a structure; or
- 13           c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively
- 14           and specifically for such; or
- 15           d. Clearing of land.
- 16           <sup>2</sup> From resolution adoption date for first phase, and from date of commencement of development of last phase,
- 17           or last plat recordation date, for subsequent phases. The maximum time to commence development for each
- 18           phase of a Type III excavation shall be established by a condition of approval.
- 19           <sup>3</sup> From plan certification date for first phase, and from date of commencement of development of last phase,
- 20           or last plat recordation date, for subsequent phases.
- 21           <sup>4</sup> All administrative time extensions listed in this table are to be approved or denied by the Executive Director
- 22           of the Planning, Zoning and Building Department.
- 23           <sup>5</sup> The maximum number of phases for a Type III excavation shall be established by a condition of approval.

24           **Subpart** Section 6.2.D.5., District Purposes and Uses, Urban

25           Residential Districts, RTU, Residential Transitional

26           Urban District is amended to add and delete language as

27           follows:

28           **5. RTU, Residential Transitional Urban District.** The purpose and

29           intent of the RTU district is to provide areas for single-

30           family dwelling units at a moderate density. The RTU district

31           corresponds to the Medium Residential 5 (MR5) land use

32           designation in the Future Land Use Element of the

33           Comprehensive Plan. The following uses are subject to the

34           Supplementary use standards referenced below.

- 35           ...
- 36           **CONDITIONAL USE, CLASS A:**
- 37           Agriculture, bona fide
- 38           Air curtain incinerator, temporary
- 39           Cemetery
- 40           Church or place of worship
- 41           Communication tower, commercial
- 42           Day care center, general
- 43           Day care center, limited
- 44           Electrical power facility
- 45           Equestrian arena, commercial
- 46           Golf course
- 47           Government services

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Underlined language indicates proposed new language.  
~~Language crossed-out~~ indicates language proposed to be deleted.  
 ... (ellipses) indicates language not amended which has been omitted to save space.

- 1 Grooms quarters
- 2 Groves/row crops
- 3 Kennel, private
- 4 Livestock raising
- 5 Nursery, retail
- 6 Nursing or convalescent facility
- 7 Packing plant
- 8 Park, public
- 9 School, elementary or secondary
- 10 Solid waste transfer station
- 11 Stable, commercial
- 12 ~~Townhouse, zero lot line home~~
- 13 Water or wastewater treatment plant
- 14 Zero Lot Line home

15 **Subpart** Section 6.2.H., District Purposes, Overlay districts is  
 16 amended to add and delete language as follows:

17 **H. Overlay districts and Special Zones.**

18 ...

19 **8. Airport Zoning.** The purpose and intent of the Airport zoning  
 20 regulations is to promote the maximum safety of aircraft  
 21 using publicly-owned airports, the safety of residents and  
 22 property in areas surrounding the Airports, and the full  
 23 utility of the airports. The provisions of Airport zoning  
 24 regulations create zones, based on the approach and departure  
 25 pattern of aircraft, and regulates the height of structures  
 26 and the use of land within these zones. The Airport zoning  
 27 regulations are contained in Article 18 of this code.

28 **Subpart** Section 6.4.A., Use Regulations and Definitions, General  
 29 is amended to add and delete language as follows:

30 **A. General.**

- 31 **1.** Uses permitted by right, subject to Site Plan/Final  
 32 Subdivision Plan approval by DRC, as a Special Use or as a  
 33 Conditional Use in each district shall be determined from  
 34 the Use Regulations Schedule (Table 6.4-1).
- 35 **2.** The Use regulations within overlay districts shall be  
 36 determined by the uses allowed in the underlying ~~base~~  
 37 districts, as may be modified by Sec. 6.7 (Overlay District).
- 38 **3.** Additional use regulations for the Planned Development  
 39 districts are specified in Sec. 6.8 (Planned Development  
 40 District Regulations).
- 41 **4.** Uses within Airport zones may be restricted or subject to  
 42 special regulations as specified in Article 18 (Airport  
 43 Zoning Regulations).

44 **Subpart** Section 6.4.C., Use Regulations and Definitions, Use  
 45 regulations schedule is amended to add language and  
 46 renumber sections as follows:

47 **C. Use regulations schedule.**

48 ...

49 **9. Airport Zones.** Certain uses within an airport zone,  
 50 established in Article 18, are subject to additional height

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1 and use limitations and may be subject to special conditions.

2 10. District Specific Regulations....

3 **Subpart** Section 6.4.C., Table 6.4-1 Use Regulations Schedule is  
4 amended to add and delete language as follows:

5 **TABLE 6.4-1**  
6 **USE REGULATIONS SCHEDULE**

Use Type	Zoning District																				NOTE						
	Agriculture/Conservation					Residential										Commercial						Indus./Public					
	P	A	A	S	R	AR	C	R	R	R	R	R	R	R	R	R	R	C	C	C		C	C	C	I	I	P
	C	G	P	A	S	R	U	S	E	T	T	T	S	U	M	H	N	L	O	C		H	O	R	E	L	G
<b>Residential uses</b>																											
Single-family	P					P	P	P	P	P	P	P	P	P	P	P											88
Zero lot line home																	A	D	D	D							103
Townhouse																	A	D	D	D							95
Multi-family																											65
Mobile home dwelling						S	S																				62
Accessory dwelling	S	S	S			S	S	S	S	S	S	S	S	S	S	S											1
Congregate living facility, Type 1						P	P	P	P	P	P	P	P	P	P	P											24
Congregate living facility, Type 2					D	A	A	A								A	B	B	B								24
Congregate living facility, Type 3																A	A	A	A	A							2
Estate kitchen	P	P	P			P	P	P	P	P	P	P	P	P	P	P											34
Farm residence	P	P	P																								36
Farm tenant quarters	P	P	P																								37
Garage sale	P	P	P			P	P	P	P	P	P	P	P	P	P	P											44
Grooms quarters	S	S	S	S		S	S	S	S	S	A	A	A	A	A	A	B	B	D	D	D	P	P	P			47
Guest cottage	P	P	P			P	P	P	P	P	P	P	P	P	P												44
Home occupation	P	P	P			P	P	P	P	P	P	P	P	P	P												5
Migrant farm labor quarters	D	D	D																								
Nursing or convalescent facility					A										A	A	A	A	A	A							
Security or caretaker quarters	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	86

34 P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
35 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
36 USA = Urban Services Area RURAL = Rural Area  
37 NOTE = Use Regulations contained in Sec. 6.4.D.

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TABLE 6.4-1  
USE REGULATIONS SCHEDULE

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Use Type	Zoning Districts																			NOTE					
	Agriculture/Conservation					Residential								Commercial					Industrial/Public						
	P	A	A	S	R	AR	C	R	R	R	R	R	R	R	R	C	C	C	C		C	I	I	P	
	C	G	P	A	E	R	U	R	S	E	T	S	U	M	H	N	L	O	H		O	R	L	O	
Utilities																									
Air curtain incinerator, permanent		A	A	A																	A	A	A	7	
Air curtain incinerator, temporary		S	S	S	S	S	S	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	S	8	
Chipping and mulching		B	B	A																	B	D	D	20	
Communication tower, commercial	A	B	D	A	B	A	A	A	A	A	A	A	A	A	A	A	A	B	B	B	B	D	D	D	22
Communication panels, building mounted		<u>D</u>	<u>P</u>	<u>D</u>	<u>D</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>22.1</u>	
Composting facility		D	D	B																	D	D	D	23	
Electrical power facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	31	
Incinerator																								84	
Recycling center																A	B	D			P	P	P		
Recycling collection station					S											D	S	S			S	S		74	
Recycling drop off bin		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	75	
Recycling plant																					B	D	B	76	
Sanitary landfill																								84	
Solid waste transfer station		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	B	B	89	
Utility, minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	96	
Water or wastewater treatment plant		B	B	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D	D	P	101	

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P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
 USA = Urban Services Area RURAL = Rural Area  
 NOTE = Use Regulations contained in Sec. 6.4.D.

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**TABLE 6.4-1  
USE REGULATIONS SCHEDULE**

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Use Type	Zoning District																NOTE						
	Agriculture/Conservation					Residential								Commercial				Industrial/Public					
	P C	A G R	A P	A S E R	R S E R	AR R U R A L	USA	C R S	R E S	R T S	R T S	R T S	R T S	R M H	R H	C N		C L O	C C H O	C C H O	C C H O	C R E	I L

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Recreational uses																									
Amusements, temporary or Special events				S	S	S	S										S	S	S	S	S				10
Arena, auditorium or stadium				A														A	A	A	A			D	11
Campground	D			D	D																D			P	17
Entertainment, indoor																	A	A	B	D	D				32
Entertainment, outdoor				A														A	A	D	D				33
Fitness center														B	B	B	D	P	P	P	P				39
Golf course				A			A	A	A	A	A	A	A	A	A			A	B	D	D	D	B	B	45
Gun club, enclosed			D	A	D														B	P	D	P	D		48
Gun club, open			D	A	A															A			B		48
Gun range, private		D	D	D		A																			49
Marine facility																		B	B	B	P	P	D		59
Park, passive	P	P	P	P	P	D	D	D	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	69
Zoo				B	B	A													B	D				P	104

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P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
USA = Urban Services Area RURAL = Rural Area  
NOTE = Use Regulations contained in Sec. 6.4.D.

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**TABLE 6.4-1  
USE REGULATIONS SCHEDULE**

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Use Type	Zoning District																NOTE						
	Agriculture/Conservation					Residential								Commercial				Industrial/Public					
	P C	A G R	A P	A S E R	R S E R	AR R U R A L	USA	C R S	R E S	R T S	R T S	R T S	R T S	R M H	R H	C N		C L O	C C H O	C C H O	C C H O	C R E	I L

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Accessory and Temporary uses																									
Type IA Excavation			<u>P</u>			<u>P</u>									<u>35</u>										
Type IB Excavation		<u>D</u>									<u>35</u>														
Type II Excavation			<u>D</u>	<u>35</u>																					
Agricultural Excavation		<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>																		<u>35</u>

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TABLE 6.4-1  
USE REGULATIONS SCHEDULE

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Use Type	Zoning District																		NOTE			
	Agriculture/Conservation					Residential								Commercial						Industrial/Professional		
	P C	A G R	A P R	S A R	R S E R	AR		C R S	R E S	R T S	R T S	R T S	R T S	R M H	C N	C L O	C C H O	C G R E		I L	I G	P O
						R U R A L	U S A															
Industrial uses																						
Asphalt or concrete plant																					D	
Data information Processing																D	P	P		P	P	
Grain milling or processing		B	P	P																P	P	
Heavy industry																				A	D	
Laboratory, industrial research																				B	P	
Machine or welding shop																				P	P	
Manufacturing and processing																				P	P	
Mining, Excavation Type IIIA			A	A														A	A	A	A	A
Mining, Excavation Type IIIB			A	A														A	A	A	A	A
Motion picture production studio																D	D	A		P	P	
Pottery shop, custom																	P			P	P	
Salvage or junk yard																				A		
Warehousing																				P	P	
Woodworking or cabinetmaking																	B			P	P	

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P = Permitted S = Special Use D = Permitted Subject to DRC Site Plan  
 B = Conditional Use, Class B (ZC Approval) A = Conditional Use, Class A (BCC Approval)  
 USA = Urban Services Area RURAL = Rural Area  
 NOTE = Use Regulations contained in Sec. 6.4.D.

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Subpart Section 6.4.D.6.e., Use Regulations and Definitions, Supplementary use standards, Agriculture, bona fide, AR district is amended to retitle section and renumber as follows:

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- e. AR district, animals. In the AR district the following supplementary regulations shall apply.
- ~~(4)~~ (1) Exotic animals. Exotic animal (imported, or nonnative animal species) care for commercial breeding purposes shall be on a minimum lot size of five (5) acres. Pens, cages or structures associated with the exotic animal care use shall be setback a minimum of fifty (50) feet of any property line.
- ~~(5)~~ (2) Game animals. Game farms or game animal care for private or commercial purposes shall be regulated by the Florida Game and Fresh Water Fish Commission (FGFWC). Minimum lot size for game animal care shall be five (5) acres.

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1           **Subpart** Section 6.4.D.15., Use Regulations and Definitions,  
2           Supplementary use standards, Automotive service station  
3           is amended to add and delete language as follows:

4           **15. Automotive service station.** ~~means a~~  
5           An establishment engaged in the retail sale of gasoline or other  
6           motor fuels, which may include accessory activities such as the  
7           sale of accessories or supplies, the lubrication of motor  
8           vehicles, the minor adjustment or minor repair of motor vehicles,  
9           ~~or the sale of convenience food items, or a speciality~~  
10          ~~restaurant. An automotive service station use shall comply with~~  
11          ~~the following supplementary use standards:~~

12          **a. Location criteria.** Automotive service stations and related  
13          uses and facilities with gasoline sales create intensities  
14          which may permanently and substantially alter the character  
15          of an area. Prior to approving a conditional use for an  
16          automotive service station or other facility with gasoline  
17          pumps, the Board of County Commissioners shall make a finding  
18          that the use is appropriately located. In making the  
19          determination that the use is appropriately located, the  
20          Board of County Commissioners shall consider the following  
21          guidelines: ~~in their review.~~

- 22          (1) **Movement.** Proper functioning of the site as related to  
23          vehicle stacking, circulation and turning movements;  
24          (2) **Buffering.** Adequate buffering from residential areas;  
25          ~~(3) Intersection criteria. Application of the Major~~  
26          ~~Intersection Criteria as defined in Art.~~  
27          (3)(4) Access. Provision of adequate access, ingress and egress;  
28          (4)(5) Vicinity. Number of other fueling stations in the  
29          vicinity to safeguard against potential harm from  
30          explosion.

31          **b. Additional Locational restrictions.**

- 32          (1) ~~In the IL and IG Districts; Accessory uses.~~ In the IL and  
33          IG Districts, gasoline sales shall be accessory to vehicle  
34          repair activities, and convenience store sales area shall  
35          be limited to a maximum of five hundred (500) square feet.  
36          (2) CC and CG District accessory uses. Speciality restaurants  
37          may be permitted as an accessory use to an automotive  
38          service station subject to DRC approval pursuant to Sec.  
39          5.6. At a minimum, the application shall comply with the  
40          following development standards:  
41          (a) Size. The accessory restaurant shall not exceed thirty  
42          percent (30%) of the gross floor area of the primary use;  
43          (b) Parking. Adequate parking shall be provided on site.  
44          Parking for uses shall be calculated separately to  
45          determine the total amount of required parking. The gas  
46          pump stacking lanes shall not be counted toward the minimum  
47          parking requirements of the restaurant use;  
48          (c) Concurrency. A certificate of concurrency shall be required  
49          for the restaurant use;  
50          (d) On-site circulation. On-site circulation and maneuvering  
51          area shall be adequate to accommodate all uses at any given  
52          time;  
53          (e) Drive-thru service. Drive-thru service shall require  
54          approval as a Class A Conditional Use for fast food  
55          restaurants pursuant to Sec. 6.4.D.

56          **c. Standards.**

- 57          ~~b.~~ (1) **Enclosed repair activities.** All accessory repair  
58          activities shall be conducted within an enclosed  
59          structure. No outside storage of disassembled vehicles,  
60          or parts thereof, shall be permitted on site.

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- 1 e- (2) **No vehicle testing on residential streets.** Vehicles  
 2 shall not be tested off-site on residential streets.  
 3 d- (3) **Water recycling.** Any accessory automatic car wash  
 4 facility shall utilize a water recycling system.  
 5 e- (4) **Loudspeakers.** No outdoor speaker or public address  
 6 systems which are audible off-site shall be permitted.  
 7 f- ~~In the IL and IG Districts. In the IL and IG Districts,~~  
 8 ~~gasoline sales shall be accessory to vehicle repair~~  
 9 ~~activities, and convenience store sales area shall be limited~~  
 10 ~~to five hundred (500) square feet.~~

11 **Subpart** Section 6.4.D.21., Use Regulations and Definitions,  
 12 Supplementary use standards, Church or place of worship  
 13 is amended to add, delete and reformat language as  
 14 follows:

15 **21. Church or place of worship, means** ~~a~~  
 16 ~~A~~ premises or site used primarily or exclusively for religious  
 17 worship and related religious services or established place of  
 18 worship, retreat site, camp, convent, seminary or similar  
 19 facilities owned or operated by a tax exempt religious group for  
 20 religious activities. ~~A church or place of worship shall comply~~  
 21 ~~with the following supplementary use standards.~~

22 **a.d- Location.**  
 23 (1) Rectory. All places of worship which include a rectory,  
 24 shall front on a collector or arterial street.  
 25 (2) Accessory Facilities. All places of worship which include a  
 26 day care, school, academy, congregate living facility,  
 27 cemetery, community center or other similar accessory  
 28 facilities shall front on an arterial or collector street.  
 29 ~~and i-~~ In no case shall places of worship with accessory  
 30 facilities be located on local residential or local  
 31 streets.

32 **b. Use limitations.**  
 33 (1) 1,500 Square Foot Facility. ~~In the CN, CC and CG districts~~  
 34 ~~A~~ a church or place of worship not exceeding one thousand  
 35 five hundred (1,500) square feet of gross floor area shall  
 36 be a permitted use, subject to site plan certification  
 37 approved by the DRC and pursuant to Sec. 5.6 ~~(Site~~  
 38 ~~Plan/Final Subdivision Plan)~~ in the following districts:  
 39 (a) In the CN, CC and CG districts.  
 40 (b) PUD A commercial pod in a Planned Development Districts  
 41 (PDD).  
 42 ~~(i) A church or place of worship shall be a permitted use in a~~  
 43 ~~commercial pod of a PDD.~~  
 44 (2) PUD Special Exceptions. A church or place of worship shall  
 45 ~~be allowed~~ may be permitted as a requested use in  
 46 residential areas of existing PUD Special Exceptions ~~as a~~  
 47 ~~requested use approved prior to June 16, 1992.~~  
 48 (3) Accessory Residential Development. Institutional land use  
 49 plan classification. In the Institutional land use plan  
 50 classification, accessory affordable housing shall be  
 51 permitted as an accessory use to a church or place of  
 52 worship subject to Class "A" conditional use. Such use  
 53 shall be requested only by a nonprofit organization or  
 54 community based group. This type of residential  
 55 development ~~would~~ shall be under the direct supervision  
 56 of a sponsoring nonprofit organization or community based  
 57 group. Such housing shall be provided at below market  
 58 rental and not for resale.  
 59 (4) Temporary sales. Temporary sales events, such as rummage  
 60 or bake sales, shall be ~~allowed~~ permitted as an accessory  
 61 use, subject to the Temporary Retail Sales standards of

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Ord 96-28  
eff 9.25.96

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Sec. 6.4.D and Sec. 5.5 (Special Use Permits).

**Subpart** Section 6.4.D.22., Use Regulations and Definitions, Supplementary use standards, Communication tower is amended to add and delete as follows:

**6.4.D.22. Communication tower, commercial** means AM/FM radio, television, microwave and cellular telephone transmission towers, antennas and accessory equipment and buildings. A commercial communication tower use shall comply with the following supplementary use standards. ~~Upon a declaration by the BCC that a~~ If this section requirement of this code prohibits a government owned tower from being located and that the at a specific location site and the tower is required in order to protect the public welfare or safety, the applicable criteria of this section may be amended waived or modified by the BCC. In such cases the BCC shall make a finding of fact indicating the justification for the modification.

**a. Review Process.**

~~(1) a All Communication Towers All Districts. All C communication towers shall require approval as a over two hundred fifty (250) feet in height shall be approved as Conditional Use Class "A", except as provided in subsections (1)(a), (b) and (2) below.~~

(a) IL, IG, AP and PO Districts. Towers less than two hundred fifty (250) feet in height shall be permitted subject to DRC approval.

(b) PIPD District. Towers less than two hundred fifty (250) feet in height shall be permitted by right with a building permit.

~~(2) b Monopole Towers.~~

~~(a) In CG, and CLO CHO and MUPD Districts. Monopole towers not exceeding one hundred fifty (150) feet in height in the CC and CHO Zoning Districts shall be approved subject to DRC approval.~~

A maximum of one (1) tower shall be permitted within an MUPD or development site.

~~(b) CN and CLO Districts. Monopole towers not exceeding one hundred fifty (150) feet in height in the CN Neighborhood Commercial and CLO Commercial Low Intensity Office Zoning Districts shall be approved as Conditional Use Class "B."~~

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~~Language crossed out~~ indicates language proposed to be deleted.

... (ellipses) indicates language not amended which has been omitted to save space.

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TABLE 6.4-4  
SUPPLEMENTAL COMMUNICATION TOWER SETBACKS

ZONING DISTRICTS	SELF SUPPORT TOWERS	MONOPOLE TOWERS	GUYED TOWERS	GUY ANCHORS AND SUPPORTS
AR-Residential	100' or 20% of height <sup>1</sup>	100' or 20% of height <sup>1</sup>	100' or 20% of height <sup>2</sup>	20'
Other Residential	50' or 20% of height <sup>1</sup>	50' or 20% of height <sup>1</sup>	50' or 20% of height <sup>2</sup>	20'
Commercial	20% of height	Dist. or 20% of height <sup>2</sup>	20% of height <sup>2</sup>	5'
Industrial	Dist. or 20% of height <sup>2</sup>	Dist. or 20% of height <sup>2</sup>	Dist. or 20% of height <sup>2</sup>	5'
From Right-Of-Way <sup>3</sup>	50'	50' <sup>6</sup>	50'	50' <sup>6</sup>

TABLE 6.4-4  
SUPPLEMENTAL COMMUNICATION TOWER SETBACKS

ZONING DISTRICTS	AR-Residential	Other Residential & PO	Commercial (Including MUPDs)	Industrial (Including PIPDs)	Agriculture/Conservation	From Right-Of-Way <sup>2</sup>
Tower Setbacks	100' or 20% of height <sup>1,2</sup>	50' or 20% of height <sup>1,2</sup>	Dist. or 20% of height <sup>2,3,4</sup>	Dist. or 20% of height <sup>2</sup>	Dist. or 20% of height <sup>2</sup>	50'
Guy Anchors & Supports	20'	20'	5'	5'	5'	50' <sup>4</sup>

TABLE 6.4-4 NOTES:

1. Whichever is greater.
2. Guyed and self supporting towers. Whichever is greater, provided that 100% break point calculations are met.
3. Monopole towers in commercial, and all towers in industrial & agriculture/conservation. District setbacks apply to towers not exceeding 150 feet.
- ~~4. Provided 100% break point calculations.~~
- 4.5 Monopole towers and guy anchors & supports. Setbacks from ~~existing or planned~~ street rights-of-way may be lowered to 20' provided a "Jersey barrier" or a similar barrier, based ~~on upon~~ probably probable area of impact attack, is installed.
5. Setbacks from ~~existing or planned~~ street rights-of-way apply if greater than district setbacks.

b. Standards.

(1) Additional uses permitted on lot. Communication towers may be located on lots containing another principal use and may occupy a leased parcel on a lot meeting the

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1 minimum lot size requirement of the district in which it  
2 is located. The County shall require execution of a unity  
3 of title and may require separation between communication  
4 towers and other uses on the lot to assure compatibility.  
5 ~~Communication towers may occupy a leased portion of a~~  
6 ~~valid lot.~~

7 ~~(2)e~~ **Setbacks.** ~~The principal support structures of~~  
8 ~~communication towers shall conform to the minimum setback~~  
9 ~~standards of the district in which the use is located.~~  
10 ~~However, the supplemental setback standards in Table~~  
11 ~~6.4-4 shall apply to all communication towers unless~~  
12 ~~otherwise specified in this section if greater than the~~  
13 ~~minimum setback standards of the district.~~

14 ~~(a)e-2~~ **Setbacks.** All Communication towers shall be setback a  
15 minimum of one hundred (100) feet from any property line  
16 adjacent to a residential district including AR zoned  
17 parcels. This requirement supersedes the setbacks  
18 indicated in Table 6.4-4 if adjacent to residential.

19 ~~(b)c-1~~ **Certification Guyed Towers.** Guyed communication towers  
20 shall be located on the site so as to provide a minimum  
21 distance equal to one hundred (100) percent of the height  
22 of the communication tower from all property lines or the  
23 applicant shall submit break point calculations certified  
24 by a registered engineer in the State of Florida, who  
25 ~~shall submit calculations substantiating the position of~~  
26 ~~the one-hundred-percent break point, or the guyed tower~~  
27 ~~shall be~~ However, even with the submission of break  
28 point calculations, the setback requirements of Table  
29 6.4-4 still apply, if greater than those required with  
30 the breakpoint calculations.

31 ~~(c)d~~ **Anchor location.** ~~Except as specified in Table 6.4-4,~~  
32 ~~communication tower peripheral supports and guy anchors~~  
33 ~~may be located within required setbacks provided they~~  
34 ~~shall be located entirely within the boundaries of the~~  
35 ~~property on which the communication tower is located, and~~  
36 ~~comply with the requirements of Table 6.4-4.~~

37 ~~(d)e~~ **Location of accessory structures.** All structures  
38 accessory to communication towers, other than peripheral  
39 supports and guy anchors, shall conform to the setback  
40 standards for the district in which the use is located.

41 ~~(3)f~~ **Fencing.** A fence or wall not less than eight (8) feet in  
42 height from finished grade shall be constructed around  
43 each communication tower and around each guy anchor, if  
44 used. Access to the communication tower shall be through  
45 a locked gate. Barbed wire shall be used along the top of  
46 the fence or wall if it is necessary to preclude  
47 unauthorized access to the tower.

48 ~~(4)h~~ **Landscaping and buffering.** ~~The following landscape ing~~  
49 ~~and buffering standards provided below in this subsection~~  
50 ~~of communication towers shall be required around the~~  
51 ~~perimeter of the tower and any accessory structures,~~  
52 ~~including guy anchors unless exempted below, except that~~  
53 ~~the These standards shall be waived when the proposed~~  
54 ~~landscaping would not be visible from adjacent lots or~~  
55 ~~rights-of-way. Landscaping shall be installed on the~~  
56 ~~outside of fences, unless the Zoning Director determines~~  
57 ~~that the Landscaping may be installed on the inside of~~  
58 ~~fences upon approval by the Zoning Director, where~~  
59 ~~viability, survivability or utility of landscaping on the~~  
60 ~~exterior is at question better served on the interior of~~  
61 ~~the fence.~~

62 ~~(i)(a)~~ **Adjacent to residential uses or residential districts.** An  
63 Alternative Landscape Strip Number 4, as described in  
64 Sec. 7.3.E.3.b (Compatibility landscape buffer strips)

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1 shall be required between communication towers and  
 2 adjacent lots with existing residential uses, zoning or  
 3 residential future land use plan designations.  
 4 ~~(2)(b)~~ **Not adjacent to residential.** In all other instances,  
 5 communication towers shall comply with the compatibility  
 6 landscape buffer standards of Sec. 7.3.E.3.b  
 7 (Compatibility landscape buffer strips).  
 8 ~~(5)(g)~~ **High voltage signs.** If high voltage is necessary for the  
 9 operation of the communication tower and it is present in  
 10 a ground grid or in the tower, signs located every twenty  
 11 (20) feet and attached to the fence or wall shall display  
 12 in large bold letters the following: "HIGH  
 13 VOLTAGE-DANGER".  
 14 ~~(6)m~~ **Removal of obsolete facilities Agreement.** All obsolete  
 15 and unused communication towers shall be removed within  
 16 twelve (12) months of cessation of use. The applicant  
 17 shall submit an executed removal agreement to ensure  
 18 compliance with this requirement.

19 **c. Additional Requirements.**  
 20

21 ~~(1)±~~ **Radiation standards.** Communication towers shall comply  
 22 with ~~current~~ Federal Communications Commission standards  
 23 for non-ionizing electromagnetic radiation (NIER). ~~The~~  
 24 ~~applicant shall submit engineering documentation to~~  
 25 ~~verify that the proposed site plan ensures compliance~~  
 26 ~~with these standards. If a NIER evaluation is required as~~  
 27 ~~a result of co location, it shall be paid for by tower~~  
 28 ~~space lessee. It may be necessary to hire a consultant,~~  
 29 ~~retained on an as needed basis by the County and paid for~~  
 30 ~~with permit fees, to evaluate NIER documentation.~~  
 31 ~~(2)±~~ **Aircraft hazard.** Communication towers shall not encroach  
 32 into or through any established public or private airport  
 33 approach path as established by the Federal Aviation  
 34 Administration (FAA). To verify compliance with FAA  
 35 requirements, the applicant shall ~~complete one of the~~  
 36 ~~following two processes:~~ comply with the Tall Structure  
 37 Review provisions contained in Article 18.  
 38 ~~(1)~~ **FAA review.** Prior to site plan certification, the  
 39 applicant shall ~~provide documentation that the proposed~~  
 40 ~~communication tower has been reviewed and is not~~  
 41 ~~determined to be a hazard by the FAA. This documentation~~  
 42 ~~shall be reviewed by the Palm Beach County Department of~~  
 43 ~~Airports (PBCDOA) before site plan certification. The~~  
 44 ~~PBCDOA shall review the communication tower application~~  
 45 ~~to determine if it is a hazard to any FAA established~~  
 46 ~~flight paths. The PBCDOA shall object within ten (10)~~  
 47 ~~working days of receiving the FAA notice of no hazard and~~  
 48 ~~a copy of the communication tower application submitted~~  
 49 ~~to the Zoning Division, or~~  
 50 ~~(2)~~ **Application to FAA.** The applicant shall submit as part of  
 51 the application for communication tower approval, (a) a  
 52 copy of the application to the FAA for a favorable  
 53 determination that the proposed tower is no hazard to air  
 54 navigation, and (b) a copy of a report, created by a  
 55 reputable aviation consultant, that indicates the proposed  
 56 communication tower does not encroach into any established  
 57 flight paths and that the FAA should issue a favorable  
 58 determination of no hazard to air navigation for the  
 59 proposed tower. The Zoning Division shall forward copies of  
 60 this material to the PBCDOA.

61  
 62 Prior to building permit application, the applicant shall  
 63 provide documentation that the proposed communication tower has

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1           been reviewed and is not determined to be a hazard by the FAA.  
2           This documentation shall be reviewed by the PBCDOA. The PBCDOA  
3           shall determine if the tower encroaches any FAA established  
4           flight paths. The PBCDOA shall review the communication tower  
5           application and object within ten (10) working days of  
6           receiving the FAA notice of no hazard to air navigation. The  
7           FAA documentation shall be attached to the building permit  
8           application.

9           **(3) Replacement of Conforming Towers.** An existing conforming  
10          tower may be replaced subject to the criteria below. If the  
11          criteria is exceeded, the replacement tower shall comply  
12          with the review procedures of section 6.4.D.22.  
13          **(a) the height shall not exceed that of the existing tower;**  
14          **(b) the mass and bulk shall not exceed that of the existing**  
15          **tower;**  
16          **(c) the new tower shall comply with the requirements of this**  
17          **section.**  
18          **(d) No additional antennas, satellite dishes or other equipment**  
19          **shall be permitted.**

20          **d.\* Shared use.** This section is designed to foster shared use  
21          of communication towers and their accessory support  
22          facilities.

23          **(1) Setbacks.** If it is determined that the proposed tower  
24          cannot meet setback requirements due to increases in tower  
25          height to accommodate shared use, minimum setback  
26          requirements may be reduced ~~to~~ by a minimum ~~maximum~~ of  
27          fifteen (15) feet, except from residential property lines.  
28          ~~The lessee of tower space shall fund costs of changes in~~  
29          ~~tower dimensions.~~

30          **(2) Review procedures for Shared use.** The procedure is designed  
31          to minimize proliferation of communication towers by making  
32          all parties aware of sharing opportunities. Prior to  
33          submittal of an application for a Conditional Use or  
34          Original DRC Use approval ~~certification of an application~~  
35          by the DRG, all applicants for communication towers, except  
36          monopole towers shall comply with the following procedures:

37          **(a)(1) List....**

38          **(b)(2) Notification....**

39          **(c)(3) Application....**

40          **(d)(4) Shared use application....**

41          **(e)(5) Feasibility....**

42          **(f)(6) Rejection or dispute.** If the applicant rejects one or  
43          more request(s) and if potential tower lessees dispute  
44          the rejection(s) for shared use, the following shall  
45          occur within five (5) working days of the response  
46          deadline:...

47          **(i)(a) Submittal....**

48          **(ii)(b) Consultant....**

49          **(iii)(8) Evaluation....**

50          **(g)(7) No consultant Acceptance with no dispute....**

51          Subpart   Section 6.4.D.22.1, Use Regulations and Definitions,  
52                    Supplementary use standards, Communication panels,  
53                    building mounted is created as follows:

54          **22.1 Communication panels, building mounted.** These standards  
55          apply to commercial communication panels attached to  
56          buildings. Accessory structures such as antennas or  
57          satellite dishes are not included under these provisions.

58          **a. Applicability and Review Process.** A building permit shall be  
59          required for the installation of all communication panels in

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- 1 addition to the following review processes.  
2 (1) Panels shall not be permitted on structures less than  
3 twenty-five (25) feet in height.  
4 (2) Panels attached to all nonresidential structures, except in  
5 the IL, IG and PO districts, and multi-family structures  
6 between twenty-five (25) and forty -five (45) feet in  
7 height shall require DRC approval.  
8 (3) Panels attached to all nonresidential and multi-family  
9 structures greater than forty-five (45) feet in height  
10 shall be a permitted use.  
11 (4) Panels attached to single family residences in any zoning  
12 district shall require a Class B Conditional Use.
- 13 b. Standards. All communication panels shall comply with the  
14 provisions below.  
15 (1) Architectural Compatibility. Demonstrate architectural  
16 compatibility (color, texture, etc.) with the structure on  
17 which it is located.  
18 (2) Screening. If the panel is attached to a pole support  
19 structure, the pole shall be screened by a parapet wall.  
20 (3) Size Limitations. All communication panels mounted on the  
21 roof, wall, or parapet shall not exceed a maximum height of  
22 eight (8) feet; maximum depth of four (4) feet; and maximum  
23 width of four (4) feet.  
24 (4) Setbacks.  
25 (a) Unmanned roof mounted accessory shelters shall meet a  
26 minimum twenty-five (25) foot setback from the edge of the  
27 roof or meet the screening requirements pursuant to Section  
28 6.6.C.4.  
29 (b) There shall be no minimum setback required for wall mounted  
30 panels.
- 31 c. Supplemental Application Requirements. In addition to the  
32 requirements indicated above, plans depicting cross  
33 sections or elevations of the panel attached to the  
34 building shall be provided at the time of submittal of the  
35 application package.
- 36 **Subpart** Section 6.4.D.22.2, Use Regulations and Definitions,  
37 Supplementary use standards, Community vegetable garden  
38 is renumbered as follows:
- 39 ~~22.222.1~~ **Community vegetable garden.**
- 40 **Subpart** Section 6.4.D.24., Use Regulations and Definitions,  
41 Supplementary use standards, Table 6.4-5 is amended to  
42 add language as follows:

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TABLE 6.4-5  
Maximum Permissible Occupancy in Type 3  
Congregate Living Facilities

Land Use Plan Category (Residential)	Zoning District	Maximum Occupancy (Residents per Acre)	
		In a Standard Zoning District	In a Planned Development
AGR	AGR	PROHIBITED	.24
RR10	RSFR	PROHIBITED	.24
RR10	AR	PROHIBITED	.24
RR20	AR	PROHIBITED	.12
RR10	CRS	PROHIBITED	.24
RR20	CRS	PROHIBITED	.12
LR1	CRS	PROHIBITED	2.4
LR1	RE, RT	PROHIBITED	2.4
LR2	RT, RTS	PROHIBITED	4.8
LR3	RTS	PROHIBITED	7.2
MR5	RS, RTU	PROHIBITED	12
HR8	RS, RM, RH	14.3	19.1
HR12	RM, RH	19.12	28.7
HR18	RM	19.12	28.7
HR18	RH	19.12	28.7

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\* For the purpose of this section, the required minimum acreage of a Planned Development in Table 6.8-4 shall be reduced by fifty percent (50%).

23  
24  
25

**Subpart** Section 6.4.D.35., Use Regulations and Definitions, Supplementary use standards, Excavation is deleted in its entirety and replaced as follows:

26  
27  
28

35. Excavation. The provisions in this section set forth the required review process and general standards for each excavation type.

29

a. Type I(A) excavation.

30  
31  
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37

- (1) Criteria.
  - (a) Minimum lot area. The minimum lot area shall be one (1) acre.
  - (b) Maximum excavated surface area. The maximum excavated surface area of all excavated areas shall be less than two tenths (0.2) acre (8,712 square feet).
  - (c) Off-site removal. No off-site removal of extracted material shall be permitted.

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- (2) Use approval. Application shall be made concurrent with application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling pursuant to the procedural and site development standards of this section and Sec. 7.6.F.1.
  - (a) Application requirements and procedures. The building permit drawings shall be supplemented with the information below.
    - (i) Site Plan A general site plan complying with the standards in Sec. 7.6.F.1.; and

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- 1                   (ii) Statement. A statement estimating the amount of  
2                   excavated material, in cubic yards; and  
3                   (iii) Notarized Authorization. Notarized authorization  
4                   from the property owner to excavate.  
5                   (b) Determination of sufficiency, review and decision. A  
6                   permit shall be issued by PZ&B, with or without  
7                   conditions of approval after the application has been  
8                   determined complete and in compliance with this section  
9                   and the standards in Sec. 7.6.F.1. and 7.6.H.1. and 2.  
10                  (c) Reclamation. Prior to issuance of a certificate of  
11                  occupancy, the property owner shall submit to the  
12                  Building Division a Certificate Of Compliance in  
13                  accordance with the requirements of Sec. 7.6.F.1.c.  
14                  **b. Type I (B) excavation.**  
15                  (1) Criteria.  
16                  (a) Minimum Lot area. The minimum lot area shall be 2.5  
17                  acres.  
18                  (b) Maximum surface area. The maximum surface area of all  
19                  excavation on the premises shall be less than twenty  
20                  five (25%) percent of the gross lot area and shall not  
21                  exceed two (2.0) acres.  
22                  (2) Use Approval. Prior to initiating excavation activity  
23                  use approval shall be required in accordance with the  
24                  development standards in Sec. 7.6.F.2., procedural  
25                  requirements defined in this subsection and the  
26                  supplemental application requirements in Sec.  
27                  6.4.D.35.g.  
28                  (a) DRC approval. DRC review and approval shall be required  
29                  pursuant to Sec. 5.6. DRC shall review for compliance  
30                  with the standards in Sec. 7.6.F.2 and may approve the  
31                  application with conditions.  
32                  (b) Commencement of excavation activity. Once DRC approval  
33                  has been obtained, authorization to excavate shall be  
34                  received concurrent with the receipt of a valid building  
35                  permit for the proposed structure on site. ~~if a building~~  
36                  ~~permit is not required to establish principal use of the~~  
37                  ~~property, DRC may authorize commencement of the~~  
38                  ~~excavation activity as a condition of approval.~~  
39                  (c) Duration. A Type I (B) excavation permit shall expire  
40                  after one hundred and twenty (120) days from the date  
41                  authorization is received to begin excavation activity.  
42                  (d) Reclamation. Prior to issuance of a certificate of  
43                  occupancy or as conditioned by DRC, the property owner  
44                  shall submit to the Building Division, a certificate of  
45                  compliance in accordance with Sec. 7.6.F.2.c.  
46                  **c. Agricultural excavation.**  
47                  (1) General. All Agricultural and WCAA excavations shall  
48                  submit a detailed explanation of the proposed bona fide  
49                  agricultural use. This explanation shall demonstrate  
50                  consistency with applicable Industry Standards and shall  
51                  satisfy the definition requirements of bona fide  
52                  agriculture pursuant to Article 3. Excavation shall be  
53                  the minimum necessary to implement the bona fide  
54                  agricultural use.  
55                  (2) Criteria and review procedures.  
56                  (a) Excavations two (2) acres or less in surface area.  
57                  (i) Use approval. DRC review and approval shall be  
58                  required pursuant to Sec. 5.6. DRC shall review for  
59                  compliance with the standards in Sec. 7.6.F.3. and  
60                  may approve the application with conditions.  
61

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- 1 (b) Excavations greater than two (2) acres in surface area  
 2 Excavation activity shall be subject to the submission,  
 3 review and approval as a Class A Conditional Use  
 4 pursuant to Sec. 5.4. and Sec. 7.6.F.3. The Board of  
 5 County Commissioners may permit offsite removal and may  
 6 apply the appropriate compatibility criteria in Sec.  
 7 7.6.F.6.d. to approve, approve with conditions, or deny  
 8 the application for a Class A Conditional Use.  
 9
- 10 (c) Notice of Intent to Construct. Prior to initiating any  
 11 on-site excavation activities, a Notice of Intent to  
 12 Construct shall be submitted to and receive approval  
 13 from ERM in accordance with Sec. 7.6.G.  
 14
- 15 d. West County Agricultural Area (WCAA) Excavation.
- 16 (1) Review procedures and standards.
- 17 (a) Notice of Intent to Construct. Notice of Intent to  
 18 Construct shall be submitted to and receive approval  
 19 from ERM in accordance with Sec. 7.6.G. prior to  
 20 initiating any on-site excavation activities.
- 21 (b) Standards. Excavation activities shall comply with the  
 22 standards in Sec. 7.6.F.4.
- 23 e. Type II excavation.
- 24 (1) Criteria.
- 25 (a) Location. A Type II excavation may be permitted to  
 26 implement a site development plan for a primary use as  
 27 permitted in the Use Regulation Schedule in Section  
 28 6.4.D., and to implement a Preliminary Development Plan  
 29 (Master Plan) within any Planned Development District.
- 30 (b) Limited off-site removal. Type II excavations are  
 31 allowed to permit earth work associated with land  
 32 development activities. A minimum of 90% of the fill  
 33 shall be used on site, unless unusual site conditions  
 34 exist. If the applicant must remove more than 10% of the  
 35 fill from the site, then use approval shall be requested  
 36 as defined in 6.4.D.35.e.(2)(e) below.
- 37 (2) Use approval.
- 38 (a) DRC approval. Prior to initiating Type II excavation  
 39 activities, DRC review and approval shall be required.  
 40 Application shall be made in accordance with Sec. 5.6  
 41 and the supplemental application requirements in Sec.  
 42 6.4.D.35.g below. If approval of a final site  
 43 development plan is required, application for the Type  
 44 II excavation shall be submitted simultaneously with the  
 45 DRC application. DRC shall review for compliance with  
 46 the standards in Sec. 7.6.F.5. and may approve with  
 47 conditions.
- 48 (b) Removal of excess fill from the site. DRC may approve  
 49 removal of more than 10% of the extracted material from  
 50 the site if:
- 51 (i) The applicant demonstrates that the make up of the  
 52 natural soil contains an excessive amount of silt,  
 53 rock, or muck and construction of required  
 54 drainage structures or construction of required  
 55 structural foundations require removal of an  
 56 excessive amount of silt, rock or muck; and,
- 57 (ii) The removal of the material is the minimum  
 58 necessary to accommodate on-site drainage  
 59 requirements or structural fill requirements; and,
- 60 (iii) The impact of hauling the material off-site will  
 61 not cause adverse affects to adjacent property  
 62 owners or rights-of-way.

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- 1 (c) Notice of Intent to Construct shall be submitted to and  
2 receive approval from ERM in accordance with Sec. 7.6.G.  
3 prior to initiating any on-site excavation activities.
- 4 (d) Standards. Type II excavation shall comply with the  
5 standards in Sec. 7.6.F.5.
- 6 (e) Exception to off-site removal limitation. An excess of  
7 ten percent (10%) of the fill may be removed off-site  
8 for the following types of excavation activities:
- 9 (i) Excavation associated with the approval of a final  
10 development plan. If an excess of 10% of fill is  
11 proposed to be removed from a site and no unusual  
12 conditions exist justifying removal of more than  
13 ten (10) percent of the excavated material, as  
14 specified in Sec. 6.4.D.35.e.(2)(b) above, then  
15 the excavation shall be considered a Type IIIA  
16 mining operation. This exception applies only to  
17 sites located within the Urban Service Area or a  
18 site in the rural service area which has a valid  
19 development order approved prior to (effective  
20 date of this ordinance). The applicant shall apply  
21 for a Class "A" Conditional Use for a Type III A  
22 excavation pursuant to the standards of Sec. 5.4.  
23 and shall comply with the following requirements.
- 24 a) Operational and Construction standards in Sec.  
25 7.6.H.1 and 7.6.H.2.; and
- 26 b) Littoral standards in Sec. 7.6.H.3.c; and
- 27 c) Upland Reclamation Standards in Sec. 7.6.H.3.d;  
28 and
- 29 d) Maintenance and Monitoring requirements for  
30 excavated areas, and littoral plantings in  
31 Sec.7.6.H.5.
- 32 e) Buffer requirements in Sec.  
33 7.6.F.6.d.(2).(a).(iii); and,
- 34 f) Setbacks shall be provided pursuant to Type II  
35 setback requirements in Sec. 7.6.F.5.c.
- 36 g) Location and Access. The development shall have  
37 direct frontage on and access to a collector or  
38 arterial street depicted on the County's  
39 Thoroughfare Identification Map.
- 40 The following standards, set forth in Sec.  
41 7.6.F.6., shall not apply, unless the BCC makes a  
42 finding of fact that waiver of these standards  
43 violates the compatibility standards in Section  
44 7.6.F.6.d.
- 45 1) Separation from other land uses pursuant to Sec.  
46 7.6.F.6.(2)(a)(i)(1); and,
- 47 2) Minimum acreage requirement pursuant to  
48 7.6.F.6.(2)(b).
- 49
- 50 (ii) Excavation, performed by public agency, to provide  
51 drainage for a public right-of-way. Excavation  
52 activity located outside the right-of-way  
53 boundary, conducted solely to accommodate drainage  
54 for a public road right-of-way, and performed or  
55 caused to be performed by contract by a public  
56 agency, as defined herein, shall comply with the  
57 standards below. The excavation activity shall:
- 58 1) be on land owned by Palm Beach County, the State  
59 or a Water Control District created by special act  
60 to operate under Fl. Statutes Chapter 298 (1996);  
61 or
- 62 2) be on land granted by easement to and accepted by  
63 Palm Beach County, the State or a Water Control

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1 District; and,  
2 3) be the absolute minimum necessary to comply with  
3 the surface water drainage requirements for the  
4 public right-of-way.

5 For the purposes of this section, authorization by  
6 Palm Beach County, Florida Department of  
7 Transportation or a Water Control District to  
8 construct a public right-of-way shall constitute a  
9 valid development order.

10 The excavation activity shall comply with the  
11 standards below.

12 a) Notice of Intent to Construct pursuant to Sec.  
13 7.6.G.;

14 b) Operational and Construction standards pursuant  
15 to Sec. 7.6.H.1. and 7.6.H.2., except for Sec.  
16 7.6.H.1.j. (haul permits);

17 c) Littoral zone and general upland reclamation  
18 requirements pursuant to Sec. 7.6.H.3.c and  
19 d.(1).(b); and,

20 d) Maintenance and Monitoring requirements pursuant  
21 to Sec. 7.6.H.4.

22 f. Type III Excavations.

23

24 (1) Classification. Excavations that meet the definition of  
25 mining are considered commercial operations. Type II, or  
26 Agricultural excavations that exceed established  
27 criteria, as defined in this section, are also  
28 considered to be a Type III excavation. Two classes of  
29 Type III excavations (Type IIIA and Type IIIB) are  
30 established to distinguish between the types of mining  
31 operations.

32 (a) Type IIIA. Mining activity, primarily for commercial  
33 purposes, that extracts materials from the earth and  
34 may require limited on-site processing by using  
35 temporary or portable crushers, sifters and conveyor  
36 systems. A Type IIIA excavation activity may use  
37 dragline, dredging or earthmoving equipment to  
38 perform the mining operation provided the operation  
39 complies with the standards of this Section and Sec.  
40 7.6. The use of explosive devices or permanent  
41 structures or equipment used to crush or sift  
42 material shall be prohibited.

43 (b) Type IIIB. Mining activity, primarily for commercial  
44 purposes, that extracts materials from the earth and  
45 may require extensive processing of the material on  
46 site. Type IIIB excavations may use dragline,  
47 dredging, earthmoving equipment to perform the  
48 mining operation. The use of explosives and heavy  
49 industrial equipment to crush, sift and transport  
50 the material on site may be permitted subject to  
51 compliance with the standards of this Section and  
52 Sec. 7.6.

53 (2) Use Approval. A Class "A" Conditional Use is required  
54 for all Type III excavations pursuant to Sec. 5.4. and  
55 the supplemental application requirements of Sec.  
56 6.4.D.35.g. below. Simultaneously with submittal of the  
57 Class A Conditional Use Application to the Zoning  
58 Division, the applicant shall submit a duplicate copy to  
59 the Water Control District that has jurisdiction to  
60 maintain roads and drainage within the area. The Water  
61 Control District may provide comments to the Zoning

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- 1                    Division within 20 calendar days in order for comments  
2                    to be included in the staff report for presentation to  
3                    the BCC.
- 4                    (a) Certification of a final site excavation) plan. Prior to  
5                    starting any activity associated with the excavation  
6                    project, the applicant shall submit an excavation plan  
7                    to DRC for review and approval in accordance with Sec.  
8                    5.6.b.2.
- 9                    (i) Phasing of excavation activity. In the event that  
10                    excavation and reclamation is to be conducted in  
11                    phases, the applicant shall submit a phasing plan  
12                    complying with the requirements of Sec. 6.4.D.35.g  
13                    and Sec. 7.6.H.
- 14                    (ii) Once reclamation and rehabilitation of the preceding  
15                    phase of excavation has commenced, a subsequent  
16                    phase of excavation may begin after receipt of all  
17                    guarantees, required by Sec. 7.6.H.5, and written  
18                    authorization by DRC.
- 19                    (b) Haul permit. The BCC may require as a condition of  
20                    approval, a haul permit for unpaved collector or  
21                    arterial streets as defined in Sec. 7.6.F.6.d.(1)(a). If  
22                    required, a haul permit application shall be submitted  
23                    to and approved by the Land Development Division in  
24                    accordance with Sec. 7.6.H.1.j. prior to Notice of  
25                    Intent to Construct.
- 26                    (c) Notice of Intent to Construct shall be submitted to and  
27                    receive approval from ERM in accordance with Sec. 7.6.G.  
28                    prior to initiating any on-site excavation activities.
- 29                    (d) Reclamation plan approval and release of performance  
30                    guarantees. Prior to the release of any performance  
31                    guarantee, in accordance with Sec. 7.6.H.5, DRC shall  
32                    approve an "as built" reclamation plan. The plan shall  
33                    include certified as-built drawings and written  
34                    certification, bearing the seal of an engineer  
35                    registered in the State of Florida, certifying  
36                    compliance with Sec. 7.6.H (excluding littoral and  
37                    upland planting requirements), and that all construction  
38                    related development order conditions and guarantees have  
39                    been satisfied. Performance guarantees for planting  
40                    areas shall be released in accordance with Sec.  
41                    7.6.H.4.g.(3).
- 42                    (3) Location. All Type III excavations may be permitted in  
43                    accordance with the Use Regulation Schedule in 6.4.D.  
44                    Mining may be permitted with limitations in the  
45                    districts identified below.
- 46                    (a) AP District in the AP land use category. The use of  
47                    extractive material mined in the AP zoning district  
48                    shall be limited to public road construction  
49                    projects only and shall demonstrate compliance with  
50                    the criteria in Sec. 7.6.F.6.d.
- 51                    (b) SA District in RR10 Land Use Category. All  
52                    applications for mining in the SA district in the  
53                    RR10 land use category shall demonstrate compliance  
54                    with the criteria in Sec. 7.6.F.6.d.
- 55                    (4) Standards. All Type III excavations shall comply with  
56                    the standards in Sec. 7.6.F.6:
- 57
- 58                    g. Supplemental application requirements.
- 59                    (1) All Type I(B), Type II, Type IIIA and Type IIIB  
60                    excavations shall supplement the application  
61                    requirements set forth in Sec. 5.4, Sec. 5.6, and the  
62                    official application form with the materials and  
63                    information listed below.

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- 1 (a) Statement listing the nature of the excavation  
2 operation, including but not limited to the:  
3 (i) Amount and type of materials to be excavated,  
4 (ii) Duration of the excavation activity and reclamation  
5 activity,  
6 (iii) The proposed method of excavation,  
7 (iv) The amount of fill to remain on site,  
8 (v) If permitted, the amount of fill to be removed from  
9 site, and  
10 (vi) intent to comply with Sec. 7.8.C, Archeological  
11 Resource Protection.  
12 (b) Site (excavation) Plan. A site plan depicting:  
13 (i) Boundaries, dimensions and acreage of the site and  
14 excavated surface area(s);  
15 (ii) All existing and proposed improvements including  
16 easements, rights-of-way, weigh stations, and other  
17 structures;  
18 (iii) Setbacks and separations;  
19 (iv) Preservation areas;  
20 (v) Water table elevations, including Ordinary Water  
21 Level  
22 (c) Vegetation permit application. A vegetation permit  
23 application pursuant to Sec. 9.5.  
24 (d) Aerial. An aerial at a scale of 1:200 or better, clearly  
25 depicting the site; and  
26 (e) Fees. Fees as adopted by the established Fee Schedules.  
27 (2) All applications for Type II, Type IIIA and Type IIIB  
28 excavations shall require the additional information  
29 listed below.  
30 (a) Soil boring statement. A statement, certified by an  
31 Engineer indicating the type of soils to be excavated  
32 and that the: (1) soils are suitable for road or  
33 structural fill construction; or (2) the soil contains  
34 excessive amounts of silt, rock or muck.  
35 (b) Site (excavation) plan depicting:  
36 (i) Operational standards pursuant to Sec. 7.6.H.1.,  
37 as applicable;  
38 (ii) Equipment storage, and stockpile areas, including  
39 sizes and heights.  
40 (c) Landscape Plan. A landscape plan indicating the buffers  
41 and reclamation plantings.  
42 (d) Cross Sections delineating compliance with the following  
43 requirements, as applicable:  
44 (i) Construction standards pursuant to Sec. 7.6.H.2.;  
45 (ii) Reclamation standards pursuant to Sec. 7.6.H.3.;  
46 (iii) Buffer details.  
47 (e) Operations plan. An operations plan shall be submitted  
48 in the form of a statement and shall include the methods  
49 of material extraction, on site processing including  
50 erosion and sediment control methods and particulate  
51 matter control. The plan shall also delineate how the  
52 impacts from the hauling operations will be controlled.  
53 (f) Haul route plan. The plan shall include a map indicating  
54 all possible proposed haul routes within the radius of  
55 impacts as defined in Sec. 7.6.F.6.d.  
56 (3) All applications for Type IIIA and Type IIIB excavations  
57 shall require the additional information listed below.  
58 (a) Site (excavation) plan. A site plan depicting:  
59 (i) Location of grading, sorting, crushing and similar  
60 equipment necessary for the operation and  
61 distribution of the excavated material.  
62 (b) Additional Information:  
63 (i) Maintenance and Monitoring Report Schedule pursuant

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- 1 to Sec. 7.6.H.5;  
 2 ~~(ii) Surrounding uses map depicting the location of the~~  
 3 ~~outer boundary of area to be excavated and distances~~  
 4 ~~to surrounding land uses; including all residences~~  
 5 ~~within the applicable specified distance in the~~  
 6 ~~separation standards in Sec. 7.6.D.6.d.~~  
 7 ~~(iii) Phasing Plan. A phasing plan and tabular data~~  
 8 ~~depicting acreage, location, sequence of~~  
 9 ~~operations and schedule of reclamation~~  
 10 ~~requirements.~~  
 11 ~~(iv) Tree survey. A tree survey shall be submitted as~~  
 12 ~~required by Sec. 7.6.H.3.d.(4).~~  
 13 ~~(4) The Zoning Director may request any other information as~~  
 14 ~~deemed reasonable and necessary to evaluate the~~  
 15 ~~application.~~

16 Subpart Section 6.4.D.87., Use Regulations and Definitions,  
 17 Supplementary use standards, Self-service storage is  
 18 amended to add and delete language and reformat as  
 19 follows:

20 87. Self-service storage. Self-service storage, limited-access  
 21 means a multi-storied self-service storage facility, with  
 22 limited access points from the exterior of the building to  
 23 interior halls that serve individual bays. Self-service  
 24 storage, multi-access means a one story self-service  
 25 storage facility with multi-access points from the exterior  
 26 of the building to individual bays. A self-service storage  
 27 use may be developed as a one or two story multiple access  
 28 facility, ~~or as a multi-story limited access facility, or~~  
 29 ~~as a combination~~ in accordance with the standards in this  
 30 subsection.

31 a. General. All self-service storage uses shall comply with the  
 32 following:

- 33 (1) Uses....  
 34 ~~(3)(a) Use of bays....~~  
 35 ~~(4)(3) Minimum lot size. The minimum lot size for a self-service~~  
 36 ~~storage facility shall be two (2) acres. A self-service~~  
 37 ~~storage facility use included within a Planned~~  
 38 ~~Development District shall have a minimum of two (2)~~  
 39 ~~acres devoted exclusively to such use be subject to the~~  
 40 ~~minimum acreage requirements as indicated in the~~  
 41 ~~supplemental standards in this section.~~  
 42 ~~(5)(4) Security quarters permitted....~~  
 43 ~~(6)(5) Outside storage....~~

44 ...

45 ~~(6) Multi-access and limited-access combinations. A combination~~  
 46 ~~of multi-access and limited-access storage uses may be~~  
 47 ~~permitted within the same building or on the same site~~  
 48 ~~pursuant to the supplemental standards for both uses as~~  
 49 ~~indicated in Sections 6.4.87.b & c.~~

50 (7) Landscaping and buffering.  
 51 (a) Wall option. ~~The perimeter wall within the landscape buffer~~  
 52 ~~may not be required. A self-service storage facility use may~~  
 53 ~~dispense with the wall that is required to be erected~~  
 54 ~~within the required perimeter landscape strip for that~~  
 55 ~~portion of the perimeter if all of the following standards~~  
 56 ~~are met.~~

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...

ii) ~~The exterior facades of separate~~ storage structures are joined connected in by solid walls to give the appearance of structural continuity.

...

b. **Supplemental standards for multi-access self-storage facilities.** In addition to the general standards above, multi-access self-service storage facilities shall comply with the following regulations:

- ~~(1)-(4)~~ **Minimum lot size.** The minimum lot size for a multi-access facility shall be two (2) acres.
- ~~(1)-(2)~~ **Separation between buildings.** Separation between buildings within the facility shall comply with the circulation standards in this subsection or be a minimum of ten (10) feet.
- ~~(2)-(3)~~ **Maximum bay size.** The maximum size of a storage bay shall be four hundred fifty (450) square feet.
- ~~(3)-(4)~~ **Height.** ~~With the exception of a structure used as a security or caretaker quarters,~~ the maximum height of a self-service storage facility use shall be one (1) story with the height of the structure not to exceed twenty (20) thirty (30) feet. In addition, a parapet wall shall be constructed to screen roof-mounted air conditioning and any other equipment. The combined height of the building and the parapet wall shall not exceed ~~twenty five (25) thirty-five (35) feet.~~
- ~~(4)-(5)~~ **Circulation...**

...

~~(5)-(6)~~ **Door orientation and access.** Storage bay doors and access points located on the second story shall be oriented toward the interior of the site.

c. **Supplemental standards for limited access self-storage facilities.** In addition to the general standards above, limited-access self-storage facilities shall comply with the following regulations:

- ~~(1)~~ **Minimum lot size.** The minimum lot size for a limited access facility shall be one (1) acre.
- ~~(1)-(2)~~ **Height.** The structure shall meet the height requirements of the district. A parapet wall shall be constructed to screen roof-mounted air conditioning and any other equipment. The parapet wall shall be included in the height of the structure.
- ~~(2)-(3)~~ **Architectural Compatibility.** The Board of County Commissioners may require one or more of the facades to incorporate architectural features ~~on one or more facades~~ to reduce the scale and mass of the structure. Elevations demonstrating the architectural treatment shall be submitted and approved prior to certification of the final site plan by the Development Review Committee. The Zoning Director may require the architectural elevations to be reviewed by the Board of County Commissioners if it is determined that the proposed architectural features do not correspond to the context and character of the surrounding land uses. Architectural treatment may be required to ensure that the building is compatible with surrounding land uses and does not appear as an industrial warehousing structure. Architectural treatment

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1 may include, but is not limited to:

2 ...

3 (34) Loading. Each entry point used to access hallways leading  
4 to the storage bays shall accommodate a minimum of two  
5 loading berths and related maneuvering area. The loading  
6 areas shall not interfere with the primary circulation  
7 system on site. If a minimum 25 foot access way is  
8 provided adjacent to the building and serves no other use  
9 except the self service storage facility, then the  
10 loading area may be established parallel and adjacent to  
11 the building.

12 (45) Parking.

13 ...

14 **Subpart** Section 6.4.D.97., Use Regulations and Definitions,  
15 Supplementary use standards, Vehicle sales and rental is  
16 amended to add and delete language and reformat as  
17 follows:

18 **97. Vehicle sales and rental means** ~~a~~  
19 ~~An establishment engaged in the retail or wholesale sale or~~  
20 ~~rental, from the premises, of motorized vehicles or equipment or~~  
21 ~~mobile homes, along with incidental service or maintenance.~~  
22 ~~Typical uses include new and used automobile sales, indoor~~  
23 ~~vehicle showroom, automobile rental, boat sales, boat rental,~~  
24 ~~mobile home, manufactured housing and recreational vehicle sales,~~  
25 ~~construction equipment rental yards, moving trailer rental, and~~  
26 ~~farm equipment and machinery sales and rental. A vehicle sales~~  
27 ~~and rental use shall comply with the following supplementary use~~  
28 ~~standards:~~

29 **a. District Limitations and Use Criteria.**

30 **(1) CC, CG, IL District.**

31 **(a)-(2) Truck and trailer rental.** Truck and trailer rental  
32 limited to a maximum of five (5) vehicles per lot shall  
33 be permitted as an accessory use to an auto service  
34 station subject to Development Review Committee review  
35 and approval. Truck and trailer rental exceeding five (5)  
36 vehicles per lot shall be permitted only if approved as a  
37 Class "B" Conditional use.

38 **(2) MUPD and CG District.** An indoor vehicle showroom may be  
39 allowed in the MUPD and CG Districts as a permitted use  
40 subject to review and approval by DRC pursuant to Sec. 5.6  
41 and shall comply with the criteria below:

42 **(a) Floor Area.** The indoor vehicle showroom shall be a maximum  
43 of thirty thousand (30,000) square feet and shall have a  
44 maximum of 15 vehicles displayed.

45 **(b) Retail sales/lease transactions.** Retail sales and lease  
46 transactions of new vehicles may occur in the indoor  
47 vehicle showroom.

48 **(c) New Vehicles.** Display of vehicles for sales and lease  
49 transactions shall be limited to new vehicles only.

50 **(d) Test Drives.** No test drives shall be permitted from the  
51 indoor vehicle showroom or on-site. Test drives shall occur  
52 off-site from an associated dealership.

53 **(e) Parking.** No vehicles for sale or lease shall be parked or  
54 displayed outside of the showroom. Trucks used to transport  
55 vehicles to and from the showroom shall not be parked in

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- 1                    required parking areas and shall not be stored on-site.  
2                    ~~(f) Vehicle Operations. Display vehicles shall not operate~~  
3                    ~~engines during store hours. Engines shall only be permitted~~  
4                    ~~to operate during the transport of vehicle into or out of~~  
5                    ~~the showroom.~~  
6                    ~~(g) Maintenance and Repair. Maintenance, repair, paint or~~  
7                    ~~detailing operations shall not occur on-site.~~  
8                    ~~(3)j-~~ IL district. In the IL district, a vehicle sales and  
9                    rental use shall be limited to the following.  
10                    ~~(a) (1) Vehicle Sale and Rental, Accessory. In conjunction with~~  
11                    ~~repair facility. In the IL district, A a limited vehicle~~  
12                    ~~sales and rental use may be an accessory use to in~~  
13                    ~~conjunction with a general repair and maintenance~~  
14                    ~~facility. use shall be permitted, subject to the~~  
15                    ~~following standards. The vehicle sales and rental uses~~  
16                    ~~shall be limited to a maximum of five (5) vehicles per~~  
17                    ~~lot.~~  
18                    ~~(i) (a) Use approval. Limitations. and Use approval shall be~~  
19                    ~~subject to review and approval by the Development Review~~  
20                    ~~Committee. The vehicle sales and rental uses shall be~~  
21                    ~~limited to a maximum of five (5) vehicles per lot.~~  
22                    ~~(ii) (b) Display. Vehicles on display must be within fifty (50)~~  
23                    ~~feet of a repair bay.~~  
24                    ~~(iii) (c) Site plan. Site plan approval shall be based on the~~  
25                    ~~standards in Sec. 6.4.D (Vehicle sales and rental~~  
26                    ~~parking).~~  
27                    ~~(b) (3) Automobile rental. Automobile rental shall be permitted~~  
28                    ~~as a Class "A" Conditional use.~~  
29                    ~~(c) (4) Mobile home, RV sales, and heavy equipment sales or~~  
30                    ~~rental. The sale or rental of mobile or manufactured~~  
31                    ~~homes, recreational vehicles or heavy equipment shall be~~  
32                    ~~permitted as a Class "B" Conditional use.~~
- 33                    **b. Additional Development Standards.**  
34                    ~~a. Minimum Lot Size. The minimum lot area for vehicle sales and~~  
35                    ~~rentals is three (3) acres, except:~~  
36                    ~~(1) IL district. in the IL District, and~~  
37                    ~~(2) Rental. for truck and trailer rental accessory to an auto~~  
38                    ~~service station, not exceeding five (5) trucks or trailers for~~  
39                    ~~rent.~~  
40                    ~~(1) a- Minimum Lot Size. The minimum lot area for vehicle sales~~  
41                    ~~and rentals is three (3) acres, except as provided below:~~  
42                    ~~(1) (a) IL district. in the IL District, and The minimum lot size~~  
43                    ~~shall be one (1) acre.~~  
44                    ~~(2) e- Accessory repairs and parts sales....~~  
45                    ~~(3) h- Sales office....~~  
46                    ~~(4) e- Car wash....~~  
47                    ~~(5) d- Loudspeakers....~~  
48                    ~~(6) i- Fencing and screening....~~  
49                    ~~(7) f- Unloading space....~~  
50                    ~~(8) b- Parking....~~  
51                    ~~(a) (1) Display. Motor vehicle display, sales, rental and storage~~  
52                    ~~shall be permitted subject to the following requirements:~~
- 53                    ~~(i) (a) Storage. Motor vehicle dealerships may store vehicles~~  
54                    ~~outdoors on an improved parking surface without reference~~  
55                    ~~to parking stalls, backup distances, parking stall~~  
56                    ~~striping or wheel stops. For outdoor motor vehicle sales~~  
57                    ~~and display parking, signs and stall striping are not~~  
58                    ~~required, but in all other respects, outdoor sales and~~  
59                    ~~display parking shall conform to the provisions of Sec.~~  
60                    ~~7.2 (Off-street Parking Regulations). Parking for vehicle~~  
61                    ~~storage, sales or display may not be counted toward~~  
62                    ~~meeting the number of required off-street parking spaces~~

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1 to be provided for customers and employees.

2 ~~(ii)(b)~~ **Display.** If a specialized vehicular use area is utilized

3 for display of vehicles, there shall be a barrier

4 separating it from customer parking. This barrier may be

5 in the form of a landscape strip, curbing, removable

6 bollards or other suitable barrier approved by the

7 Zoning Director.

8 ~~(iii)(e)~~ **Vehicles.** No vehicle shall be parked with its hood or

9 trunk open. Motor vehicles on display shall not be

10 elevated.

11 ~~(b)(2)~~ **Customer parking.** Customer parking shall be marked with

12 an above grade sign and shall be physically separated

13 from the motor vehicle sales, storage and display space.

14 ~~(c)(3)~~ **Security.** When the facility is not open, the parking area

15 shall be locked and gated.

16 ~~(g)~~ **Operating conditions...**

17 ~~k. Accessory truck and trailer rental. Accessory truck and~~

18 ~~trailer rental limited to a maximum of five (5) vehicles per~~

19 ~~lot may be permitted subject to DRC review. Truck and trailer~~

20 ~~rental exceeding five (5) vehicles shall be permitted only if~~

21 ~~approved as a Class "B" conditional use.~~

22 **Subpart** Section 6.4.D.103.b.(1)(c)iii), Use Regulations and

23 Definitions, Supplementary use standards, Zero lot line

24 home, Design standards is amended to add and delete

25 language as follows:

26 iii) **Drainage easement.** Eaves shall not project over drainage

27 easements. No construction shall be permitted within an

28 established easement, except as allowed in Sec. 6.5.H-K.,

29 Easement encroachment.

30 **Subpart** Section 6.5.A., Property Development Regulations,

31 Property Development Regulations Schedule is amended to

32 add and delete language as follows:

33 **A. Property development regulations schedule.** The minimum lot

34 dimensions, minimum and maximum density, maximum floor area

35 ratio (FAR), maximum building coverage, and minimum building

36 setbacks for uses in each district shall be determined from

37 Table 6.5-1, as may be modified by succeeding provisions of

38 this section. Maximum building height shall be as specified

39 in Sec. 6.0-5.H., Building height. Property development

40 regulations for Overlay districts shall be as specified in

41 Sec. 6.7., Overlay District Regulations. Property

42 development regulations for Planned Development Districts

43 shall be as specified in Sec. 6.8, Planned Development

44 District Regulations. There are no property development

45 regulations for the PO district. A project may be eligible to

46 develop at the maximum density specified in this schedule

47 provided all other property development regulations of this

48 code are met.

49 **Subpart** Section 6.5.G.4.c., Property Development Regulations,

50 Setbacks, Rear Setback, Accessory residential structures

51 is amended to add and delete language as follows:

52 **c. Accessory residential structures.** An accessory or subordinate

53 structure (except guest cottages, accessory apartments, or

54 structures ~~not~~ over ten (10) feet in height), may be

55 constructed in any residential district (except AR and CRS),

56 a distance of five (5) feet from the rear property lines

57 provided it is not within any established easement, and that

58 there is adherence to the side corner yard setback standards.

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1 The structure shall not be permitted to occupy more than  
2 twenty five (25) percent of the distance between property  
3 lines. Permitted accessory structures include satellite  
4 dishes, utility sheds, or detached garages. All structures  
5 used as dwellings shall meet the required setbacks of the  
6 principal use.

7 **Subpart** Section 6.5.H., Property Development Regulations,  
8 Building height is amended to add and delete language as  
9 follows:

10 **H. Building height....**

11 3. Airport zones. Uses that fall within the Airport zones  
12 established in Article 18 are subject to height restrictions  
13 and a special review process. Article 18, Section VI contains  
14 specific provisions.

15 ~~4.~~ **Multi-family and nonresidential districts....**  
16 ~~4.~~5. Exceptions to height regulations. Except for structures  
17 located in a regulated within an Airport zone, the height  
18 regulations of this section shall not apply to the  
19 following:

20 ...

- 21 r. Accessory radio towers (subject to Sec. 6.6.A.11);
- 22 s. Amateur radio/TV antennas (subject to Sec. 6.6.A.12);

23 ...

24 **Subpart** Section 6.5.K.6., Property Development Regulations,  
25 Easement encroachment, Issuance of approval on drainage  
26 easements is amended to add and delete language as  
27 follows:

- 28 **6. Issuance of approval on drainage easements.**
- 29 a. The DEPW may deny, approve, or approve with conditions the  
30 construction or landscaping in drainage easements.
  - 31 b. No approval shall be given before the DEPW has received  
32 specific written consent from all easement holders, easement  
33 beneficiaries, and governmental entities or agencies having  
34 jurisdiction of the drainage easement. The DEPW is hereby  
35 authorized to effect consent on behalf of the County when the  
36 County is the easement holder or beneficiary of drainage  
37 easements based upon subsection 6.5.HK.7 (Evaluation criteria  
38 for drainage easements) of this section. The DEPW may require  
39 that consent be in or on a form established by the DEPW. It  
40 shall be the responsibility of the applicant to obtain all  
41 necessary approvals.

42 **Subpart** Section 6.6.A.3., Supplementary Regulations, Accessory  
43 Uses and Structures is amended to add and delete  
44 language as follows:

45 **3. Outdoor storage.** Outdoor storage of merchandise in all  
46 commercial, industrial and nonresidential districts shall  
47 be subject to the following standards, unless the use is  
48 specifically regulated in another district or section.

49 ...

51 b. Storage and sales of landscape plant material shall be exempt

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(1) Setbacks for Swimming Pools and Spas. Setbacks shall be measured to the water's edge:

<u>Setbacks</u>	<u>Front</u>	<u>Side interior</u>	<u>Side corner</u>	<u>Rear</u>
<u>Single family</u>	<u>28 feet</u>	<u>10.5 feet</u>	<u>18 feet</u>	<u>10.5 feet</u>
<u>Zero lot line</u>	<u>23 feet</u>	<u>0 lot line -3 feet</u> <u>Opposite lot line</u> <u>-5 feet</u>	<u>13 feet</u>	<u>5 feet</u>
<u>Townhouse Rowhouse and Quad</u>	<u>13 feet</u>	<u>3 feet</u>	<u>From property line - 5 feet</u> <u>From R.O.W. - 18 feet</u>	<u>5 feet</u>
<u>Multi-family, Home Owners Assoc. - Rec. parcels less than 1 (one) acre</u>	<u>25 feet</u>	<u>30 feet</u>	<u>25 feet</u>	<u>30 feet</u>
<u>Multi-family, Home Owners Assoc., Non-profit assembly, Social, Civic and Rec. parcels greater than one (1) acre</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>

- (2) Single Family Design Clusters. Single family design clusters are a type of single family dwellings that were permitted under previous zoning codes. This type of housing has been excluded from the ULDC.
- (a) Pools and spas shall comply with the setbacks indicated on the certified site plan.
- (b) If setbacks are not indicated on the certified site plan, setbacks for zero lot line homes shall be applied.
- (3) Setback Reductions.
- (a) Criteria for Setback Reductions. The following conditions shall be complied with to qualify for reduced setbacks.
- (i) Open space. The entire rear or side interior property line is adjacent to open space (lake, natural preserve or golf course) a minimum of 50 feet in depth;
- (ii) Construction. All construction and earthwork is completed within the owner's lot; and
- (iii) Maintenance. All maintenance can be conducted from within the owner's lot.
- (b) Single family and Zero lot line homes. Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback provided the criteria for setback reductions have been met.

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- 1            (c) Multi-family and Homeowners Assoc. Recreation Parcels  
2            less than one (1) acre. Swimming pools or spas may be  
3            constructed with a minimum ten (10) foot rear or side  
4            interior setback for recreation parcels less than one  
5            acre in size provided the criteria for setback reductions  
6            have been met.
- 7            (d) Planned Developments. Setbacks for swimming pools or spas  
8            may be reduced in accordance with the flexible  
9            regulations in Sec. 6.8.A.8.(f).1 and administrative  
10           deviations in Sec. 6.8.A.15.c.
- 11
- 12           c. Building coverage. Swimming pools or spas located at  
13           finished grade shall not be included in the building  
14           coverage calculation unless contained in a building or  
15           within a screen enclosure with a solid roof.
- 16           d. Fencing, screening and access. Every swimming pool or spa  
17           shall be enclosed by a barrier, retaining wall, fence or  
18           other structure in accordance with Palm Beach County  
19           Swimming Pool and Spa Code, as amended.
- 20           e. Easement encroachment. Pools or spas shall not encroach any  
21           utility, drainage or lake maintenance easement.
- 22           f. Swimming Pools and Spas in Common Areas. The construction  
23           of private swimming pools and spas for individual  
24           households within a common area is prohibited, unless the  
25           swimming pools and spas were legally constructed within a  
26           specified development pod prior to April 21, 1995. If any  
27           of the existing dwelling units have exiting swimming pools  
28           or spas in the common area of a development pod, the  
29           remaining dwelling units within the same development pod  
30           may construct a swimming pool or spa as shown on the final  
31           subdivision plan or final site plan. If the final  
32           subdivision plan or final site plan does not graphically  
33           depict the placement of swimming pools or spas in common  
34           area, application shall be made to Development Review  
35           Committee to amend the final subdivision plan or final site  
36           plan to depict the placement of the swimming pool or spa if  
37           in compliance with the following criteria.
- 38           (1) Legally permitted. The applicant demonstrates that  
39           existing swimming pools and spas were legally permitted  
40           and constructed in common areas;
- 41           (2) Joint applicant. The landowner or homeowner's association  
42           must be a joint applicant on the building permit  
43           application;
- 44           (3) Setbacks. The structure must comply with all setback  
45           requirements measured from the outer boundary of the  
46           common area or have a fifteen (15) foot separation  
47           between primary structures, whichever is greater.
- 48           (4) Private structures. No private structures are proposed to  
49           be erected in a required perimeter landscape area;
- 50           (5) Open space. The entire development must continue to meet  
51           open space requirements;
- 52           (6) Documents. The homeowners' documents shall be amended to  
53           include provisions that allow private use of the common  
54           area upon association approval; and
- 55           (7) Prohibitions. Structures will not be permitted in a  
56           common area that is designed as a water management tract.
- 57           **Subpart** Section 6.6.A.10., Supplementary Regulations, Accessory  
58           Uses and Structures, Screen Enclosures is deleted in its  
59           entirety and replaced with the following.
- 60           **10. Screen Enclosures.**

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- 1 a. General. Screen enclosures may be covered with a screened  
 2 or solid roof. Property development regulations vary  
 3 based upon the type of roof covering.
- 4 b. Setbacks for Screen Enclosures with Screened Roofs.  
 5 (1) Setbacks for screen enclosures with screen roofs.  
 6 Setbacks shall be measured as specified in the chart  
 7 below:

Setbacks	Front	Side Interior	Side corner	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
<b>Zero lot line</b>				
Zero lot line side	20 feet	0 feet	10 feet	2 feet
Opposite lot line	20 feet	2 feet	10 feet	2 feet
<b>Townhouse, Row house</b>				
Measured from lot boundary	10 feet	0 feet	From lot line - 5 feet From r.o.w. line - 15 feet	0 feet
Measured from inside edge of buffer of PUD or Tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
<b>Townhouse, Quad</b>				
Measured from lot boundary	0'	0'	From lot line - 0 feet From r.o.w. line - 15 feet	0 feet
Measured from inside edge of buffer of PUD or Tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Multi-family, Home Owners Assoc. - Rec. parcels less than 1 acre	25 feet	20 feet	20 feet	20 feet
Multi-family, Home Owners Assoc., Non-profit assembly, Social, Civic, and Rec. parcels greater than 1 acre	30 feet	25 feet	25 feet	25 feet

- 38 (2) Setback Reductions.  
 39 (a) Criteria for Setback Reductions. The following conditions  
 40 shall be complied with to qualify for reduced setbacks.  
 41 (i) Open space. The entire rear or side interior property  
 42 line is adjacent to open space (lake, natural preserve or  
 43 golf course) a minimum of 50 feet in depth;  
 44 (ii) Construction. All construction and earthwork is completed  
 45 within the owner's lot;  
 46 (iii) Maintenance. All maintenance can be conducted from within  
 47 the owner's lot; and

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- 1            (iv) Overhang. Roof eaves or structures shall not overhang the  
2            property line or encroach any utility, drainage or lake  
3            maintenance easement.  
4            (b) Single family and Zero lot line homes. Screen roof  
5            enclosures may be constructed with a zero (0) foot rear or  
6            side interior setback provided the criteria for setback  
7            reductions have been met.  
8            (c) Multi-family and Homeowners Assoc. Recreation Parcels less  
9            than one (1) acre. Screen enclosures may be constructed  
10           with a five (5) foot rear or side interior setback for  
11           recreation parcels less than one acre in size provided the  
12           criteria for setback reductions have been met.  
13           (d) Planned Developments. Setbacks for screen enclosures may be  
14           reduced in accordance with the flexible regulations in Sec.  
15           6.8.A.8.(f).1 and administrative deviations in Sec.  
16           6.8.A.15.c.  
17           (3) Special Setback Provisions for Townhouses.  
18           (a) No setbacks are required from individual property lines of  
19           units, if applicable. Setbacks are required to be measured  
20           from perimeter property lines of the development pod in  
21           compliance with Sec. 6.4.D.95.d. of the ULDC.  
22           (b) In cases where the townhouse and accessory screen enclosure  
23           covers 100 percent of the lot, the screen enclosure shall  
24           maintain a minimum separation between other screen  
25           enclosures or the principal structure of townhouse groups,  
26           as specified in the table above.  
27           (c) Separations between two townhouse groups shall be measured  
28           by drawing a center line between the two adjacent groups  
29           and measuring a minimum distance of 7.5 feet from the  
30           centerline between the proposed enclosures to ensure an  
31           equidistant separation of a minimum of 15 feet.  
32           (d) Screen enclosures for townhouses may cover 100% of the  
33           total lot area provided minimum separations between groups  
34           are met.  
35           (4) Special Setback Provisions for Single Family Design  
36           Clusters. Single family design clusters are a type of  
37           single family dwellings that were permitted under previous  
38           zoning codes. This type of housing has is no longer  
39           permitted by the ULDC.  
40           (a) Screen enclosures shall adhere to the setbacks indicated on  
41           the certified site plan.  
42           (b) If no setbacks are indicated on the certified site plan,  
43           setbacks for zero lot line homes shall be applied.  
44           (5) Special Provisions for Zero Lot Line Developments. A  
45           minimum five (5) foot high opaque fence or wall shall be  
46           provided on the zero side of zero lot line extending from  
47           the rear of the structure to the rear edge of the screen  
48           enclosure. Such wall shall be masonry or wood. The screen  
49           enclosure shall may be attached to the fence or wall.  
50           (6) Building coverage. Screen enclosures with screen roofs  
51           shall not be included in the building coverage calculation.  
52           (7) Maximum Allowable Size. Screen enclosures shall be  
53           permitted to cover a maximum of 30 percent of the total lot  
54           area except for townhouses.  
55           (8) Height. The height of the screen enclosure shall not exceed  
56           the highest point of the peak of the roof.  
57           (9) Easement encroachment. Roof eaves or structures shall not  
58           overhang the rear property line or encroach any utility,  
59           drainage or lake maintenance easement.  
60           (10) Screen enclosures within common areas of residential  
61           developments. The construction of private screen  
62           enclosures, for use by individual households, is prohibited  
63           in common areas, unless screen enclosures were legally  
64           constructed within the same development pod prior to April

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1 21, 1995. If any of the existing dwelling units within the  
2 development pod have existing screen enclosures in the  
3 common area, the remaining dwelling units within the  
4 development pod may construct screen enclosures as shown on  
5 the final subdivision plan or final site plan.  
6

7 If the final subdivision plan or final site plan does not  
8 graphically depict the placement of screen enclosures in the  
9 common area, application shall be made to Development Review  
10 Committee to amend the final subdivision plan or final site  
11 plan to depict the placement of the screen enclosures, if  
12 compliance with criteria set forth in 6.6.A.9.e. (1)-(7) can be  
13 demonstrated.

14 **c. Screen enclosures with solid roofs.**

15 **(1) Setbacks.** Screen enclosures shall meet the minimum setbacks  
16 of the principal use of the lot. Setbacks may be reduced in  
17 accordance with the flexible regulations in Sec.  
18 6.8.A.8.(f).1 and administrative deviations in Sec.  
19 6.8.A.15.c.

20 **(2) Building coverage.** Screen enclosures with solid roofs shall  
21 be included in the building coverage calculation.

22 **(3) Special provisions for Zero Lot Line Developments.** A  
23 minimum eight (8) foot high wall shall be provided on the  
24 zero lot line extending at least to the rear edge of the  
25 enclosure. Such wall shall be of masonry or wood. The  
26 screen enclosure shall be attached to the fence or wall.

27 **(4) Special provisions for townhouse developments.** If the roof  
28 of the enclosure is solid, there shall be a minimum eight  
29 (8) foot high wall on the shared lot line, extending from  
30 the dwelling to the rear edge of the portion of the  
31 enclosure that is roofed. The wall shall be fire-rated in  
32 accordance with standard building codes. The screen  
33 enclosure may be attached to the masonry wall.

34 **(5) Height.** The height of the screen enclosure with a solid  
35 roof shall not exceed the highest point of the peak of the  
36 roof.

37 **(6) Easement encroachment.** Roof eaves or structures shall not  
38 overhang the rear property line or encroach any utility,  
39 drainage or lake maintenance easement.

40 **(7) Screen enclosures with solid roofs within common areas of**  
41 **residential developments.** The construction of private  
42 screen enclosures, for use by individual households, is  
43 prohibited in common areas, unless screen enclosures were  
44 legally constructed within the same development pod prior  
45 to April 21, 1995. If any of the existing dwelling units  
46 within the same development pod have existing screen  
47 enclosures in the common area, the remaining dwelling units  
48 within the development pod may construct screen enclosures  
49 as shown on the final subdivision plan or final site plan.  
50 If the final subdivision plan or final site plan does not  
51 graphically depict the placement of screen enclosures in  
52 the common area, application shall be made to Development  
53 Review Committee to amend the final subdivision plan or  
54 final site plan to depict the placement of the screen  
55 enclosures, if compliance with criteria set forth in  
56 6.6.A.9.e. (1)-(7) can be demonstrated.

57 **Subpart** Section 6.6.A.11.b., Supplementary Regulations,  
58 Accessory Uses and Structures, Accessory radio tower is  
59 amended to add and delete language as follows:

60 **11. Accessory radio tower.**  
61 ...

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- 1 installation, and documentation of installation.
- 2 ~~d. Conditional use. In addition to the requirements of this~~  
3 ~~section, all antenna support structures and the beam antennas~~  
4 ~~installed on those support structures, extending greater than~~  
5 ~~seventy (70) feet above grade level or fifteen (15) feet~~  
6 ~~above building height, whichever is greater, shall be a Class~~  
7 ~~"B" Conditional use.~~
- 8 ~~e. Exemption. All antenna support structures and the beam~~  
9 ~~antennas installed on these support structures that do not~~  
10 ~~extend greater than seventy (70) feet above grade, shall be~~  
11 ~~exempt from conditional use approval.~~
- 12 (2)(e) Limitation New uses. Antenna support structures and their  
13 antennas shall be permitted as accessory uses to  
14 residential uses and be reviewed and approved as provided  
15 below:
- 16 (a) All Lots. A maximum of four antenna support structures and  
17 their antennas, forty (40) feet or less in height, shall be  
18 permitted on any lot. One additional antenna support  
19 structure and its antenna shall be allowed to a height of  
20 one hundred five (105) feet. No more than one (1) antenna  
21 support structure that exceeds forty (40) feet in height  
22 shall be allowed on any lot. Additional support structures  
23 or structures that exceed these height limitations shall  
24 require a Class "B" Conditional use approval.
- 25 (3) Permits. All applicable permits shall be obtained.
- 26 ~~f. Location.~~
- 27 e. Standards.
- 28 (1) Base Size. The base dimension for each antenna support  
29 structure shall be limited to a maximum five (5) feet in  
30 overall width at grade. The foundation for each antenna  
31 support structure shall be no more than one (1) foot above  
32 grade.
- 33 ~~(2)(a) Setbacks. All antenna support structures and the beam~~  
34 ~~antennas installed on those support structures, including~~  
35 ~~all elements or parts thereof, shall conform to the~~  
36 ~~minimum yard setback standards of the district in which~~  
37 ~~it is to be located. A satellite dish antennas shall not~~  
38 ~~be permitted in front yards and shall meet all accessory~~  
39 ~~structure setbacks.~~
- 40 (a) Antenna Support Structure.
- 41 (i) —In addition, no a Antenna support structures shall not  
42 be located in the front yard.
- 43 ~~(b) Support structure location. In addition to complying with~~  
44 ~~the district setback standards,~~
- 45 (ii) Lots less than one acre. Antenna support structures  
46 shall be located to complying with the district setback  
47 standards or a minimum of twenty-five (25) feet  
48 whichever is greater.
- 49 (iii) Lots one acre or more. aAntenna support structures shall  
50 be located to complying with the greater of the  
51 following:
- 52 1) the minimum district setback standards, or  
53 2) twenty-five (25) foot setback for support structures and  
54 their antennas under seventy-five (75) feet in height, or  
55 3) a setback of fifty (50) percent of the height of the  
56 support structure and its antenna over seventy-five (75)  
57 feet in height.
- 58 (iv) All lots. Antenna support structures shall be located on  
59 the property so as to provide adequate setbacks from of  
60 the tower from above-ground utility power lines other  
61 than applicants' service lines, as follows:
- 62 1) setback a minimum distance equal to fifty (50) percent of

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1 the height as calculated from grade to the highest point  
 2 of the antenna support structure and its antenna, or  
 3 ~~2) the owner shall submit or~~ a break point calculation  
 4 certified by a professional engineer, or  
 5 ~~3) the owner shall submit as evidenced by the manufacturers'~~  
 6 specifications that demonstrate a clear fall radius. ~~In~~  
 7 addition, ~~no antenna support structure shall be located~~  
 8 ~~in the front yard.~~  
 9 ~~(b)-(c) Beam-array antennas.~~ In addition to complying with the  
 10 district setback standards, beam array, satellite, or  
 11 other antennas shall be mounted so as to provide for  
 12 removal at approach of hurricanes, if necessary, or  
 13 provide for the lowering of such beam. ~~and in no event~~  
 14 ~~shall the beam~~ The antenna or any element thereof ~~extend~~  
 15 ~~closer than~~ shall be set back a minimum of ten (10) feet  
 16 ~~to an official from all~~ rights-of-way line, ~~and/or~~  
 17 easements, or property under different ownership.  
 18 ~~(c)-(d) Anchors location.~~ All ~~antenna support structure and~~  
 19 peripheral anchors shall be located entirely within the  
 20 boundaries of the property. If said supports and anchors  
 21 are closer than five (5) feet to property under different  
 22 ownership and if such support or anchor extends greater  
 23 than three (3) feet above the ground, it shall be  
 24 effectively screened against direct view from abutting  
 25 properties and shall extend no greater than six (6) feet  
 26 above ground.

27 Subpart Section 6.6.A.12.1., Supplementary Regulations,  
 28 Accessory Uses and Structures, Satellite dish antennas  
 29 is created as follows:

30 12.1 Satellite Dish Antennas.

31 a. Purpose and Intent. It is the purpose and intent of this  
 32 section to provide safe and effective installation and  
 33 operation of satellite signal receiving and transmitting  
 34 devices in order to protect the health, safety, and welfare,  
 35 and neighborhood aesthetics, of Palm Beach County's citizens.

36 b. Applicability. All satellite dish antennas shall be governed  
 37 by the standards of this section unless exempted below or  
 38 regulated as part of an amateur radio antenna.

39 (1) Exemptions.

40 (a) Residential Uses. Satellite Dish Antennas under thirty-nine  
 41 (39) inches or one (1) meter in diameter shall be exempt  
 42 from these requirements.

43 (b) Non-Residential Uses. Satellite Dish Antennas under  
 44 seventy-eight (78) inches or two (2) meters in diameter  
 45 shall be exempt from these requirements.

46 c. Standards.

47 (1) Residential Uses.

48 (a) Number. A maximum of one (1) satellite dish antenna over  
 49 thirty-nine (39) inches or one (1) meter in diameter shall  
 50 be allowed on any residential lot.

51 (b) Location and Setbacks. Satellite dish antennas shall be  
 52 mounted on the wall, ground, or a support structure in the  
 53 side or rear yard and shall not be located on a wall facing  
 54 the front property line.

55 (i) Setbacks. Satellite dish antennas shall meet setback  
 56 requirements of the district as measured from the outermost  
 57 point of the dish on the side closest to the applicable  
 58 setback or property line.

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- 1 (c) Screening. Satellite dish antennas, if located in the side  
2 or rear yard, shall be screened by an opaque fence or  
3 hedge.  
4 (d) Height. Satellite dish antennas shall not exceed the height  
5 limitations of the district.  
6 (2) Non-residential Uses.  
7 (a) Number. No limitation.  
8 (b) Location and Setbacks. Satellite dish antennas shall be  
9 wall, roof, or ground mounted, and shall not be located in  
10 the front or side corner yard.  
11 (i) Setbacks. Satellite dish antennas shall meet setback  
12 requirements of the district as measured from the outermost  
13 point of the dish on the side closest to the applicable  
14 setback or property line.  
15 (b) Screening. Satellite dish antennas shall be completely  
16 screened from adjacent residential districts by an opaque  
17 wall (including parapet walls), fence, or hedge, or  
18 combination thereof, and meet standards of Sec. 6.6.A.2.,  
19 height limitations of the district.

20 **Subpart** Section 6.7.E.1., Overlay District Regulations, PBIA-O  
21 Palm Beach International Airport Overlay District is  
22 repealed in its entirety and replaced with the  
23 following:

- 24 1. Purpose and intent. The Palm Beach International Airport  
25 Approach Path Conversion Area Overlay district (PBIA-O)  
26 recognizes that some airplane noise-affected lands  
27 surrounding the Palm Beach International Airport are most  
28 suitable for campus-style industrial development, and other  
29 quality non-residential land uses (as described in Article  
30 18, Airport Zoning Regulations). The purposes of the PBIA-O  
31 district, therefore, are as follows: (1) to protect  
32 neighborhoods surrounding the Palm Beach International  
33 Airport from incompatible land development; (2) to protect  
34 airport operations from incompatible land development, and  
35 provide development regulations that will assure safe,  
36 unobstructed access for all aircraft that enter and exit the  
37 airport; (3) to allow property owners to initiate conversion  
38 to industrial use where appropriate; and (4) to allow  
39 property owner participation in the land use decision-making  
40 process.
- 41 2. Applicability. The provisions of the PBIA-O district shall  
42 apply to all development located within the boundaries of the  
43 PBIA-O. Nothing herein shall require modification of an  
44 existing use, except as provided below.
- 45 3. Boundaries. The PBIA-O district consists of those lands in  
46 unincorporated Palm Beach County bounded by Belvedere Road on  
47 the north, Southern Boulevard on the south, Military Trail on  
48 the east, and the Florida Turnpike on the west, except for  
49 incorporated municipal areas.
- 50 4. Conflict with other applicable regulations. Where the  
51 provisions of the PBIA-O district conflict with other  
52 regulations applicable to the district, the provisions of  
53 this section shall prevail, or as otherwise provided by the  
54 Comprehensive Plan.
- 55 5. General provisions.
- 56 a. Standards. All development within the PBIA-O district shall  
57 be compatible with Airport Operations, as determined by the

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- 1                   Board of County Commissioners, using the standards  
2                   established in the Comprehensive Plan and Article 18.
- 3                   b. Use. All development applications shall comply with the  
4                   provisions of Article 18.
- 5                   c. Height. All development applications shall comply with  
6                   Article 18 (Airport Zoning Regulations) of this code.
- 7                   d. FAA. All development must be consistent with FAA standards,  
8                   guidelines, and regulations for land use compatibility and  
9                   aviation safety.
- 10                  6. Review procedures. All development requests within the PBIA-O  
11                  district shall comply with the applicable procedural  
12                  provisions of this Code, in addition to the following:
- 13                  a. Permitted Uses. All applications for a permitted use in the  
14                  PBIA-O shall be reviewed in accordance with Sec. 6.4 Use  
15                  Regulations Schedule, and Article 18 Land Use Noise  
16                  Compatibility Schedule.
- 17                  b. Site Specific. All Site Specific (Future Land Use Map)  
18                  amendments to the Comprehensive Plan shall be reviewed by  
19                  the PBIA-O Committee, who shall then present their  
20                  recommendations to the Local Planning Agency.
- 21                  c. Conditional Uses. All conditional use applications for  
22                  development permits shall be reviewed by the PBIA-O  
23                  Committee, which shall then present its recommendation to  
24                  the Zoning Commission.
- 25                  7. Use regulations.
- 26                  a. Permitted uses. All residential, commercial, and industrial  
27                  uses permitted by right in the underlying district shall be  
28                  permitted in the PBIA-O district. In no case shall adult  
29                  entertainment establishments, bulk storage of gas and oil,  
30                  outdoor auctions, open flea markets, and salvage or junk  
31                  yards and outdoor retail sales (other than greenhouses or  
32                  nurseries) be permitted in the PBIA-O district.
- 33                  b. Special Permits. All uses allowed as special permits in the  
34                  underlying district shall be permitted in the PBIA-O  
35                  district after compliance with the special use regulations  
36                  imposed by the underlying district.
- 37                  c. Conditional uses. All uses allowed as conditional uses in  
38                  the underlying district, except for adult entertainment  
39                  establishments, bulk storage of gas and oil, outdoor  
40                  auctions, open flea markets, and salvage or junk yards and  
41                  outdoor retail sales (other than greenhouses or nurseries)  
42                  shall be permitted in the PBIA-O district after compliance  
43                  with the Conditional use regulations imposed by the  
44                  underlying district.
- 45                  d. Nonconforming Uses.
- 46                         (1) Existing residential uses. All residential uses that  
47                         exist within the PBIA-O district at the time that the  
48                         PBIA-O district provisions are adopted, shall not be  
49                         classified as a nonconforming use.
- 50                         (2) Existing nonresidential uses. Commercial uses that  
51                         exist within the PBIA-O district at the time that the

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1 PBIA-O district provisions are adopted and that meet  
2 the provisions of this section shall be classified as  
3 conforming uses. Commercial uses that exist within the  
4 PBIA-O at the time that the PBIA-O provisions are  
5 adopted that do not meet the provisions of this  
6 section shall be classified as nonconforming uses.

7 **e. Industrial Rezoning in Residential Future Land Use**  
8 **Categories.** Land within the PBIA-O district designated as  
9 residential or commercial on the Future Land Atlas shall be  
10 eligible for rezoning to the IL district, except in non-  
11 conversion areas described below. Every application for  
12 industrial rezoning within the boundaries of the PBIA-O  
13 district, shall comply with the procedures of Sec. 5.3  
14 (Official Zoning Map Amendments) and the following:

15  
16 (1) **Non-Conversion Areas.** The following areas shall require a  
17 land use amendment in order to rezone to the IL zoning  
18 district:

19 (a) Areas designated as Parks and Recreation. Uses shall be  
20 limited to those permitted in the Parks and Recreation  
21 land use category.

22 (b) The following areas shall be limited to the uses  
23 permitted in the residential future land use category and  
24 the designated residential zoning district:

25 (i) Timber Run subdivision,

26 (ii) Lake Belvedere Estates subdivision,

27 (iii) Overbrook subdivision,

28 (iv) The area bounded by Belvedere Road on the North, the  
29 Florida Turnpike on the west, Jog Road on the east,  
30 and to a depth of 700 feet south from Belvedere Road,  
31 and

32 (v) The area bounded by Jog Road to the west, Southern  
33 Boulevard to the south, Belvedere Road to the north,  
34 and the Timber Run Subdivision and the right-of-way  
35 for Cypress Avenue to the east.

36 (2) **Rezoning Criteria.** Lands within the PBIA-O district may  
37 be rezoned to the IL district, except for those areas  
38 described as non-conversion areas, regardless of the  
39 designation on the Future Land Use Atlas provided one of  
40 the following conditions are met:

41 (a) Lands within the PBIA-O district that support existing  
42 residential development or that have a valid development  
43 order for residential development may be rezoned to the  
44 IL district, if:

45 (i) the parcel has a minimum contiguous area of at least  
46 five (5) acres, and,

47 (ii) abuts an industrial zoning or industrial use on at  
48 least one side, and,

49 (iii) abuts a right-of-way identified on the County's  
50 Thoroughfare Identification Map; or

51 (iv) the parcel has a minimum contiguous area of at least  
52 ten (10) acres, and,

53 (v) abuts an industrial zoning or use on at least one  
54 side, and,

55 (vi) does not abut a right-of-way identified on the  
56 County's Thoroughfare Identification Map; or

57 (b) Lands within the PBIA-O district that are currently  
58 vacant may be rezoned to the IL district if:

59 (i) the parcel has a minimum contiguous area of at least  
60 five (5) acres, and,

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- 1            ~~(ii) abuts an industrial district or use on at least one~~  
2            ~~(1) side, and,~~  
3            ~~(iii) is contiguous on no more than two (2) sides to~~  
4            ~~existing residential development, and,~~  
5            ~~(iv) abuts a right-of-way identified on the County's~~  
6            ~~Thoroughfare Identification Map; or~~  
7            ~~(v) the parcel has a minimum contiguous area of at least~~  
8            ~~ten (10) acres, and,~~  
9            ~~(vi) is contiguous on no more than two (2) sides to~~  
10           ~~existing residential development, and,~~  
11           ~~(vii) the parcel does not abut a right-of-way identified on~~  
12           ~~the County's Thoroughfare Identification Map, or~~
- 13           ~~(c) Lands within the PBIA-O district that are bounded by~~  
14           ~~Southern Boulevard on the south, the L-4 Canal on the~~  
15           ~~north, Military Trail on the east, and the western~~  
16           ~~boundary of the Royal Palm Estates subdivision on the~~  
17           ~~west, shall only allow residential uses to convert to~~  
18           ~~industrial uses subject to the following:~~
- 19           ~~(i) All new industrial uses shall be developed as a~~  
20           ~~"Planned Industrial Park Development" (PIPD); and~~  
21           ~~(ii) All new PIPDs shall be a minimum size of twenty-five~~  
22           ~~(25) acres; and~~  
23           ~~(iii) All new industrial development shall utilize a campus-~~  
24           ~~style design as well as conform to the requirements~~  
25           ~~for PIPDs; and~~  
26           ~~(iv) The following uses shall be prohibited: salvage junk~~  
27           ~~yards, machine or welding shops, hazardous waste~~  
28           ~~facilities, solid waste facilities, bulk storage~~  
29           ~~facilities, transportation and multi-modal facilities,~~  
30           ~~large-scale repair and heavy equipment repair and~~  
31           ~~service facilities, petroleum and coal-derivations-~~  
32           ~~manufacturing and storage facilities, heliports,~~  
33           ~~helipads, airstrips, hangers and accessory facilities,~~  
34           ~~and Type III excavation.~~
- 35           **8. Property development regulations. Applications shall comply**  
36           **with the property development regulations of the underlying**  
37           **districts except where modified by the following.**
- 38           **a. Unified control. Any development within PBIA-O district**  
39           **shall be developed under common ownership or unity of**  
40           **control as provided in Sec. 6.8 (Planned Development**  
41           **District Regulations.**
- 42           **b. Enclosed activities. In addition to standards in Sec.**  
43           **6.6.A.3., all activities, except storage and sales of**  
44           **landscape material, shall be operated within enclosed**  
45           **buildings.**
- 46           **c. Renovation and expansion of non-residential uses. When a**  
47           **structure used for industrial or commercial uses, lying in**  
48           **a residential district or adjacent to a residential**  
49           **district, is renovated or expanded by more than twenty (20)**  
50           **percent of gross floor area, in any one or more expansions,**  
51           **the property development regulations or the PBIA-O district**  
52           **shall apply.**
- 53           **d. Lot dimensions and yard setbacks. Setbacks and lot**  
54           **dimensions for commercial and industrial development shall**  
55           **comply with the property development regulations in Sec.**  
56           **6.5 unless modified herein.**
- 57           **(1) Lot dimensions. All lot dimensions shall comply with**

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- 1 those of the underlying zoning district.  
 2 (2) Setbacks. The minimum building setbacks shall be as  
 3 follows:  
 4 (a) No structures or truck parking and loading shall be  
 5 permitted closer than seventy-five (75) feet to any lot  
 6 line abutting a residential district (inclusive of the  
 7 buffer), unless the area is designated as display  
 8 parking as permitted by Sec. 6.4.D.97.  
 9 (b) No rear yard shall be required where an industrial lot  
 10 abuts an existing or proposed railroad right-of-way or  
 11 spur.  
 12 (c) Setbacks from all other property lines shall be required  
 13 according to the following table:

<u>Yard</u>	<u>Minimum Setback</u>
<u>Front</u>	<u>25 feet/50 feet</u> <u>in CG</u>
<u>Side, interior</u>	<u>15 feet</u>
<u>Side, street</u>	<u>25 feet</u>
<u>Rear</u>	<u>50 feet</u>

14  
 15  
 16  
 17  
 18  
 19 e. Maximum height for industrial and commercial development.  
 20 Building height shall comply with the provisions of the  
 21 Airport Zoning Regulations in Article 18. In addition,  
 22 building heights shall be limited to a maximum of thirty-five  
 23 (35) feet when immediately adjacent to an existing  
 24 residential use. All commercial and industrial developments  
 25 immediately adjacent to an existing residential use and  
 26 greater than thirty-five (35) feet shall be permitted if an  
 27 additional two (2) feet is added to all setbacks for each  
 28 foot above thirty-five (35) feet, except where prohibited by  
 29 Article 18.

30 f. Commercial vehicle parking and loading. No truck, or tractor-  
 31 trailer parking or loading shall be permitted closer than  
 32 seventy-five (75) feet to the lot lines abutting a  
 33 residential district (inclusive of the buffer), unless the  
 34 area is designated as display parking as permitted by Sec.  
 35 6.4.D.97.

36 g. Landscaping. In addition to the provisions of Sec. 7.3  
 37 (Landscaping and Buffering), the following provisions must be  
 38 met where a use is proposed that is incompatible with an  
 39 adjacent development or district.

- 40 (1) Minimum dimensions  
 41 (a) Minimum width. The minimum width of the landscape strip  
 42 shall be ten (10) feet.  
 43 (b) Minimum length. The landscape strip shall extend along  
 44 the length of the perimeter between the commercial or  
 45 industrial lot and the abutting lot or district.  
 46 (2) Mandatory landscape barrier. A landscape barrier shall be  
 47 constructed within the landscape buffer. The landscape  
 48 barrier shall consist of a solid (CBS) concrete block and  
 49 steel wall with a continuous footing or an alternative  
 50 acceptable to the Zoning Director, having a height no  
 51 less than six (6) feet measured from the highest grade on  
 52 either side of the abutting lots. The exterior side of  
 53 the masonry wall shall be given a finished architectural  
 54 treatment that is compatible and harmonizes with existing

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- 1 development.
- 2 (3) Planting instructions. Trees shall be planted on
- 3 alternating sides of the wall at intervals of twenty (20)
- 4 feet. Trees shall have a minimum height of ten (10) feet.
- 5 An eighteen (18) inch hedge shall be planted on the
- 6 exterior side of the wall, between the trees and wall,
- 7 and running the length of the wall.
- 8 h. Lighting. In addition to the standards of Sec. 6.6 (Outdoor
- 9 Lighting Standards) and Article 18 (Airport Zoning
- 10 Regulations), outdoor lighting within the PBIA-O district
- 11 shall comply with the following:
- 12 (1) Restriction. There shall be no roof top lighting.
- 13 (2) Limitation. Lighting fixtures shall be limited to the
- 14 minimum needed for essential lighting of the site and
- 15 building.
- 16 (3) Scaling. Lighting shall be scaled to pedestrians for
- 17 sites and/or buildings adjacent to residential uses.
- 18 i. Noise compatibility and abatement requirements.
- 19 (1) Consistency. Uses shall comply with the land use
- 20 compatibility guidelines in the Off-Airport Land Use
- 21 Compatibility Schedule (Appendix 8 of Article 18).
- 22 (2) Noise abatement. For any commercial or industrial use,
- 23 noise abatement measures incorporated into the design and
- 24 construction of the structure must be used to achieve
- 25 Noise Level Reduction (NLR) demonstrable to twenty-five
- 26 (25) Ldn, for reception, lounge, and office areas.
- 27 (3) Speakers. No outdoor speakers shall be allowed that are
- 28 audible at the property line.
- 29 j. Architectural treatment. Architectural treatment shall be
- 30 incorporated into all sides of the facade, physical layout,
- 31 and construction of a proposed use to provide an attractive
- 32 addition to the neighborhood. It should achieve compatibility
- 33 of design with adjacent uses. Architectural treatment shall
- 34 at a minimum:
- 35 (1) Identification. Physically identify the type and
- 36 character of the use.
- 37 (2) Accommodation. Accommodate the surrounding natural and/or
- 38 built environment with buildings, their siting,
- 39 landscaping, lighting, and parking scaled for
- 40 compatibility with the adjacent land use; and,
- 41 (3) Asset. Be a visual asset to the PBIA-O district.
- 42 **Subpart** Section 6.8.A.10., Planned Development District
- 43 Regulations, General, Review and certification by DRC is
- 44 amended to add and delete language as follows:
- 45 **10. Review and certification by DRC.**
- 46 **a. Timing.** Within seven (7) working days after the application
- 47 is determined sufficient, the Development Review Committee
- 48 shall provide the applicant with a draft list of issues, if
- 49 any, and then shall convene within three (3) working days of
- 50 notification of issues to review the application and
- 51 determine whether it should be certified. An application
- 52 shall not be certified unless it meets the minimum standards
- 53 for that use pursuant to Article 6 and Sec. 5.4.E.9. The
- 54 decision by the Planning Zoning Director on whether to issue
- 55 an Adequate Public Facilities Determination, a Certificate of

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1 Concurrency Reservation, a Certificate of Concurrency  
2 Reservation with conditions, or a Conditional Certificate of  
3 Concurrency Reservation, whichever is appropriate, pursuant  
4 to Art. 11, Adequate Public Facility Standards, shall be made  
5 prior to the Development Review Committee's decision on  
6 whether to certify an application. If a decision on adequate  
7 public facilities shall be delayed pursuant to the procedures  
8 and standards of Art. 11, Adequate Public Facilities  
9 Standards, the time for completion of the Development Review  
10 Committee decision shall be delayed so that the Planning  
11 Zoning Director's decision pursuant to Art. 11, Adequate  
12 Public Facilities Standards, is made prior to the Development  
13 Review Committee's decision on whether to certify the  
14 application. An application shall not be forwarded to the  
15 Zoning Commission for review until it has been certified by  
16 the Development Review Committee.

17 **Subpart** Section 6.8.A.19., Planned Development District  
18 Regulations, General, Amendment to Preliminary  
19 Development Plan is amended to add and delete language  
20 as follows:

21 **19. Amendment to Preliminary Development Plan.** A Preliminary  
22 Development Plan for a Planned Development District may be  
23 amended only pursuant to the procedures established for its  
24 original approval or as otherwise set forth in this section  
25 ~~as applicable.~~

26 **Subpart** Section 6.8.A.21., Planned Development District  
27 Regulations, General, Unified control is amended to add  
28 and delete language as follows:

29 **21. Unified control.**

30 .....

31 **b. County Attorney approval.** Unified control, in the form  
32 of Agreements, covenants, contracts, deed restrictions,  
33 unities or sureties shall be subject to approved and  
34 recorded prior to final certification of the Preliminary  
35 Development Plan by the Development Review Committee,  
36 except for residential Planned Unit Developments. Unity  
37 of Control for Residential Planned Unit Developments  
38 shall be approved prior to approval of the first plat.  
39 All Unity of Control documents shall be in a form  
40 acceptable to by the County Attorney for the development  
41 and completion of the development in accordance with the  
42 adopted Planned Development order. The Unity of Control  
43 shall also provide as well as for the continuing  
44 operation and maintenance of such areas, function and  
45 all facilities which are not provided, operated or  
46 maintained at the general public's expense. The Unity of  
47 Control shall be approved and recorded prior to final  
48 certification of the Preliminary Development Plan by the  
49 Development Review Committee.

50 **Subpart** Section 6.8.A., Planned Development District  
51 Regulations, Table 6.8-2, Planned Development District  
52 Use Regulations Schedule is amended to add and delete  
53 language as follows:

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- 1 transit concurrency requirements in accordance with  
 2 Chapter 163, Florida Statutes or accommodate impacts of  
 3 development on educational facilities such as schools,  
 4 or regional libraries;
- 5 e) (iii) The proposed civic use shall fulfill a direct service  
 6 and immediate need, as projected in the County's capital  
 7 improvement element or, if applicable, further the  
 8 County's goal to provide adequate primary and secondary  
 9 education facilities.
- 10 d) (iv) Land uses within the PUD shall be located and designed  
 11 to be compatible with surrounding land uses both  
 12 internal and external to the PUD.
- 13 e) (v) The resulting mix of land uses further the goals to  
 14 integrate and share facilities, thereby encouraging  
 15 efficient use of land and reduction in use of public  
 16 funding sources;
- 17 f) (vi) The residents of the PUD can directly benefit from the  
 18 location and layout of the civic use and the civic use  
 19 satisfies the design criteria in Sec. 6.8.A. and 6.8.B.
- 20 g) (vii) Private civic uses which provide education in accordance  
 21 with Chapter 623, Florida Statutes.
- 22 **Subpart** Section 6.8.B., PUD, Residential Planned Unit  
 23 Development District, Table 6.8-6, PUD Property  
 24 Development Regulations is amended to add and delete  
 25 language as follows:

26 **TABLE 6.8-6**  
 27 **PUD PROPERTY DEVELOPMENT REGULATIONS**

28

...

29 **NOTES to Table 6.8-6:**

- 30 C = Indicates the building setback if the lot abuts a non-  
 31 residentially zoned or designated lot.
- 32 R = Indicates the building setback if the lot abuts a  
 33 residentially zoned or designated lot.
- 34 \* = Indicates that the property development regulation is  
 35 flexible and may be modified by complying with Sec.  
 36 6.8.A.8.e f.(1), Regulating plan. Single family, multiple  
 37 family, townhouse and zero lot line housing may request  
 38 flexible regulation for minimum lot dimensions and side and  
 39 rear building setbacks by applying to DRC as described in  
 40 Sec. 6.8.A.8.e.(1), Regulating Plan.

41

...

- 42 **Subpart** Section 6.8.C.4.c.(1), TND, Traditional Neighborhood  
 43 Development District, Administration, Phasing controls  
 44 and platting, Meeting hall and parks is amended to add  
 45 and delete language as follows:

46

...

47 **c. Phasing controls and platting....**

- 48 (1) **Meeting hall and parks.** The site for a meeting hall and  
 49 fifty (50%) of the parks proposed for a neighborhood shall  
 50 be platted in a neighborhood proper prior to the platting of  
 51 fifty (50%) of the residential lots of a neighborhood.  
 52 Construction of the neighborhood parks system and a meeting  
 53 hall shall commence as provided in section ~~F.5.a & b~~ C.5.b.  
 54 & c. (Open space\recreation use) and (Civic use) of this

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section.

**Subpart** Section 7.2.C.16.c., Off Street Parking and Loading, Off-street parking, Standards for Parking Structures, Design standards is amended to add and delete language as follows:

**c. Design standards.**

(1) **Module width standards.** The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as specified in Table 7.256.

**Subpart** Section 7.3.H.8., Landscaping and Buffering, Installation, maintenance, irrigation and replacement, Safe sight distance triangles is amended to add and delete language as follows:

**8. Safe sight distance triangles.**

**a. County Design Standards.** Safe sight distance triangles shall be provided in accordance with County Design Manual standards in order to restrict placement of visual obstructions. ~~Extended safe sight distance triangles shall be required in individual cases when the County Engineer determines that intersecting street alignments or other factors are such that the standard safe sight distance triangles are insufficient to ensure appropriate minimum stopping/crossing sight distances, in accordance with FDOT "Green book" criteria.~~

**b. Intersection; access way and right-of-way.** Where an access way intersects a right-of-way, two (2) sight distance triangles shall be created, across from each other on both sides of the access way. Measured from point of intersection, two (2) sides of the triangle shall extend ten (10) feet along the abutting right-of-way and access way lines. The third side of the triangle shall be a diagonal line connecting the ends of the two (2) sides as set forth in the County Design Manual, Driveway Connection to a Street Drawing 200.4. (Ord. No. 91-15)

~~(1) **Alternative.** Alternative safe sight distance triangles may be required in individual cases if they are deemed necessary by the county engineer to ensure adequate traffic safety. If alternative safe distance triangles are required, they shall result in traffic safety which is equivalent or superior to the minimum standards of this subsection.~~

**c. b.** ~~All landscaping within the required safe sight distance triangle areas or extended safe sight distance triangles shall be planted and maintained as follows: **Landscape Limitations.**~~

- (1) Safe sight distance triangle areas shall be planted and maintained in a way that provides unobstructed visibility at a level between thirty (30) inches and eight (8) feet above the crown of the adjacent roadway;
- (2) Vegetation located adjacent to and within safe sight distance triangle areas shall be trimmed so that no limbs or foliage extend into the required visibility area;
- (3) Within safe sight distance triangle areas, vegetation shall not be planted, nor shall improvements or devices such as bus benches or shelters or newspaper vending machines be installed in a way that creates a traffic hazard;

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- 1 (4) Landscaping shall be located in accordance with the roadside  
2 clear zone provisions of the State of Florida Department of  
3 Transportation's *Manual of Uniform Minimum Standards for*  
4 *Design, Construction, and Maintenance of Streets and*  
5 *Highways, as amended; and*  
6 (5) ~~(6)~~ All landscaping shall be planted and perpetually  
7 maintained within the safe sight distance triangle area,  
8 in accordance with this section.

9 **d. Parking Limitation.**

- 10 ~~(1) (5)~~ No parking or vehicular use areas shall be permitted  
11 within the required safe sight distance triangular  
12 areas. ~~and~~

13 **Subpart** Section 7.6., Excavation is deleted in its entirety and  
14 replaced as follows:

- 15 **A. Purpose and intent.** The purpose and intent of this section  
16 is to provide for the health, safety, and welfare of the  
17 residents of Palm Beach County by ensuring beneficial and  
18 sound land management practices associated with excavation  
19 and mining activities. To prevent a cumulative negative  
20 impact on the County's natural resources and to achieve  
21 these goals, it is the intent of this section to:
- 22 1. Ensure that mining and excavation activities do not  
23 adversely impact the health, safety, and welfare of the  
24 citizens of Palm Beach County;
  - 25 2. Prevent immediate and long-term negative environmental  
26 and economic impacts of poor land development practices;
  - 27 3. Encourage the use of economically feasible and  
28 environmentally sound mining and excavation practices;
  - 29 4. Preserve land values by ensuring that alteration of a  
30 parcel by non-commercial land excavation does not result  
31 in conditions that would prevent that parcel from meeting  
32 minimum land development requirements for other valid  
33 uses;
  - 34 5. Encourage the rehabilitation of commercially mined sites  
35 to other beneficial uses by promoting economical,  
36 effective and timely site reclamation;
  - 37 6. Protect existing and future beneficial use of surrounding  
38 properties from the negative effects of excavation and  
39 mining;
  - 40 7. Provide for the off-site disposal of excess extractive  
41 material provided that the excavation site is  
42 incorporated into the approval of a bona fide site  
43 development plan;
  - 44 8. Establish a regulatory framework of clear, reasonable,  
45 effective, and enforceable standards and requirements for  
46 the regulation of excavation, mining, and related  
47 activities; and
  - 48 9. Ensure that excavation and mining activities and  
49 resulting mined lakes are not allowed to become public  
50 safety hazards, or sources of water resource degradation  
51 or pollution.

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1 B. Applicability. All mining and excavation activities that  
2 create a temporary or permanent body of water within  
3 unincorporated Palm Beach County shall comply with the  
4 regulations established in this Section, Sec. 6.4.D.35.,  
5 Sec. 6.8, and other State and Local requirements, as  
6 applicable. The regulations of this section may be known as  
7 the "Palm Beach County Mining and Excavation Code."

8 1. Conflicting provisions. To the extent provisions of this  
9 section conflict with regulations of other applicable  
10 regulatory agencies, the more restrictive regulations  
11 shall apply. Other permitting agencies include but are  
12 not limited to SFWMD, Florida Game and Fresh Water Fish  
13 Commission, DEP, and ERM.

14 2. Previously approved development orders. Excavation and  
15 mining projects approved prior to (effective date of this  
16 ordinance), may amend the certified site (excavation)  
17 plan pursuant to Sec. 5.6 to comply with the standards  
18 enumerated below provided the standards do not conflict  
19 with development order conditions. All standards of each  
20 section shall apply. Selective choice of standards shall  
21 not be permitted. DRC may review and approve the  
22 excavation plan, pursuant to Sec. 5.6, provided the  
23 subject site complies with the compatibility criteria in  
24 Sec. 7.6.F.6.d below and the standards in Sec. 7.6.H and  
25 provided there is no increase in the land area, excavated  
26 surface area, quantity of excavated material, or  
27 intensity as approved by the BCC in the original  
28 development order. Any increase shall require approval of  
29 a development order amendment by the Board of County  
30 Commissioners pursuant to Sec. 5.4.E. Applicable  
31 standards include:

- 32 a. Operational standards pursuant to Sec. 7.6.H.1.
- 33 b. Construction standards pursuant to Sec. 7.6.H.2.,
- 34 excluding depth.
- 35 c. Reclamation standards pursuant to Sec. 7.6.H.3.
- 36 d. Buffer requirements pursuant to Sec. 7.6.F.6.d(2) or (3)
- 37 e. Monitoring and Maintenance requirements pursuant to
- 38 Sec. 7.6.H.5

39 C. Authority. This section is adopted under the authority of  
40 Chapter 125, Fla. Stat., and the Palm Beach County  
41 Comprehensive Plan, as amended.

42 D. Types of Approvals, General. Excavation or mining activities  
43 shall not be conducted unless such activities are deemed  
44 exempt or an approval has been issued in accordance with  
45 this section. Types of approval include:

- 46 1. Exemptions. A number of specific activities are exempt  
47 from the regulatory processes of this Section. Exemptions  
48 are listed in Sec. 7.6.E.2. and are administered by ERM  
49 and PZ&B.
- 50 2. Single-family excavations. Two approval processes (Types  
51 1A and 1B) are administered by PZ&B for excavations on  
52 single-family lots. Application procedures and  
53 requirements are listed in Sec. 6.4.D.35. and Sec.  
54 7.6.F.1., and 2.
- 55 3. Agricultural excavations. Approval processes for  
56 agricultural excavations are administered by ERM and PZ&B  
57 and agricultural excavations within the WCAA are  
58 administered by ERM. Application procedures and  
59 requirements are listed in Sec. 7.6.G.
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1 4. Site Development Excavations. Approval processes for Type  
2 II excavations are administered by PZ&B and by ERM.  
3 Application procedures and requirements are listed in  
4 Sec. 6.4.D.35. and Sec. 7.6.G.

5 5. Mining. Approval processes for Type III excavation  
6 activities are administered by PZ&B and by ERM.  
7 Application procedures and requirements are listed in  
8 Sec. 6.4.D.35.f. and Sec. 7.6.G.

9 E. Prohibitions and Exemptions.

- 10 1. Prohibitions. Excavation and Mining activities shall be  
11 prohibited in the following areas:  
12 a. RR20 Future Land Use Category.  
13 b. The Pleistocene Sand Ridge.  
14 c. An archeological site, unless all the requirements of  
15 Section 7.12 have been met.  
16 d. Publicly owned conservation areas, publicly owned  
17 preservation areas or environmentally sensitive lands.  
18 e. Areas otherwise prohibited by this section.

19 2. Exemptions. The following excavation activities shall be  
20 exempt from the requirements of this section:

- 21 a. Existing Lakes. Existing mined lakes approved prior to  
22 June 16, 1992 that have a valid development order which  
23 complies with the criteria below shall be exempt from  
24 the requirements of this section. If an amendment is  
25 proposed that deviates from the original approval, then  
26 a development order amendment shall be requested  
27 pursuant to Sec. 5.4. and shall comply with the  
28 provisions in Sec. 1.5.B.4.

29 (1) Regulated by a National Pollutant Discharge  
30 Elimination System Permit; or

31 (2) Regulated by a Florida Department of Environmental  
32 Protection industrial wastewater operation permit;  
33 or

34 (3) Located within an approved residential, commercial,  
35 industrial or mixed-use development and function as  
36 a stormwater management facility pursuant to:

37 (a) A surface water management construction permit  
38 issued by the SFWMD; or,

39 (b) A conceptual permit issued by the SFWMD that  
40 delineates proposed littoral slopes of the  
41 excavated lake(s) conducive for planting; or

42 (c) An applicable County land development permit  
43 depicting proposed littoral and upland slopes of a  
44 mined lake. As long as the existing excavated lake  
45 continues to meet the water quality standards  
46 contained in Chapter 62-302, F.A.C.

47 b. Pools. Swimming pools, pursuant to Sec. 6.6.A.8.  
48 Swimming Pools and Spas.

49 c. Small ponds. Ponds, accessory to a principal use, such  
50 as but not limited to, small lily ponds, goldfish ponds,  
51 reflecting ponds, and other small ornamental water  
52 features with a maximum depth of four (4) feet OWL and  
53 not exceeding five hundred (500) square feet in surface  
54 area.

55 d. Cemeteries. Burial plots in approved cemeteries.

56 e. Rights-of-way. Excavations within the road right-of-way,  
57 when that road is under construction, shall be exempt  
58 from this Section. To qualify for the exemption, these

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- 1 excavations shall be performed by Palm Beach County, the  
2 Florida Department of Transportation, or any Water  
3 Control District created by special act to operate under  
4 Fla Statutes Ch. 298.(95). Excavation activity located  
5 outside the right-of-way boundary, performed to  
6 accommodate roadway drainage which creates a permanent  
7 open body of water for a period of 180 days or more  
8 shall comply with the standards of a Type II excavation  
9 in Sec. 6.4.D.35.e. and Sec. 7.6.F.5
- 10 f. Utilities. Excavations for installation of utilities,  
11 including septic systems.
- 12 g. Man-made drainage structures. The repair, reconstruction  
13 and maintenance of existing non-tidal man-made canals,  
14 channels, control structures with associated riprap,  
15 erosion controls, intake structures, and discharge  
16 structures, provided:
- 17
- 18 (1) All spoil material is deposited directly to a self-  
19 contained upland site, which will prevent the  
20 release of material and drainage from the spoil site  
21 into surface waters of the State;
- 22 (2) No more dredging is performed than is necessary to  
23 restore the canal, channels, and intake, and  
24 discharge structures to original design  
25 specifications or as amended by the applicable  
26 permitting agency; and
- 27 (3) Control devices in use at the dredge site that  
28 prevent the release of turbidity, toxic, or  
29 deleterious substances into adjacent waters during  
30 the dredging operation.
- 31 h. WCAA Canals. Canals of conveyance located in the WCAA  
32 which require permits from SFWMD, or DEP, and provided  
33 the permitted project does not exceed fifteen (15) feet  
34 in depth from OWL.
- 35 i. Mitigation projects. Mitigation projects permitted by  
36 SFWMD, DEP, or ERM, pursuant to Chapters 403 and 373,  
37 Fla. Stat., and Chapter 62-312, F.A.C., as amended, and  
38 Article 9 of this Code, including projects approved to  
39 implement an adopted Surface Water Improvement &  
40 Management (SWIM) plan and provided the permitted  
41 project depth does not exceed twenty (20) feet from OWL  
42 or fifteen (15) feet from OWL in the WCAA. Projects  
43 proposed to exceed these depths shall comply with the  
44 application requirements of Sec. 7.6.G., the  
45 administrative waiver requirements of Sec. 7.6.I., and  
46 the technical standards of Sec. 7.6.H.1., 2a, 2b, 3 and  
47 4.
- 48 j. Wetlands. Excavation activities within jurisdictional  
49 wetlands that have been issued permits pursuant to Sec.  
50 9.4 of this Code or have been issued a permit for  
51 wetland impacts through the Environmental Resource  
52 Permit (ERP) process by the Department of Environmental  
53 Protection, the South Florida Water Management District,  
54 or any other agency with ERP delegation for Palm Beach  
55 County.
- 56
- 57 k. Agricultural ditches. Agricultural ditches supporting  
58 vegetation production (i.e. groves, row crops, hay, and  
59 tree farming) constructed solely in uplands that are

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- 1 less than six (6) feet in depth from OWL which meet the  
2 standards of bona fide agriculture. These ditches shall  
3 not connect to canals of conveyance or waters of the  
4 State without the appropriate Federal, State, and Local  
5 approvals or permits.  
6  
7 1. De Minimis impact. Those projects for which ERM and PZ&B  
8 approval is necessary and both departments determine  
9 that there will be no significant adverse environmental  
10 or land use impacts. A de minimus determination from one  
11 agency does not constitute approval by the other.  
12  
13 m. Canals of conveyance. Canals of conveyance that require  
14 permits from SFWMD, DEP, or ERM pursuant to Sec. 9.4.  
15  
16 F. Specific Standards for each Excavation Type. Before  
17 commencement of any excavation, approvals shall be obtained  
18 pursuant to the procedures defined in Sec. 6.4.D.35 and  
19 standards of this section. Special standards for each  
20 excavation type are defined below:  
21 1. Type I(A) excavations  
22  
23 a. Criteria and procedural requirements. All Type I(A)  
24 excavations shall comply with the classification  
25 criteria and procedural requirements in Sec.  
26 6.4.D.35.a.  
27  
28 b. Specific construction standards. All Type I (A)  
29 excavations shall comply with the Operational and  
30 Construction standards in Sec. 7.6.H.1. and 7.6.H.2.,  
31 unless specifically delineated below:  
32 (1) Separation and Setbacks. In addition to the  
33 separation standards in Sec. 7.6.H.2.a., the  
34 excavated area (measured from the edge of water)  
35 shall comply with the following setbacks.  
36 (a) Fifteen (15) feet at the time of construction from  
37 any adjacent property line. The top of bank shall  
38 be a minimum of 5 feet; and,  
39 (b) Fifty (50) feet from any potable water well; and,  
40 (c) One hundred (100) feet from any septic system  
41 pursuant to Sec. 16.1 and 16.2, Environmental  
42 Control Rules I and II.  
43 (2) Slopes. Slopes shall be constructed in accordance  
44 with the standards in Sec. 7.6.H.2.b. If a lake,  
45 excavated prior to June 16, 1992, does not comply  
46 with the minimum slope requirements of this  
47 section, a minimum four (4) foot high gated fence  
48 completely enclosing the excavated area may be  
49 substituted for the required slopes.  
50 (3) Maximum depth. Excavation activity shall not  
51 exceed ten (10) feet in depth below OWL.  
52 (4) Dewatering. Dewatering activity shall not be  
53 allowed unless otherwise permitted by a State or  
54 federal permitting agency.  
55  
56 c. Reclamation. The applicant shall comply with the  
57 following reclamation requirements prior to issuance  
58 of a Certificate of Occupancy.  
59  
60 (1) All side slopes shall be stabilized and planted  
61 with the appropriate ground cover from top of bank  
62 to the edge of the water. If seeding is to be  
63 used, a minimum of fifty percent coverage of  
64 seeded areas shall be required. Compliance with

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1                    erosion control and drainage provisions in Sec.  
2                    7.6.H.2.b.(1) and (4) shall be required.  
3                    ~~(2) The property owner shall submit to PZ&B a~~  
4                    Certificate of Compliance sealed by a registered  
5                    Land Surveyor depicting:  
6                    ~~(a) An as-built survey showing the location, size, and~~  
7                    depth of the excavated area; and,  
8                    ~~(b) In cases where no permanent water body is created,~~  
9                    the site plan submitted with the building permit  
10                    shall serve as the reclamation plan.

11                    2. Type I (B) excavations.

12                    a. Criteria and procedural requirements. All Type I(B)  
13                    excavations shall comply with the classification  
14                    criteria and procedural requirements in Sec.  
15                    6.4.D.35.b and g.

16                    b. Specific construction standards. All Type I(B)  
17                    excavations shall meet the Operational and  
18                    Construction standards in Sec. 7.6.H.1. and 7.6.H.2.  
19                    unless specifically delineated below:

20                    (1) Separations and Setbacks. In addition to the  
21                    separation requirements in Sec. 7.6.H.2., Type  
22                    I(B) excavations shall maintain minimum setbacks  
23                    of:  
24                    (a) Fifty (50) feet measured from the top of bank.  
25                    (b) Fifty (50) feet from any potable water well; and,  
26                    (c) One hundred (100) feet from any septic system  
27                    pursuant to Sec. 16.1 and 16.2, Environmental  
28                    Control Rules I and II.

29                    c. Reclamation. The applicant shall comply with the  
30                    following reclamation requirements prior to issuance  
31                    of a Certificate of Occupancy.

32                    (1) All side slopes shall be stabilized and planted  
33                    with the appropriate ground cover from top of bank  
34                    to the edge of the water. If seeding is to be  
35                    used, a minimum of (50%) fifty percent coverage of  
36                    seeded areas shall be required.

37                    (2) The property owner shall submit to PZ&B a  
38                    Certificate of Compliance sealed by a registered  
39                    Land Surveyor depicting:  
40                    (a) An as-built survey showing the location, size, and  
41                    depth of the excavation. In cases where no  
42                    permanent water body is created, the building  
43                    permit site plan shall serve as the reclamation  
44                    plan.

45                    3. Agricultural excavations.

46                    a. Procedure. All Agricultural excavations shall comply  
47                    with the procedural and application requirements in  
48                    Sec. 6.4.D.35.c. and g.

49                    b. Operational and construction standards. Applications  
50                    shall demonstrate compliance with all Operational and  
51                    Construction standards in Sec. 7.6.H.1. and 7.6.H.2.

52                    c. Setback. In addition to the separation requirements in  
53                    Sec. 7.6.H.2., Agricultural excavations shall maintain  
54                    a minimum setback of one hundred (100) feet measured

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from the top of bank.

d. Reclamation and Maintenance and Monitoring.

Agricultural excavations shall comply with the excavated area, and littoral zone reclamation requirements of Sec. 7.6.H.3.b, c, and e, and associated Maintenance and Monitoring requirements of 7.6.H.5., unless granted an administrative waiver by ERM.

e. Guarantee requirements. Agricultural excavations shall comply with the Guarantee requirements pursuant to Sec. 7.6.H.4.

g. Notice of Intent to Construct. Notice of Intent to Construct shall be required in accordance with Sec. 7.6.G.

4. West County Agricultural Area (WCAA) Excavations.

a. Procedure. All WCAA excavations shall comply with the procedural and supplemental application requirements in Sec. 6.4.D.35.d. and g.

b. Operational and Construction standards. Applications for WCAA excavations shall comply with the standards in Sec. 7.6.H.1 and 7.6.H.2, except for hours of operation.

(1) Setbacks. In addition to the separation requirements in Sec. 7.6.H.2.a, WCAA excavations shall maintain a minimum setback of fifty (50) feet from all property lines measured from the top of bank.

c. Notice of Intent to Construct. Notice of Intent to Construct shall be required in accordance with Sec. 7.6.G.

5. Type II excavations

a. Procedure. All Type II excavations shall comply with the procedural and supplemental application requirements in Sec. 6.4.D.35.e. and g.

b. Standards. Applications for Type II excavations shall comply with the requirements below.

(1) Operational and Construction standards pursuant to Sec. 7.6.H.1. and 7.6.H.2.;

(2) Excavated area, Littoral zone and general upland reclamation requirements pursuant to Sec. 7.6.H.3.b, c, d and e;

(3) Guarantee requirements pursuant to Sec. 7.6.H.4.

(4) Maintenance and Monitoring requirements pursuant to Sec. 7.6.H.5.

c. Setbacks. In addition to the separation requirements in Sec. 7.6.H.2., Type II excavations shall maintain a minimum setback of thirty (30) feet, measured from the top of bank to the perimeter boundary of the master planned development, subdivision, overall final site plan, rights-of-way eighty (80) feet in width or greater, and canal rights-of-way. For the purpose of

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- 1                   this section the top of bank is considered the  
2                   waterward edge of the lake maintenance easement.
- 3                   d. Notice of Intent to Construct shall be required in  
4                   accordance with Sec. 7.6.G.
- 5                   6. Type III excavations.
- 6                   a. Classification of Type III excavations. A Type III  
7                   excavation shall be classified as a Type IIIA or a  
8                   Type IIIB as defined in Sec. 6.4.D.35.f.
- 9                   b. Procedural and supplemental application requirements.  
10                   All Type III applications shall comply with the  
11                   procedural and supplemental application requirements  
12                   in Sec. 6.4.D.35.f. and g.
- 13                   c. Standards. Applications for all Type III excavations  
14                   shall comply with the requirements below.
- 15                   (1) Operational and Construction standards pursuant to  
16                   Sec. 7.6.H.1. and 7.6.H.2.;
- 17                   (2) Excavated area, Littoral zone and upland  
18                   reclamation requirements pursuant to Sec. 7.6.H.3.;
- 19                   (3) Guarantee requirements pursuant to Sec. 7.6.H.4.;  
20                   and,
- 21                   (4) Maintenance and Monitoring requirements pursuant  
22                   to Sec. 7.6.H.5.
- 23                   d. Compatibility standards, intent. All Type III  
24                   excavations shall be reviewed to assure that the  
25                   proposed excavation is compatible with the surrounding  
26                   land uses and complies with the separation and setback  
27                   standards defined in Sec. 7.6.D.6.d.(2) and (3), to  
28                   ensure there are no negative impacts as defined herein.  
29                   The Board of County Commissioners shall not approve the  
30                   application if a finding is made that the use will be  
31                   incompatible with adjacent land uses. For the purposes  
32                   of this section, incompatible means negative impacts  
33                   caused to surrounding land uses because of proximity or  
34                   direct association of contradictory, incongruous, or  
35                   discordant land uses or activities, including, but not  
36                   limited to, the impacts of noise, vibration, dust,  
37                   traffic, smoke, odors, toxic matter, radiation, and  
38                   similar environmental conditions.
- 39                   (1) General. The following standards shall apply to  
40                   both Type IIIA and Type IIIB mining activities:
- 41                   (a) Location and Access. Local residential streets  
42                   shall not be used as a haul route. The site shall  
43                   front on and have direct access to an arterial or  
44                   collector street designated on the Palm Beach  
45                   County Future Thoroughfare Identification Map,  
46                   which is considered the principal circulation  
47                   route serving multiple neighborhoods and  
48                   developments. In cases when the street is on the  
49                   Thoroughfare Identification Map and is not paved,  
50                   the BCC may allow an Excavation Type III to locate  
51                   and have access to the Street provided the BCC  
52                   makes a finding of fact that the use of the street  
53                   will not cause an adverse affect on surrounding  
54                   residential uses. The BCC may use the  
55                   compatibility criteria herein on which to base  
56                   their finding of fact.

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1 (i) Restrictions in the RR10 land use category.  
2 Commercial excavations shall be prohibited in  
3 neighborhoods which support developed single family  
4 residences on 60% of the valid lots of record. For  
5 the purposes of this section, neighborhoods shall be  
6 defined as an area contained within a platted  
7 subdivision, a rural unrecorded subdivision or an  
8 approved affidavit of exemption, or is an area which  
9 has prepared a neighborhood plan in accordance with  
10 the Comprehensive Plan or is in an area with lots of  
11 similar size.

12 Commercial excavations located in an area with a  
13 rural residential land use designation that do not  
14 satisfy the definition of neighborhood above, shall  
15 have a minimum acreage of 100 acres and 500 feet of  
16 frontage with direct access to an arterial or  
17 collector street as specified herein.

18  
19 (b) Minimum separation from other land uses. Minimum  
20 separations from protected land uses are defined  
21 in Sec. 7.6.F.6.c.(2)(a)1. (Type IIIA Excavations)  
22 and Sec. 7.6.F.6.c.(3)(a)1. and 2. (Type IIIB  
23 Excavations). Unless otherwise specified,  
24 separations shall be measured from the outermost  
25 edge of the excavated area (top of bank),  
26 equipment, stockpiles, buildings or structures, to  
27 the closest structure of a protected land use.

28 The Board of County Commissioners may reduce the  
29 required separation distance based on the  
30 compatibility of the use with the adjacent area,  
31 and the remoteness or proximity of adjacent  
32 incompatible uses, provided the reduction complies  
33 with the intent of the compatibility standards in  
34 Sec. 7.6.F.6.d. The BCC shall state the basis for  
35 the reduced separation and make a finding of fact  
36 that the reduction should not negatively impact  
37 adjacent uses. If the separation is reduced, the  
38 BCC may require increased setbacks, buffering and  
39 other restrictions as necessary to protect  
40 surrounding land uses.

41 (i) Residential uses. For the purposes of this  
42 section existing residential uses shall be  
43 defined as a residential lot, supporting a  
44 residence, in a platted subdivision, a rural  
45 unrecorded subdivision, an approved affidavit  
46 of exemption, a plat waiver, or other  
47 recorded instrument and is not located within  
48 the property lines of the excavation site.

49 (c) Setbacks. Setbacks shall be measured from the  
50 outermost edge of the excavated area (top of  
51 bank), structure, building, equipment or stock  
52 pile to the boundary line of the excavation site.

53 (d) Fence. If mining activity is conducted within one  
54 half mile of a residential use the mining  
55 operation shall be completely enclosed by a  
56 minimum six (6) foot high fence or other similar  
57 man-made or natural barrier and shall have signage  
58 posted to prohibit trespassing.

59 (e) Airborne noise. Airborne noise produced from the  
60 excavation activity shall comply with the  
61 provisions in Sec. 7.8.A.4.(2) as measured at the  
62 nearest inhabited structure. The sound level

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limits in Sec. 7.8.A.(4)(2) are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to 10 dB more than permitted by Table 7.8-1. In addition, the noise level may increase to a maximum of 120 dB once each week day (Monday - Friday) for a maximum of ten (10) seconds each occurrence.

(2) Type IIIA excavations.

(a) Restrictions in the RR10 land use category.

(i) Minimum acreage. The site shall be a minimum of 40 acres.

(ii) Maximum excavated surface area. The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation site.

(b) General. The following standards shall apply to all Type IIIA excavations:

(i) Minimum separations and setbacks. In addition to the separation requirements in Sec. 7.6.H.2.a., a Type IIIA excavation shall maintain the following separations and setbacks from adjacent uses as provided below.

1) Separations from residential land uses.

Separation from an existing residence shall be a minimum of one-quarter (1/4) mile, measured from the property line of the excavation project.

	Residential	Commercial	Industrial/Agriculture	ROW
2) <u>Setbacks</u>				
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

(ii) Stockpile height. Stockpile height shall be limited to thirty feet (30').

(iii) Buffer. A buffer shall be preserved or installed along property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Sec. 7.3., as applicable.

1) Existing Vegetative Buffer. If a substantial native or non-native, non-invasive vegetative buffer exists then the vegetation shall be utilized as a compatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of Alternative Landscape Buffer Number 4 shall be required to be planted to supplement the existing vegetation and shall form a solid visual buffer within 2 years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the

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standards in the landscape code (Sec. 7.3.H.6.c) and in the Vegetation Preservation and Protection code (Sec. 9.5).

2) Existing Prohibited Vegetative Buffer. To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type IIIA excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRC certification of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Sec. 7.3 shall be installed in conjunction with subsequent development.

3) No Existing Vegetative Buffer. If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of an Alternative Landscape Buffer Number 4, as defined in the landscape code (Sec. 7.3). The buffer shall be supplemented with a planted earthen berm or a solid landscape barrier, or combination thereof to reach a height of 8 feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- a) All road rights-of-way;
- b) All residential zoning districts and;
- c) Lots supporting existing or proposed residential uses in the Agricultural Residential zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona-fide agricultural purposes.
- d) Commercial zoning districts.

(3) Type IIIB excavations.

(a) Restrictions in the RR10 land use category.

- (i) Minimum acreage. The site shall be on a minimum 100 acres.
- (ii) Maximum excavated surface area. The maximum excavated surface area shall be determined at the time of the Conditional Use A approval.

(b) General. All Type IIIB excavations shall comply with the following criteria:

- (i) Minimum separations and setbacks. In addition to the separation requirements in Sec. 7.6.H.2.a., all Type IIIB excavations, except those that lie within the area defined as the WCAA, shall comply with the separations regulations below. Projects within the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria in Sec. 7.6.F.6.d and shall have separation requirements set by the BCC.

1) Separations from residential uses. Separations from residential uses, in all

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1 directions, shall be one (1) mile, measured  
 2 in accordance with Sec. 7.6.F.6.d.(1)(b)  
 3 above.

4 **2) Separations from commercial and industrial**  
 5 **land uses:**

6 Commercial	¾ mile
7 Industrial	
8 (existing development)	¼ mile

9 **3) Setbacks.** Minimal setbacks have been  
 10 established based on separations from  
 11 protected uses.

12 **Table 7.6 - 1**  
 13 **Setbacks**  
 14 **based on**  
 15 **separation from residential uses**

16 Residential Uses	17 Separations			
	18 ½ mile	19 ¼ mile	20 ⅓ mile	21 ¼ mile
17 Mined lake edge	50'	100'	500'	1200'
18 Processing equipment	100'	300'	800'	1400'
19 Stockpiles	100'	300'	700'	1300'
20 Accessory buildings & 21 structures	100'	100'	100'	100'

22 **Table 7.6 - 2**  
 23 **Setbacks**  
 24 **based on**  
 25 **separation from**  
 26 **Commercial and Industrial land uses**

27 Commercial/Ind Uses	28 Setback
29 Mined lake edge	100'
30 Processing equipment	200'
31 Stockpiles	200'
32 Accessory buildings & structures	100'

33 **ii) Mining Impact Study.** A Mining Impact Study  
 34 shall be submitted for all Type IIIB  
 35 excavation applications for projects in the  
 36 WCAA and for projects which the applicant  
 37 requests a reduction in the required  
 38 separations. The study shall detail all  
 39 methods and procedures for material  
 40 extraction, processing, storage and hauling  
 41 operations. At a minimum the study shall  
 42 include the time of day blasting will occur,  
 43 the maximum number of holes to be shot each  
 44 occurrence, including the type of explosive

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1 agent, maximum pounds per delay, method of  
2 packing and type of initiation device to be  
3 used for each hole. The study shall include a  
4 blasting schedule and establish noise and  
5 vibration standards complying with the  
6 compatibility criteria in Sec. 7.6. F.6.d.  
7 The study shall also demonstrate how these  
8 operations will impact surrounding land uses.

9  
10 Prior to certification of an application for  
11 inclusion on a public hearing agenda, the DRC  
12 may retain a technical consultant to advise  
13 the County of the adequacy of the standards  
14 established in conjunction with the Mining  
15 Impact Study. The cost of the County's  
consultant shall be borne by the applicant.

16 iii) Noise and Vibration Monitoring report. The  
17 applicant shall monitor all blasting and  
18 other mining activities and record resultant  
19 noise and vibrations. PZ&B may, at any time,  
20 require the property owner to submit monthly  
21 monitoring reports, indicating the number,  
22 time, peak over pressure (noise) and  
23 vibration caused by each activity. If  
24 requested, the property owner shall provide  
25 the noise and vibration monitoring report  
26 within 2 working days from the date of the  
27 request.

28 iv) Buffer. A buffer shall be installed along the  
29 property line as specified below. The buffer  
30 shall be planted and maintained in accordance  
31 with the standards of Sec. 7.3.

32 1) Existing Native Vegetative Buffer. At a  
33 minimum, existing native vegetation within at  
34 least 100 feet of the property line shall be  
35 preserved along the entire perimeter of the  
36 site, except for an approved access area.

37 2) Existing Prohibited Vegetative Buffer. To  
38 provide an instant buffer along the entire  
39 perimeter of the site, the BCC, by condition  
40 of approval, may permit existing prohibited  
41 species to be maintained within the setbacks  
42 until completion of the excavation activity.  
43 In such cases the prohibited species shall be  
44 removed prior to DRC certification of the as-  
45 built drawings for the final phase of  
46 excavation, provided the last phase is a  
47 minimum of 25 acres. A landscape buffer as  
48 required by Sec. 7.3 shall be installed in  
49 conjunction with subsequent development.

50 3) Landscape Buffer Number 4. Sites within a ¼  
51 mile of a public or private right-of-way,  
52 which does not support an existing opaque  
53 native or non-native, non-invasive vegetative  
54 buffer shall install an Alternative Landscape  
55 Buffer Number 4, as defined in the landscape  
56 code (Sec. 7.3). The buffer shall be  
57 supplemented with a planted earthen berm or a  
58 solid landscape barrier, or combination  
59 thereof.

60 4) No Existing Vegetative Buffer. If a buffer  
61 does not exist along the areas defined below,

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1                    then an opaque native buffer shall be  
2                    installed complying with the standards of an  
3                    Alternative Landscape Buffer Number 4, as  
4                    defined in the landscape code (Sec. 7.3). The  
5                    buffer shall be supplemented with a planted  
6                    earthen berm or a solid landscape barrier, or  
7                    combination thereof to reach a height of 8  
8                    feet in two years. The BCC may require the  
9                    buffer to be planted to simulate natural  
10                    conditions. This buffer shall be installed  
11                    adjacent to:

12                    a) All residential zoning districts and;  
13                    b) Lots supporting existing or proposed  
14                    residential uses in the Agricultural  
15                    Residential zoning district. Unless  
16                    otherwise determined by the BCC, a  
17                    buffer shall not be required adjacent to  
18                    land in agricultural production in the  
19                    AP, or SA zoning districts nor in the AR  
20                    zoning district if the land is used  
21                    solely for bona-fide agricultural  
22                    purposes.

23                    (c) Exception to hours of operation. Excavation and  
24                    hauling activity shall occur only between the  
25                    hours of 6:00 a.m. to 7:00 p.m., Monday through  
26                    Friday and 9:00 a.m. to 5:00 p.m. on Saturday,  
27                    unless otherwise determined by the BCC. Blasting  
28                    activity shall be limited to 10:00 a.m. to 5:00  
29                    p.m., Monday through Friday.

30                    (d) Notice of Intent to Construct. Notice of Intent to  
31                    Construct shall be required in accordance with  
32                    Sec. 7.6.G.

33                    G. Notice of Intent to Construct. All applications for  
34                    Agricultural, WCAA, Type II Excavations and Type III Mining  
35                    activities shall submit a Notice of Intent to Construct in  
36                    accordance with the provisions below.

37                    1. Prior to commencement of any on-site excavation or mining  
38                    activities, a Notice of Intent to Construct shall be  
39                    submitted to ERM and receive written approval from ERM.

40                    2. The following information shall be included with the  
41                    completed Notice of Intent to Construct form:

42                    a. Paving and Drainage plans, if applicable;  
43                    b. Preliminary plat, if applicable, and restrictive  
44                    covenant, pursuant to Section 7.6.H.3.e.;  
45                    c. Littoral Planting Plan, pursuant to section 7.6.H.3.c.;  
46                    and,  
47                    d. Master Plan, showing all phases of development, if  
48                    applicable.

49                    Items a and b (preliminary plat) shall be signed and sealed  
50                    by a certified engineer or surveyor as applicable,  
51                    recognized and approved by the Florida Department of  
52                    Professional Regulation (FDPR).

53                    3. A fee as established by the approved Fee Schedule shall

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1 substances shall comply with all local, state, and  
2 federal regulations. All regulated substance dispensing  
3 areas shall comply with the "Best Management Practices  
4 for the Construction Industry." Any spill of any  
5 regulated substance shall be reported to the Palm Beach  
6 County Public Health Unit within one (1) hour and to ERM  
7 within one (1) hour or at the beginning of the next  
8 business day.

9 g. Dewatering. Dewatering shall not be allowed unless  
10 otherwise permitted by a State or Federal permitting  
11 agency, or as approved pursuant to rules and regulations  
12 of the SFWMD, Sec. 40E-20.302(4). If dewatering is  
13 permitted the pumps shall be located, submerged, buried  
14 or encased in an insulated structure in order to comply  
15 with the noise standards of Sec. 7.8.

16 h. Access to public prohibited. Signs shall be posted  
17 prohibiting access to the general public while  
18 excavation and reclamation activity is being conducted.

19 i. Retail sale of material. The retail sale of excavated  
20 material shall not be permitted on site.

21 j. Hauling material off site.

22 (1) General.

23 (a) All trucks hauling material from sites that permit  
24 off-site removal shall be covered to prevent  
25 debris and fill from spilling on to the roadway.

26 (b) The hauler shall employ measures, acceptable to  
27 the Public Health Unit, and any applicable road  
28 maintenance authority, to ensure that the roads  
29 are properly maintained and kept free of fugitive  
30 particulate matter.

31 (c) The Board of County Commissioners may, on behalf  
32 of either the County, or a special district  
33 created pursuant to Chapter 298., F.S., require  
34 special conditions, including, but not limited to:

35 (i) construction of turn lanes and other roadway  
36 improvements necessary to provide safe traffic  
37 movement;

38 (ii) requirement to obtain a haul permit from the  
39 Department of Engineering and Public Works in  
40 accordance with the procedures herein.

41 (d) All vehicles used to haul excavated material shall  
42 use the approved haul routes. These vehicles shall  
43 not use local residential streets to access  
44 arterial or collector streets.

45 (2) Permit required. The Board of County Commissioners  
46 may require that the petitioner obtain a haul permit  
47 for all streets, within the radius of impact, except  
48 for arterial or collector streets as defined in Sec.  
49 7.6.F.6.d. For the purposes of this section radius  
50 of impact is defined as the primary street system  
51 commencing at the access point of the excavation  
52 site and extending out along all streets in all  
53 directions to the closest arterial or plan collector  
54 streets.

55 (3) Contents of Application. A haul permit application  
56 shall include, but not be limited to the following:

57 a) The name and address of the applicant and owners of

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1 the requirements in Sec. 7.6.H.3. All excavation types,  
2 except Type IIIA and Type IIIB shall comply with Sec.  
3 5.8, which limits the project to two primary phases for  
4 the purposes of monitoring commencement of the  
5 development order. Additional sub-phases may be  
6 permitted for each primary phase for the purposes of  
7 conducting the excavation activity in accordance with  
8 this section. For Type IIIA and Type IIIB excavations,  
9 the number of phases and the duration of each phase  
10 shall be established as a condition of approval. When  
11 establishing the condition of approval for the number  
12 and duration of each phase, the BCC shall consider the  
13 size of the proposed excavation project, existing and  
14 proposed surrounding land uses, surrounding future land  
15 use designations, and other pertinent information.

16 1. Sound insulation. All machinery, heavy equipment and  
17 vehicles utilized for excavation and hauling purposes  
18 shall be equipped with double mufflers to reduce  
19 airborne noise caused by excavation operations.

20 2. Construction standards. All excavation types shall comply  
21 with the following construction standards unless  
22 specifically exempted.

23 a. Separations. Separations shall be measured from the top  
24 of bank of the nearest excavated area to the property  
25 line or designated area in any given direction as  
26 defined below: The excavation shall not be constructed  
27 within:

- 28 (1) Wellfield Zone 1 or within 300 feet from a public  
29 water supply well, whichever is more restrictive;  
30 (2) Two hundred (200) feet from a wetland or in a  
31 wetland, unless approved by ERM;  
32 (3) Three hundred (300) feet from a Class I or Class II  
33 Landfill;  
34 (4) Three hundred (300) feet from a site with known  
35 contamination;  
36 (5) One hundred (100) feet from a septic system or  
37 sanitary hazard;  
38 (6) One hundred (100) feet from a potable water well,  
39 except for Type I(A) and Type I(B) excavations, or  
40 (7) Two hundred (200) feet from publicly owned  
41 conservation areas, publicly owned preservation  
42 areas or environmentally sensitive lands, unless  
43 approved by ERM.

44 b. Grading and construction of slopes.

- 45 (1) Slope angle; all excavation types. Slopes with  
46 unplanted littoral zone areas shall be no steeper  
47 than four (4) feet horizontal to one (1) foot  
48 vertical to a minimum depth of minus two (-2) feet  
49 OWL. Slopes below the minus two (-2) feet depth  
50 shall not exceed two (2) feet horizontal to one (1)  
51 foot vertical or the natural angle of repose for the  
52 specific conditions encountered. Grades and slopes  
53 shall be constructed in such a manner as to minimize  
54 soil erosion and to make the land surface suitable  
55 for revegetation. The slopes shall be adequately  
56 vegetated with appropriate ground cover from top of  
57 bank to edge of water within thirty (30) days of  
58 final grading and thereafter maintained to prevent  
59 wind and water erosion.

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- (2) Slopes for planted littoral zones; Agricultural, Type II, all Type III excavations and Mitigation projects. The slopes for the planted littoral zone area as required in Sec. 7.6.H.3.c. shall be no steeper than ten (10) feet horizontal to one (1) foot vertical to a distance of five (5) feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within thirty (30) days following completion of slope construction.
- (3) Slope inspections; Agricultural, Type II and Type III excavations and Mitigation projects. Within forty-eight (48) hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection. An inspection at this time will help to maximize future survivorship of the littoral plantings.
- (4) Drainage; all excavation types. Overland sheet flow directly into the excavated lake or pond shall be minimized. Those areas within a maximum of fifty (50) feet of the excavated lake or pond may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on the approved plan.

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c. Depth.

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- (1) Maximum depth for Type II, Type III and Agricultural Excavations shall not exceed twenty (20) feet from OWL because of chloride and total dissolved solids (TDS) or other water quality considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.I., provided the applicant adequately ensures that: chloride levels shall not exceed two hundred and fifty (250) parts per million (ppm) or TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water sampling prior to construction. If a Type III commercial excavation is located in the WCAA, the applicant may provide reasonable assurance that the ambient off-site chloride levels will not be degraded based upon background levels. Additional sampling may be required during and after construction.
- (2) Maximum depth. for Type I(B) excavations. No excavation shall exceed fifteen (15) feet in depth below the OWL.
- (3) Maximum depth. WCAA excavations. The maximum depth for the excavated lake or pond shall not exceed fifteen (15) feet from OWL due to chloride and TDS considerations. This maximum depth may be exceeded if approved by ERM in accordance with Sec. 7.6.I provided the applicant adequately ensures that: chloride levels shall not exceed two hundred and fifty (250) parts per million (PPM) ~~ex~~ and TDS does not exceed five hundred (500) ppm within the excavated lake or pond based on ground water

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- 1                    sampling prior to construction. Additional sampling  
2                    may be required during and after construction.  
3                    (4) A Sediment sump may be constructed, except in a Type  
4                    IA and Type IB excavation at the excavated lake or  
5                    pond inlet to a depth of twenty-five (25) feet OWL.  
6                    However, this sump shall not exceed 5% of the mined  
7                    lake area.  
8                    d. Final site conditions. No sharp declivities, pits,  
9                    depressions, or debris accumulation shall remain after  
10                    reclamation. Final grading shall conform to the contour  
11                    lines and grades on the approved site reclamation plan.
- 12                    3. Reclamation standards; excavated area, littoral and  
13                    upland.
- 14                    a. General.
- 15                    (1) Type of reclamation standards. Four types of  
16                    reclamation standards are defined below. Reclamation  
17                    standards vary based on the type of excavation  
18                    activity as set forth in Sec. 6.4.D.35 and Sec.  
19                    7.6.F.
- 20                    (a) Excavated area. This area includes the depth of  
21                    lake and all slopes waterward of the top of bank,  
22                    excluding littoral plantings.
- 23                    (b) Littoral planting. This area includes all  
24                    plantings waterward from edge of OWL or plus one  
25                    (+1) OWL;
- 26                    (c) Upland. This area includes the land area landward  
27                    of the top of bank and requires that a minimum  
28                    area of land be maintained or created around the  
29                    perimeter of an excavated area to preserve future  
30                    use of the land;
- 31                    (d) Upland planting. This area includes all plantings  
32                    landward of the top of bank; and requires  
33                    stabilization of soil and re-establishment of  
34                    native upland vegetation.
- 35                    b. Excavated area. All slopes shall be reclaimed in  
36                    accordance with the construction standards in Sec.  
37                    7.6.H.2. and littoral reclamation requirements in Sec.  
38                    7.6.H.3.c. below. Areas not required to be stabilized  
39                    with littoral plantings shall be stabilized and planted  
40                    with appropriate ground cover from top of bank to the  
41                    edge of the water. If seeding is used, a minimum of fifty  
42                    percent coverage shall be required. The depth of the lake  
43                    and side slopes shall be comply with Sec. 7.6.H.2.
- 44                    c. Planted littoral zones standards. All Agricultural  
45                    (excluding WCAA), Type II and Type III excavations,  
46                    excluding ponds, shall comply with the following littoral  
47                    zone standards.
- 48                    (1) Planted littoral zones shall be provided which  
49                    comprise, at a minimum, an area equivalent to eight  
50                    (8) square feet per linear foot of shoreline. For  
51                    multi-lake systems, each separate lake shall be  
52                    treated individually for planting purposes.  
53                    Creativity in design in the placement of the planted  
54                    littoral zone is strongly encouraged, such as  
55                    extended areas in one portion of the lake or at the  
56                    discharge point or islands within the lake.
- 57                    The planted littoral zone area shall be limited to

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- 1 the area between one (1) foot above OWL and two (2)  
2 feet below OWL. If the applicant demonstrates to ERM  
3 that the planted littoral area elevations should  
4 differ from this requirement based on site specific  
5 conditions and based on fluctuations around the OWL,  
6 ERM may approve planted littoral area elevations  
7 other than those elevations stated above.
- 8 (2) Vertical walls. Vertical walls, bulkheads or other  
9 means of hardening the shoreline may be allowed,  
10 however, for each linear foot of vertical wall, an  
11 additional eight (8) square feet of planted littoral  
12 zone shall be required. Thus every linear foot of  
13 vertical wall shall require sixteen (16) square feet  
14 of planted littoral zone to be planted.
- 15 (3) Planting requirements. The littoral zone shall be  
16 provided with a minimum of six (6) inches of a sand  
17 topsoil mix to promote vegetative growth for those  
18 areas that do not have adequate soil conditions to  
19 ensure plant survivorship. The littoral zone shall  
20 be planted with at least five (5) species of  
21 appropriate native wetland vegetation, with an  
22 average spacing of two (2) feet on center or as  
23 approved by ERM. The design and species used shall  
24 be such that the plants have an anticipated minimal  
25 eighty (80) percent coverage. This criterion shall  
26 be met from the one hundred and eighty day (180)  
27 monitoring period, and in perpetuity. The Director  
28 of ERM shall maintain a list of acceptable plant  
29 species for use in their appropriate elevations  
30 within the littoral zones. The list may be amended  
31 for general application as more information becomes  
32 available. The list shall be open for public  
33 inspection and distribution.
- 34 (4) Timing of Planting. Planting of the excavated lake  
35 or pond shall occur no later than immediately prior  
36 to the issuance of the first certification of  
37 occupancy for any lot adjacent to or abutting the  
38 bank of that lake. ERM may approve in writing a  
39 phasing plan for planting large single lake systems  
40 or interconnected multi-lake systems that would  
41 allow lake planting to be phased. At all times,  
42 applicant is responsible for minimizing erosion of  
43 the littoral shelves until the planting is  
44 completed. ERM shall be notified within 48 hours  
45 prior to completion of the littoral zone planting.
- 46 (5) Littoral Planting plans. The plans shall detail the  
47 species and numbers of plants to be used, the  
48 location and dimensions of the littoral areas,  
49 including any compensatory littoral areas, if  
50 applicable; typical cross section of planted  
51 littoral zones from lake maintenance easements to  
52 the maximum depth of the lake; the location and  
53 dimensions of any structure for which a compensatory  
54 littoral area is required; the methods for planting  
55 and ensuring survival of the plants; and other  
56 reasonable information required by the Director of  
57 ERM.
- 58 Projects which are proposed to be conducted in  
59 phases, shall include plans which delineate the  
60 phases of excavation and shall include guarantees  
61 for each phase.
- 62 The signatory of the plans and specifications shall

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have a personal familiarity with the site and soil conditions based upon a field review.

d. Upland reclamation standards. Upland reclamation standards apply to Type II and all Type III excavations.

(1) Reclamation plan.

(a) General. A site reclamation plan shall be submitted as an integral part of the application for a Type II or Type III excavation and shall be approved by DRC prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Section 7.6.H., except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRC shall indicate the littoral planting areas.

(b) Type II excavation. The certified final site development plan shall function as the reclamation plan and upland planting requirements shall comply with the landscape standards required for the final development plan.

(c) Type II excavations exceeding off-site removal limitations. As set forth in Sec. 6.4.D.35.e(3).(d)., a Type II excavation shall be classified as a Type IIIA excavation when the applicant proposes to remove more than 10% of the fill offsite. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(d) Type III excavations. The reclamation plan for a Type III excavation shall comply with the upland reclamation standards in this section.

(2) Perimeter reclamation. At a minimum, seventy-five percent (75%) of the perimeter of the excavated area shall have a width of one hundred eighty (180) feet; and the remaining twenty-five percent (25%) shall have a width of one hundred (100) feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

(3) Timing of upland reclamation. Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of excavation, the next phase of excavation may commence upon written authorization by DRC. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

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1                    (a) Timing of Planting. If excavation activity is  
2                    phased, planting shall occur at the completion of  
3                    each phase. Planting of the reclaimed upland area  
4                    should occur during the rainy season (June-October),  
5                    within 6 months after completion of the excavated  
6                    area or phase thereof, as applicable. The property  
7                    owner shall ensure that proper watering and  
8                    maintenance occurs in order to ensure a successful  
9                    survival rate. If planting does not occur during the  
10                   rainy season, then the property owner shall provide  
11                   irrigation to establish the new plantings. The  
12                   Landscape Inspectors of the PZ&B shall be notified  
13                   48 hours prior to completion of the upland  
14                   plantings.

15                   (4) Calculating Planting Requirements. In addition to the  
16                   buffer requirements in Sec. 7.6.F.6.(2) and (3), the  
17                   following upland planting requirements shall apply.

18                   (a) Sites supporting native vegetation. Calculations to  
19                   determine the reclamation planting requirements for  
20                   sites supporting native vegetation shall be based on  
21                   the existing tree cover. Controlled or prohibited  
22                   species shall be exempt from this calculation. In  
23                   addition, any tree species located within the  
24                   required perimeter buffer area shall also be exempt.  
25                   If no vegetation exists, the applicant shall  
26                   demonstrate that the site was cleared before 1986 or  
27                   has been issued and has complied with a vegetation  
28                   removal permit.

29                   A certified tree survey shall be submitted by either  
30                   a landscape architect, forester, land surveyor, or  
31                   engineer who is registered in the State of Florida.  
32                   This count shall include all existing on-site native  
33                   trees with a trunk diameter three (3) inches or  
34                   greater to be measured at four and one-half (4 ½)  
35                   feet above the ground. The number of existing trees  
36                   meeting this criterion shall then be divided by the  
37                   total number of acres to obtain a tree-per-acre  
38                   figure. The number of replacement trees to be  
39                   planted at the time of final site reclamation shall  
40                   be determined by multiplying the trees-per-acre  
41                   figure by the number of required reclaimed land  
42                   acres remaining at the time of final site  
43                   reclamation. Credit shall be given by PZ&B for  
44                   existing trees greater than three (3) inches in  
45                   diameter which are relocated and/or adequately  
46                   protected during excavation. Any trees relocated  
47                   and/or protected shall be deducted from the  
48                   replacement tree count requirement.

49                   The trees to be replanted shall be native and a  
50                   minimum 8 feet high. In addition, two (2) understory  
51                   eighteen inch (18") high seedlings shall be planted  
52                   for each tree required to be planted.

53                   (5) Planting standards. The upland reclamation plantings may  
54                   be clustered in one area of the reclaimed upland area or  
55                   dispersed throughout the reclaimed upland area. No  
56                   minimum or maximum area is required, except as a  
57                   condition of approval, as long as the vegetation is  
58                   planted in accordance with standards set forth in Sec.  
59                   7.3 and 9.5.

60                   Plants are required to be installed in accordance with

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the standards in Sec. 7.3.F (Tree and Landscape Material and Planting Standards). A minimum of five (5) native plant species shall be used to fulfill the planting requirements. The design and species used shall be such that the plants have an anticipated minimal survival rate of at least eighty (80) percent at the end of each monitoring period.

(6) Plan requirements. The upland reclamation planting plan shall be submitted to DRC simultaneously with the DRC application for the final excavation plan.

(a) The signatory of the plans and specifications shall have personal familiarity with the site and soil conditions based upon a field review. The plans shall be signed and sealed by a professional Landscape Architect certified by the Florida Department of Professional Regulation.

(b) At a minimum, the plans shall detail the location, species and numbers of plants to be used, and the methods for planting and ensuring survival of the plants, and other reasonable information required by PZ&B.

(7) Phased projects In the event that upland reclamation is to be conducted in phases, the following additional requirements shall apply:

- (a) A phasing plan shall be submitted indicating:
  - (i) Exact acreage of each phase;
  - (ii) Proposed duration of excavation and reclamation of each phase; and
  - (iii) Number of trees to be planted.

e. Area of record. All reclaimed littoral and upland planting areas shall be identified graphically and in writing on a separate restrictive covenant. The graphic shall be signed and sealed by a Certified engineer or surveyor as applicable, recognized and approved by the FDPB. If a plat is required, pursuant to Article 8, all planted littoral zones and upland reclamation planting areas shall be identified by reference to the restrictive covenant. The plat and restrictive covenant shall be reviewed and approved by the Zoning Division, ERM, and the County Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded restrictive covenant shall be provided to ERM and PZ&B, prior to issuance of written approval of the Notice of Intent to Construct. Within thirty (30) days following plat recordation, a copy of the recorded plat shall be provided to ERM and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and separately reserved to the owner, or if applicable, to the property owners' association as its perpetual maintenance responsibility, without recourse to Palm Beach County or any other governmental entity or agency. The plat, if applicable, restrictive covenant and property owners' association documents, shall contain the following statement:

It is a punishable violation of Palm Beach County Laws, Ordinances, Codes, Regulations and approvals to alter the approved slopes, contours, or cross sections or to chemically, mechanically, or manually remove, damage or destroy any plants in the reclaimed areas and planted littoral zone except upon the written approval from the Director of ERM or Zoning, as applicable. It is the responsibility of the owner or property owners

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- 1 Index, as provided by the Congressional Budget  
2 Office and as approved by the County Attorney's  
3 Office.
- 4 ~~(2) Excavated area. Guarantee shall be a minimum of~~  
5 ~~\$1,000 per acre of permitted excavation area.~~
- 6 ~~(3) Littoral Zones. The guarantee shall be a minimum of~~  
7 ~~\$10,000 and shall be an amount of no less than one~~  
8 ~~hundred and ten (110) percent of the total estimated~~  
9 ~~cost for planting, maintaining, and monitoring the~~  
10 ~~required littoral shelves. ERM retains the option~~  
11 ~~for requesting a second cost estimate for which the~~  
12 ~~performance guarantee is based.~~
- 13 ~~(4) Reclaimed upland and upland planting areas.~~  
14 ~~Guarantee shall be a minimum of \$10,000 and shall be~~  
15 ~~an amount of no less than of one hundred and ten~~  
16 ~~(110) percent of the total estimated cost for~~  
17 ~~reclaiming, planting, maintaining, and monitoring~~  
18 ~~the upland area and required upland planting areas.~~  
19 ~~PZ&B retains the option for requesting a second cost~~  
20 ~~estimate for which the guarantee is based.~~
- 21 ~~(5) Roadway maintenance and repair. Streets which~~  
22 ~~require a haul permit in order to be used as a haul~~  
23 ~~route shall be required to post a minimum guarantee~~  
24 ~~in the amount of \$50,000 per mile of affected~~  
25 ~~streets within the radius of impact.~~
- 26 ~~f. Submittal and approval of guarantee. Except in the case~~  
27 ~~of an application by a political subdivision or agency~~  
28 ~~of the State, all applicants shall submit the guarantee~~  
29 ~~instruments and obtain approval of the guarantee as~~  
30 ~~provided below.~~
- 31 ~~(1) Reclaimed upland area and upland planting areas.~~  
32 ~~Guarantees for the reclaimed upland area and upland~~  
33 ~~planting areas shall be submitted with the DRC~~  
34 ~~application and approved prior to DRC certification~~  
35 ~~of the final excavation plan.~~
- 36 ~~(2) Excavated area and Littoral zones. Guarantees for~~  
37 ~~the excavated area and littoral zones shall be~~  
38 ~~approved by ERM prior to issuance of written~~  
39 ~~approval of the Notice of Intent to Construct.~~
- 40 ~~(3) Road maintenance and repair. Guarantees for road~~  
41 ~~maintenance and repair shall be approved by the Land~~  
42 ~~Development Division prior to issuance by ERM of the~~  
43 ~~applicant's Notice of Intent to Construct.~~
- 44 ~~g. Duration and release of guarantee. The guarantee for the~~  
45 ~~excavated area and upland reclamation area of Type III~~  
46 ~~excavations may be reduced once the "as-built" plan is~~  
47 ~~approved. However, the guarantee shall continue to cover~~  
48 ~~the upland planting and littoral planting areas until~~  
49 ~~released in accordance with this subsection.~~
- 50 ~~(1) Excavated areas for Type III Excavations. At the~~  
51 ~~request of the applicant, the guarantees shall be~~  
52 ~~released by ERM, after DRC certification of the~~  
53 ~~final as-built reclamation plan, in accordance with~~  
54 ~~Sec. 6.4.D.35.f.(2)(d).~~
- 55 ~~(2) Upland reclamation area. At the request of the~~  
56 ~~applicant, the guarantees shall be released by PZ&B,~~  
57 ~~after DRC certification of the final as-built~~  
58 ~~reclamation plan, in accordance with Sec.~~  
59 ~~6.4.D.35.f.(2)(d).~~
- 60 ~~(3) Littoral and Upland Planting Reclamation areas. The~~  
61 ~~Guarantees shall remain in effect a minimum of seven~~  
62 ~~hundred thirty (730) days (2 years) after~~  
63 ~~reclamation is completed in accordance with all~~

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requirements of this section and Sec. 6.4.D.35. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZ&B, pursuant to Sec. 7.6.H.3.e. Following verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZ&B, as applicable, guarantees shall be released.

(4) Road maintenance and repair. The guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

h. County use of guarantee. Should Palm Beach County find it necessary to use the performance guarantee for corrective work or to fulfill the applicants reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by Palm Beach County in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

5. Maintenance and monitoring. The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

a. Excavation activity. The applicant shall submit an annual report to DRC indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- (1) The current phase(s) of excavation.
- (2) All phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion).
- (3) Amount of material extracted and amount of material removed from the site.
- (4) Condition of perimeter buffers and landscaping, and
- (5) Status of compliance with conditions of approval and applicable requirements in Sec. 6.4.D.35. and Sec. 7.6.

b. Initial maintenance and monitoring of reclaimed upland areas and littoral and upland planting areas. The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

- (1) Maintenance. Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:
  - (a) eighty percent (80%) coverage criterion for the planted littoral zone from the one hundred and eighty (180) day monitoring period; and,
  - (b) eighty percent (80%) survivorship for the planted

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- upland area from the one hundred and eighty (180) day monitoring period;
- ~~(2) Exotic plant species. Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:~~
- ~~(a) prohibited and invasive non-native plant species as defined by Sec. 9.5.; and~~
- ~~(b) invasive species, such as cattails, primrose willows and water hyacinth,~~
- ~~(3) Regulated substances. Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the "Regulated Substance Best Management Practices for the Construction Industry."~~
- ~~(4) Submittals for monitoring programs. Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, ninety (90) day, one hundred eighty (180) day and three hundred sixty (360) day reports.~~
- ~~The time zero monitoring report shall include an as-built drawing signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation (F DPR) for this type of project and shall be submitted within thirty (30) days of the initial planting. Each subsequent report shall be submitted within thirty (30) days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, the County finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by the County to extend their maintenance and monitoring period, until compliance with the maintenance and monitoring requirements is met.~~
- ~~(5) Content of monitoring reports. Each monitoring report, including the time zero report, shall assess the species, numbers, and locations of planted littoral zones and reclaimed upland planting areas. The report shall also depict the equipment maintenance, storage and service areas and assess the condition of the ground as a result of possible leakage or spillage of regulated substances. The report shall include multiple photographs (panoramas are preferred) of the site clearly showing these areas. Photographs must be taken at approximately the same location(s) each time.~~
- ~~In addition, the report shall detail the species, numbers and locations of additional plantings that were made to attain the eighty percent (80%) survivorship/coverage criteria, if such plantings were necessary.~~
- ~~c. Long-Term Maintenance and Monitoring of reclaimed upland areas and littoral and upland planting areas. After the~~

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1 first year, the land owner or entity having maintenance  
2 responsibility for the planted littoral zone and planted  
3 upland reclamation area, shall maintain these areas in  
4 the following manner:

- 5 (1) The reclaimed upland areas shall maintain a minimum  
6 survivorship of eighty percent (80%), and the  
7 planted littoral zone shall maintain a minimum  
8 coverage of eighty percent (80%).  
9 (2) Exotic and invasive non-native plant species as  
10 defined by Section 9.5. and invasive species, such  
11 as cattails, primrose willows and water hyacinth,  
12 shall be restricted to a coverage of less than ten  
13 percent (10%) of the required planted littoral zone.  
14 No exotic or invasive non-native plant species shall  
15 be permitted in the upland areas.

16 d. Repair, reconstruction modification. DRC approval shall  
17 be obtained prior to any reconfiguration of the approved  
18 lake or reclaimed upland area. Written approval from the  
19 Director of ERM shall be obtained prior to modification  
20 of the planted littoral zones.

21 I. Administration and Enforcement.

22 1. Administrative waiver from construction criteria for  
23 Agricultural, WCAA, Type II and Type III excavations.

24 a. Authority and criteria. Administrative waivers from the  
25 slope, depth, or littoral zone standards contained in  
26 Sec. 7.6.H for Agricultural, WCAA, Type II, and Type III  
27 excavations may be granted by ERM in accordance with the  
28 standards of this Section. ERM may grant the waivers to  
29 an applicant upon demonstration by a preponderance of  
30 evidence, that such administrative waivers will not be  
31 injurious to the area involved or otherwise detrimental  
32 to the public welfare, and that special or unique  
33 circumstances exist to justify the administrative  
34 waivers based on one or more of the following  
35 conditions:

- 36 (1) That the literal application of these standards will  
37 create an unreasonable hardship and that the special  
38 and unique circumstances do not result from the  
39 actions of the applicant;  
40 (2) That appropriate technology and methods will be used  
41 to insure consistency with the intent of the Code;  
42 or  
43 (3) The proposed administrative waiver will not be  
44 adverse to the general intent and purpose of this  
45 Section.

46 b. Limitations. No administrative waiver shall be approved  
47 for those separation items in Sec. 7.6.H.2.a., unless  
48 the item specifically allows approval by ERM; nor for  
49 any mining or excavation operation location which will  
50 reduce hydraulic recharge distances to a public water  
51 supply well in excess of two (2) percent; nor within 200  
52 feet of a publicly-owned conservation area,  
53 environmentally sensitive land area, or publicly-owned  
54 preservation area. An administrative waiver may be  
55 granted for littoral areas within a lake supporting  
56 bona-fide agricultural operations. If the land use  
57 changes from bona-fide agricultural use, the littoral  
58 requirements for the new land use shall be required.

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1 c. Review process. The request shall be included with the  
2 Notice of Intent to Construct, unless a Notice of Intent  
3 to Construct has been previously approved. An  
4 appropriate fee and drawings of sufficient detail shall  
5 be required in order to provide the information needed  
6 to determine if granting approval of the waiver is  
7 appropriate. The application and drawings, excluding  
8 littoral planting plans, shall be signed and sealed by a  
9 professional recognized and approved by the Florida  
10 Department of Professional Regulation for this type of  
11 project.

- 12 (1) Upon receipt of a request to deviate from the  
13 Construction Criteria, ERM shall have thirty (30)  
14 days to request any additional information.  
15 (2) Within thirty (30) days of receipt of the requested  
16 additional information, ERM may only request  
17 information needed to clarify the additional  
18 information supplied or to answer new questions  
19 raised by or directly related to the additional  
20 information.  
21 (3) If ERM does not ask for additional information  
22 within thirty (30) days of receipt of the request,  
23 the request shall be deemed complete upon date of  
24 receipt.  
25 (4) If an applicant fails to respond to a request for  
26 the fee or any additional information within sixty  
27 (60) days, the request may be denied without  
28 prejudice. However, ERM may grant an extension of  
29 time as is reasonably necessary to fulfill the  
30 request for additional information. ERM action shall  
31 be approval or denial, and shall be included with  
32 the issued written approval of the Notice of Intent  
33 to Construct.

34 2. Violations, Enforcement, and Penalties.

35 a. Violations. For each day or portion thereof, it shall be  
36 a violation of this Section to:

- 37 (1) Fail to comply with a requirement of this Section,  
38 Section 6.4.D.35, a condition of an approval or an  
39 authorized exemption granted hereunder;  
40 (2) Fail to comply with the design specifications or  
41 littoral planting plan submitted with the Notice of  
42 Intent to Construct for which a written approval was  
43 issued by ERM.  
44 (3) Alter or destroy the approved depths, slopes,  
45 contours, or cross-sections;  
46 (4) Chemically, mechanically, or manually remove,  
47 damage, destroy, cut, or trim any plants in the  
48 littoral zones, except upon written approval by the  
49 Director of ERM;  
50 (5) Dredge, excavate, or mine the lake or littoral zones  
51 without prior receipt of approval(s) from ERM and/or  
52 PZ&B; or  
53 (6) Cause water quality violations in excess of the  
54 standards contained in F.A.C. Chapter 62-302;  
55 (7) Dewater in Type 1(A) Type 1(B); and Agricultural  
56 excavations unless otherwise permitted by a State or  
57 Federal permitting agency.

58 3. Enforcement. Violation of each subsection of this  
59 section, any conditions of approval, or any of those

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1 violations listed in 2.a.(1)-(7) above, shall be deemed a  
2 separate violation and may be subject to fines not to  
3 exceed \$250 per day per violation. In order to enforce  
4 compliance with the provisions of this section, ERM, PZ&B  
5 and the County Engineer may issue a cease and desist  
6 order or require that future DRC certifications be denied  
7 or a building permit or C.O. be withheld. Violations of  
8 the provisions of this section shall be punishable by one  
9 or more of the following:

10 a. Quadruple permit fees shall be assessed if permits were  
11 not obtained for violations involving activities which  
12 would otherwise have been permissible, as determined by  
13 ERM, PZ&B, or the Land Development Division.

14 b. This section shall be enforced through the remedies as  
15 outlined in Article 14.

16 However, the County is not prevented from enforcing the  
17 provisions of this section by any other measures allowable  
18 by law, including but not limited to, Chapters 125 and 162,  
19 Fla. Stat., as may be amended.

20 c. If the applicant has violated the provisions of this  
21 Section, a condition of approval, or a provision of Sec.  
22 6.4.D.35, staff may place the subject development order  
23 back on a BCC agenda for re-consideration in accordance  
24 with the provisions of Sec. 5.8. and Article 14 of this  
25 code.

26 4. Restoration. Damage to upland reclamation areas, planted  
27 littoral shelves, littoral plants and/or streets may  
28 result in an order to restore to the approved conditions.  
29 Excavation operations that have occurred without approval  
30 and receipt of written approval from ERM, PZ&B or the  
31 County Engineer, as applicable may result in an order to  
32 restore the site or streets in the radius of impact to  
33 preexisting conditions.

34 5. Additional remedies. In addition to the sanctions contained  
35 herein, the County may take any other appropriate legal  
36 action, including but not limited to, administrative action,  
37 and requests for temporary and permanent injunctions, to  
38 enforce the provisions of this Section.

39 6. Use of Collected Monies. All monies collected by ERM as  
40 civil penalties for violations of this Section shall be  
41 deposited in the Palm Beach County Pollution Recovery Trust  
42 Fund.

43 7. Appeals. An applicant may appeal a final determination made  
44 by:

45 a. Director of ERM. Appeal shall be made to the  
46 Environmental Ordinance Appeals Board pursuant to this  
47 Section. The applicant shall comply with the following  
48 appeal procedures:

49 (1) Submittal. An appeal must be made within twenty (20)  
50 days of the applicant's receipt of the final action.  
51 (2) Hearing. Each hearing shall be held within sixty  
52 (60) days of submittal of all documents which the  
53 Environmental Ordinance Appeals Board deems  
54 necessary to evaluate the appeal. At the conclusion  
55 of the hearing, the Board shall issue a written decision.

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1 of the hearing, the Environmental Ordinance Appeals  
2 Board shall orally render its decision (order),  
3 based on the evidence entered into record. The  
4 decision shall be stated in a written order and  
5 mailed to the applicant not later than ten (10) days  
6 after the hearing. Written order of the  
7 Environmental Ordinance Appeals Board shall be  
8 final.

9 b. Director of Zoning or Director of Land Development.  
10 Appeal shall be made to the appropriate appeals board as  
11 provided in Sec. 5.6 (Development Review Appeals Board)  
12 or Sec. 5.7 (Board of Adjustment), as applicable.

13 c. Judicial Relief. An applicant or ERM may appeal a final  
14 written order of the Environmental Ordinance Appeals  
15 Board within thirty (30) days of the rendition of the  
16 written order by filing a petition for Writ of  
17 Certiorari in Circuit Court of the Fifteenth Judicial  
18 Circuit in and for Palm Beach County, Florida.

19 **Subpart** Section 7.8.A.11., Miscellaneous Standards, Performance  
20 Standards, Drainage is amended to delete language as  
21 follows:

22 ~~11. Drainage~~ For all development in all districts, drainage  
23 shall be designed, constructed and maintained in  
24 accordance with the drainage and stormwater  
25 management standards of Article 8, Subdivision,  
26 Platting, and Required Improvements.

27 **Subpart** Section 7.8.D., Miscellaneous Standards, Performance  
28 Standards is created as follows:

29 D. Drainage. For all development in all districts, drainage  
30 shall be designed, constructed, and maintained in accordance  
31 with the drainage and stormwater management standards of  
32 Article 8, Subdivision, Platting, and Required Improvements.

33 **Subpart** Section 7.14.B., Signage, Applicability is amended to  
34 add language as follows:

35 **B. Applicability.** The provisions of this section shall apply to  
36 all signs unique property control number in unincorporated  
37 Palm Beach County, unless specifically exempted by Sec.  
38 7.14.E. (Exemptions). These regulations apply individually to  
39 all parcels of land whether or not the parcels are included  
40 in a development of a larger scale. All signs shall be  
41 referenced in relation to the parcel of land on which it is  
42 located and each parcel shall be identified by a parcel  
43 control number. Any sign authorized by this section may  
44 contain non-commercial copy in lieu of other copy.

45 **Subpart** Section 7.14.C.3., Signage, Effect on Previously  
46 Permitted Signs, Off-premises signs is amended to add  
47 language as follows:

48 **C. Effect on Previously Permitted Signs.**

49 ...

50 **3. Off-premises signs.** There shall continue to be a prohibition  
51 on billboards and similar large off-premise signs in order to  
52 improve the aesthetic appearance of unincorporated Palm Beach

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1 County. However, this prohibition shall not include the  
2 repair, maintenance, relocation, or replacement of billboards  
3 constructed consistent with applicable zoning codes and  
4 building permit procedures prior to November 15, 1988, and  
5 included within the billboard stipulated settlement agreement  
6 and billboard survey. The Stipulated Settlement Agreement  
7 referred to herein and appropriately filed in the official  
8 records of the Board of County Commissioners of Palm Beach  
9 County shall be a primary source of information for  
10 construing and implementing the intent and purpose of these  
11 amendments.

12 **Subpart** Section 7.14.F.18., Signage, Prohibited Signs is amended  
13 to add and delete language as follows:

14 18. Off-premises signs, except as provided for in Sec.  
15 7.14.Q-C.3., and Sec. 7.14.O.

16 **Subpart** Section 7.14.H., Signage, Signs subject to special  
17 standards and required no permit is amended to add and  
18 delete language as follows:

19 **H. Signs subject to special standards and requiring no permit.**

20 1. **Temporary political sign.** A temporary political sign not  
21 more than thirty-two (32) square feet, may be erected on  
22 private land or in the right-of-way in any zoning district,  
23 ~~for not more than sixty (60) days prior to any election, if~~  
24 ~~removed within thirty (30) days after the election and~~  
25 constructed so as not to create any hazardous or dangerous  
26 conditions to the public, impede flow of traffic or affect  
27 safe sight distances.

28 ...

29 **7. Removal of temporary signs.** All temporary signs shall be  
30 removed within 30 days after completion of the event for  
31 which the sign was erected.

32 **Subpart** Section 7.14.S., Signage, Billboard replacement and  
33 relocation is created as follows:

34 **S. Billboard replacement and relocation.**

35 The following definitions shall be utilized for the purposes of  
36 this section.

37 Billboard means a billboard structure and its attached billboard  
38 faces.

39 Billboard, changeable copy sign face means a sign face containing  
40 one or more advertisements or promotions that are changed  
41 automatically or mechanically.

42 Billboard company means any firm, organization, or individual  
43 which owns one or more billboards.

44 Billboard demolition permit means the permit issued by the  
45 Building Division which allows demolition of an existing  
46 billboard.

47 Billboard height shall be measured from finished grade to the  
48 highest point of a billboard face, excluding temporary  
49 embellishments.

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- 1 Billboard inventory means the official inventory, as updated by  
2 the signatories to the billboard stipulated settlement agreement,  
3 of billboards existing in unincorporated Palm Beach County.
- 4 Billboard, lawfully erected means any billboard erected in Palm  
5 Beach County consistent with applicable zoning code and building  
6 permit procedures and described on the official inventory  
7 prepared by the Planning, Zoning and Building Department in 1988,  
8 and as updated pursuant to the billboard stipulated settlement  
9 agreement.
- 10 Billboard location means an area within a radius of not more than  
11 100 feet from the location of an existing billboard structure.
- 12 Billboard registration permit means the annual permit issued by  
13 the Zoning Division for existing billboards that can be replaced  
14 or relocated.
- 15 Billboard relocation shall mean the removal of an existing  
16 billboard structure from a billboard location included in the  
17 updated billboard inventory to a different location consistent  
18 with the terms of this Code and the billboard stipulated  
19 settlement agreement.
- 20 Billboard relocation permit means the permit issued by the Zoning  
21 Division which allows relocation of an existing billboard to  
22 another location.
- 23 Billboard replacement means the removal of an existing billboard  
24 structure and construction of a new billboard within the  
25 permitted billboard location.
- 26 Billboard setback means the required minimum horizontal distance  
27 between a billboard structure and all property lines.
- 28 Billboard sign face means the fixed or changeable portion of the  
29 billboard structure upon which one or more advertising messages  
30 are displayed.
- 31 Billboard stipulated settlement agreement means the agreement  
32 between Palm Beach County, Ackerley Advertising, 3M National  
33 Advertising, and any other affected parties who may agree to the  
34 stipulations therein, approved on February 6, 1996 by the Board  
35 of County Commissioners to terminate legal proceedings initiated  
36 by Case No. 92-8752, Case No. CL92-1187-AO, Case No. 92-1187,AO,  
37 and Case No. CL93-7958AH.
- 38 Billboard structure means all structural elements of a billboard,  
39 including but not limited to structural framework and supports,  
40 and lighting.
- 41 Billboard temporary embellishment means additional billboard area  
42 attached to and extending beyond the side and top of a billboard.
- 43 1. Billboard inventory. Each billboard company, by March 30,  
44 1996, shall provide the Zoning Division with a complete  
45 inventory of all billboards such company owns or controls.  
46 The billboard inventory shall be completed as provided below.
- 47 a. Each billboard company shall be provided with a complete copy  
48 of the 1988 billboard inventory.
- 49 b. The 1988 billboard inventory shall be revised by each  
50 billboard company to reflect the current status of billboards

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- 1           it owns or controls.
- 2           c. The revised billboard inventory shall include the location,  
3           height, size, and number of billboard faces.
- 4           2. Billboard registration permits. The Zoning Division shall  
5           establish a system of billboard registration permits. A  
6           registration permit shall be issued for each billboard not to  
7           be removed pursuant to the billboard stipulated settlement  
8           agreement. Billboard registration permits shall be issued as  
9           special permits, as provided in Section 5.5 of the ULDC.  
10           Billboard registration permits shall be issued as provided  
11           below.
- 12           a. An application for a billboard registration permit shall  
13           include the following information:
- 14           (1) name, address, and telephone number of the billboard company  
15           owning or controlling the billboard;  
16           (2) name of applicant;  
17           (3) agent's authorization for the applicant to act on behalf of  
18           a billboard company;  
19           (4) location, height, number of sign faces, and size of sign  
20           faces; and  
21           (5) permit number or other acceptable evidence the billboard was  
22           lawfully erected.  
23
- 24           b. Billboard registration permits shall be issued annually.
- 25           c. Applications for initial billboard registration permits shall  
26           be submitted not later than June 30, 1997.
- 27           d. Billboard registration permits shall be valid for a period of  
28           one year and shall be renewed annually upon compliance with  
29           the terms of this section and the billboard stipulated  
30           settlement agreement.
- 31           e. Renewals for billboard registration permits shall be  
32           submitted at least sixty (60) days prior to expiration date  
33           of the existing registration permit.
- 34           f. The County may charge a fee of \$50.00 for the issuance of  
35           each billboard registration permit. This fee may be increased  
36           by the Board of County Commissioners from time to time.
- 37           g. Billboard registration permits shall be transferrable if  
38           ownership of the billboard changes.
- 39           h. This billboard registration system shall not require "tagging"  
40           of billboards by the owner of the billboard structure.
- 41           3. Billboard owners not party to the stipulated settlement  
42           agreement. Any firm or individual owning billboards may  
43           become eligible to utilize the provisions of this Section  
44           provided they execute an agreement consistent with the  
45           stipulated billboard settlement agreement. Such firms or  
46           individuals shall execute an agreement as approved by the  
47           County Attorney's Office.
- 48           4. Removal of billboard sign faces. Each billboard company that  
49           has signed or agreed to the stipulated billboard settlement  
50           agreement, or similar agreement as approved by the County  
51           Attorney, shall permanently remove at least ten percent (10%)  
52           of the total of sign faces it owns or controls. Billboard

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- 1 companies that have signed the stipulated settlement  
2 agreement shall remove the sign faces within one year  
3 following adoption of this amendment to the ULDC. Billboard  
4 companies that execute an agreement approved by the County  
5 Attorney shall remove the sign faces within one year  
6 following execution of the agreement.
- 7 The total amount of sign faces to be removed shall be  
8 calculated utilizing the billboard inventory. The sign faces  
9 shall be removed utilizing the procedure set forth below.
- 10 a. The sign faces to be removed shall be identified in Exhibit  
11 "A" of the billboard stipulated settlement agreement or  
12 similar agreement. However, the sign faces to be removed as  
13 identified in Exhibit "A" may be substituted for reasons  
14 established in the stipulated billboard settlement agreement.
- 15 b. The Building Division, with the written approval of the  
16 Zoning Division, shall issue a demolition permit for each  
17 sign face to be removed.
- 18 c. The demolition permit shall be in a form prepared by the  
19 Zoning Division, and shall include the location, permit  
20 number, name of billboard company, and date when such sign  
21 face is to be removed.
- 22 d. Each billboard company shall provide a statement, in a form  
23 approved by the County Attorney's Office, certifying the  
24 removal of a sign face. Removal of the sign face shall  
25 include the entire billboard structure.
- 26 5. Relocation of billboards. Billboards may be relocated subject  
27 to the provisions of the billboard stipulated settlement  
28 agreement or similar agreement. Billboard relocation shall  
29 occur as indicated below:
- 30 a. A billboard company must notify the Zoning Division in  
31 writing of its intent to relocate a billboard.
- 32 b. The written notification must be provided at least thirty  
33 (30) days prior to the intended date of demolition and  
34 relocation, unless otherwise waived by the Zoning Director.
- 35 c. Each billboard to be relocated must be assigned a billboard  
36 registration permit.
- 37 d. The Zoning Division shall verify the request for relocation,  
38 subject to the billboard stipulated settlement agreement.
- 39 e. Upon verification of the request for relocation, the Building  
40 Division shall issue a demolition permit for removal of the  
41 affected billboard.
- 42 f. For each billboard demolished, a billboard company shall  
43 provide verification of the demolition. The verification  
44 shall be provided in a form acceptable to the County  
45 Attorney's Office.
- 46 g. Each billboard demolished subject to this section may be  
47 relocated. The combination of a demolition permit and  
48 assignment of a registration permit shall be deemed to be a  
49 billboard relocation permit.
- 50 h. A billboard relocation permit shall be valid for a period of

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- 1           four (4) years from the issuance of the demolition permit.
- 2           i. A billboard relocation permit shall permanently lapse if  
3           relocation does not occur within four (4) years following  
4           issuance of the demolition permit.
- 5           j. Once a relocation permit has lapsed, the affected billboard  
6           shall not be relocated.
- 7           k. A billboard relocation permit shall allow construction of a  
8           billboard with the same or lesser number of faces as  
9           contained on the demolished billboard. Two relocated single  
10           face, single billboard structures may be combined into a new  
11           two face billboard structure.
- 12           l. A relocated billboard may be constructed only within the  
13           following comprehensive plan land use categories: "CH"  
14           (Commercial High), "CL" (Commercial Low), or "I" (Industrial).
- 15           m. Within the "CH" (Commercial High), "CL" (Commercial Low), and  
16           "I" (Industrial) future land use plan categories, a relocated  
17           billboard may only be located within the following zoning  
18           districts: "CG" (Commercial, General), "CC" (Community  
19           Commercial), "IL" (Industrial, Light), "IG" (Industrial,  
20           General), "MUPD" (Multiple Use Planned Development), and  
21           "PIPD" (Planned Industrial Park District).
- 22           n. Any billboard proposed for relocation within a conditional  
23           use, planned development, or similar project with an approved  
24           signage plan must obtain approval for the relocation from the  
25           Board of County Commissioners, which shall retain the same  
26           discretion it exercised when granting the original  
27           development approval. If the billboard relocation requires  
28           modification of a signage plan that does not require Board of  
29           County Commissioners approval, the relocation shall be  
30           approved by the Development Review Committee, subject to the  
31           requirements of this section and the billboard stipulated  
32           settlement agreement.
- 33           o. Relocation of a billboard to a planned development district  
34           shall comply with the height and setback requirements for  
35           structures approved in the master plan.
- 36           p. If modification of signage located within a planned  
37           development district does not require Board of County  
38           Commissioners approval, such modification of signage shall be  
39           approved by the Development Review Committee.
- 40           q. A relocated billboard shall not be relocated on property  
41           assigned a residential, agricultural, or conservation zoning  
42           designation. For the purposes of this section, residential,  
43           agricultural, and conservation zoning districts shall be as  
44           described in the billboard stipulated settlement agreement.
- 45           r. All relocated billboards must be located within an area  
46           containing a front dimension containing at least five hundred  
47           (500) linear feet. This linear dimension may include property  
48           abutting a public right-of-way.
- 49           s. The height of any relocated billboard shall not exceed forty  
50           (40) feet above finished grade, excluding temporary  
51           embellishments.
- 52           t. A relocated billboard shall comply with the setbacks listed

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below:

- (1) The following general setbacks shall apply to all relocated billboards:
  - (a) Front: the lesser of fifteen (15) feet or the required district setback.
  - (b) Side: the lesser of the billboard's previous setback or the required district setback.
  - (c) Rear: the lesser of the billboard's previous setback or the required district setback.
  - (d) Side corner: the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to fifteen (15) feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.
- (2) A relocated billboard shall not be constructed within a lateral distance of at least two hundred fifty (250) feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street right-of-way, and shall include public rights-of-way. This requirement shall supersede any other setback requirements established by this section.
- (3) When a relocated billboard will be constructed adjacent to a public right-of-way which:
  - a. is designated by the County for an ultimate width of 120 feet or less, and,
  - b. abuts a residential zoning district across the street, then a residential "clear zone" must be established.

The "clear zone" must extend at least fifty (50) feet from the residential zoning district line. The "clear zone" shall not contain any existing residential structures. The "clear zone" shall be measured from front setback of the billboard to the nearest intersection of the ultimate right-of-way line.
- (4) When a relocated billboard will be placed on a public right-of-way which:
  - a. is designated by the County for an ultimate width of more than 120 feet but less than 170 feet, and,
  - b. abuts a residential zoning district across the street, then a residential "clear zone" must be established.

The "clear zone" must extend at least 170 feet from the front setback of the billboard. The "clear zone" shall include the public right-of-way. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
- (5) When a relocated billboard will be placed on a public right-of-way which:
  - a. is designated by the County for an ultimate width of more than 170 feet, and,
  - b. abuts a residential zoning district across the street, then a residential "clear zone" is not required.
- (6) For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar nonresidential uses.
- (7) A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public right-of-way. For the purposes

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- of this section, the 120 feet distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.
- (8) For relocated billboards, the setback shall be measured from the property line.
- u. A relocated billboard shall not be located adjacent to any public right-of-way with an ultimate width of less than eighty (80) feet.
- v. The number of billboards to be relocated during any twelve (12) month period shall be limited by the stipulated billboard settlement agreement.
- w. A minimum separation of at least 500 feet from any other existing or relocated billboard must be maintained. This required separation shall be measured along the street right-of-way.
- 6. Billboard replacement. A replacement for an existing billboard may be constructed consistent with the provisions of this Section.**
- a. A replacement billboard shall be located within the permitted billboard location.
- b. A replacement billboard shall remain on the same side of the public right-of-way.
- c. A replacement billboard may retain the lesser of the front, side, and rear setbacks of the existing billboard or the setbacks provided by the zoning district.
- d. For replacement billboards, the front setback shall be measured from the property line.
- e. A replacement billboard may be constructed at the same or lesser height of the existing billboard.
- f. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.
- g. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.
- h. When an existing billboard is located on property that is being or has been acquired for public road right-of-way purposes, the billboard location criteria of this Section may be waived by the Zoning Director. The Zoning Director may waive the billboard location criteria when the width of the right-of-way to be acquired will not allow billboard replacement consistent with the intent of this Section.
- 7. Supplemental billboard regulations.**
- a. Roof-mounted billboards are prohibited.
- b. Billboards shall not be relocated when abutting any public right-of-way with an ultimate width of less than eighty (80) feet.
- c. The number of billboards to be relocated during any twelve (12) month period shall be limited by the stipulated billboard settlement agreement.
- d. Billboard illumination shall be directed only towards the

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- 1           billboard face.
- 2           e. Following execution of the stipulated billboard settlement  
3           agreement, billboards shall be legal, conforming structures,  
4           and may be repaired and maintained as provided by the  
5           applicable building codes of the County. Billboards to be  
6           removed by the operation of the stipulated billboard  
7           settlement agreement may be repaired and maintained as legal  
8           structures. However, any expenses incurred for such repair  
9           and maintenance shall the sole responsibility of the  
10           billboard owner, and the County shall incur no liability for  
11           such expenses.
- 12           f. Billboard registration permits may be sold, transferred, or  
13           exchanged without regard to participation in the stipulated  
14           billboard settlement agreement.
- 15           g. Unless otherwise provided by this Section, the maximum size  
16           of the sign face of any relocated billboard or replacement  
17           billboard shall not exceed the size of the sign face that is  
18           being relocated or replaced. If two single face billboard  
19           structures are combined into one double faced billboard, then  
20           the maximum size of each of the two faces shall be no larger  
21           than the size of the smaller sign face that is affected by  
22           the relocation or replacement.
- 23           8. Repair and maintenance of billboards. All billboards shall be  
24           maintained in good repair. Repair and maintenance of  
25           billboards shall be exempt from the limitations of Section  
26           1.7.B.1. of this Code. Repair and maintenance of billboards  
27           shall not include any improvement which increases the height,  
28           size, or number of billboard faces. Temporary embellishments  
29           may be included as part of normal maintenance and repair of  
30           billboards.
- 31           9. Effect of annexation.
- 32           a. Any billboard included within the billboard stipulated  
33           settlement agreement that is annexed shall not be eligible  
34           for relocation into any unincorporated area.
- 35           b. The billboard registration permit for any billboard included  
36           within the billboard stipulated settlement agreement that is  
37           annexed shall be void upon annexation.
- 38           10. Appeals. Appeals of any decision by the Zoning Division or  
39           Building Division regarding interpretation or implementation  
40           of this Section or the billboard stipulated settlement  
41           agreement shall be made to the Board of County  
42           Commissioners.
- 43           Subpart   Section 9.1.A., Coastal Protection, Purpose and Intent  
44                    is amended to retitle section as Sea Turtle Protection  
45                    and Sand Preservation, reformat, incorporate language  
46                    from Section 9.1.E.3, Coastal Protection, Jurisdiction,  
47                    and add and delete language as follows:
- 48           **SEC. 9.1 COASTAL SEA TURTLE PROTECTION AND SAND PRESERVATION.**
- 49           **A. PURPOSE AND INTENT.**
- 50           The purpose of this section is to preserve and protect the  
51           integrity of the coastal beach/dune system from any activity  
52           which would tend to destabilize the dune or reduce the ability of

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1 ~~the coastal beach and dune to respond naturally to storm events.~~  
2 ~~A naturally functioning beach/dune system is vital to the~~  
3 ~~protection of upland property, the control of beach erosion,~~  
4 ~~hurricane protection, coastal flood control and shoreline and~~  
5 ~~offshore rehabilitation. In addition, it is a vital physical~~  
6 ~~feature of the natural environment possessing outstanding~~  
7 ~~geological, biological, recreational and scenic value for this~~  
8 ~~and succeeding generations of citizens. This section is also~~  
9 ~~intended to reduce impacts of coastal development lighting on sea~~  
10 ~~turtles. This section is also intended to maintain the volume and~~  
11 ~~quality of sand presently existing within the beach/dune system.~~  
12 ~~The unique characteristics of sediments contained in the existing~~  
13 ~~beaches and dunes of Palm Beach County require the preservation~~  
14 ~~of these materials within the beach/dune system.~~

15 **Subpart** Section 9.1.B., Coastal Protection, Definitions is  
16 amended to add, delete and reformat language as follows:  
17 **B. DEFINITIONS.**

18 Terms in this section shall have the following definitions.  
19 Additional terms defined in Article 3 may not apply to this  
20 section.

21 1. **Alteration or materially alter** means, for the purpose of this  
22 section, the removal ~~addition, or moving~~ of sand ~~the removal~~  
23 ~~or addition of any vegetation by planting or transplanting;~~  
24 ~~or the destruction, pruning, cutting, or trimming of any~~  
25 ~~vegetation, but shall exclude the removal of trees,~~  
26 ~~seedlings, runners, suckers, and saplings of prohibited and~~  
27 ~~invasive non-native plant species identified in Section~~  
28 ~~7.5.H, Vegetation Preservation and Protection. It shall also~~  
29 ~~mean any construction, excavation or placement of a structure~~  
30 ~~which has the potential to affect coastal biological~~  
31 ~~resources, the control of beach erosion, hurricane~~  
32 ~~protection, coastal flood control or shoreline and offshore~~  
33 ~~rehabilitation. from the Sand Preservation Zone (SPZ).~~

34 2. ~~**Armoring** is the placement of manmade structures or devices in~~  
35 ~~or near the coastal system for the purpose of preventing~~  
36 ~~erosion of the beach or the upland dune system or to protect~~  
37 ~~upland structures from the effects of coastal wave and~~  
38 ~~current activity. Such structures include but are not limited~~  
39 ~~to sea walls, bulkheads, revetments, rock rip rap, sand bags,~~  
40 ~~tee scour protection and geotextile tubing. Armoring does not~~  
41 ~~include structures or activities such as jetties or groins or~~  
42 ~~activities whose purpose is to add sand to the beach or dune,~~  
43 ~~or structures whose purpose is to alter the natural coastal~~  
44 ~~currents, or to stabilize the mouths of inlets, or minor~~  
45 ~~upland structures whose purpose is to retain upland fill and~~  
46 ~~which are designed to be frangible under high frequency~~  
47 ~~coastal hydrodynamic forces.~~

48 2.3. Artificial light source(s) shall mean any exterior source of  
49 light emanating from a man-made device, including but not  
50 limited to, incandescent, mercury vapor, metal halide or  
51 sodium lamps, spotlights, flood lights, landscaping lights,  
52 street lights, vehicular lights, construction or security  
53 lights.

54 3.4. Beach means the zone of unconsolidated material that extends

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1 landward from the mean high water line of the Atlantic Ocean  
2 to the place where there is a marked change in material or  
3 physiographic form, or to the line of permanent vegetation,  
4 usually the effective limit of storm waves. Beach is  
5 alternately termed shore.

6 ~~5. Beach access point shall mean any path through or over the~~  
7 ~~dune used by the general public or, with respect to private~~  
8 ~~property, by the owner or with the owner's permission, for~~  
9 ~~the purpose of gaining access to the beach.~~

10 ~~6. Beach cleaning means the clearing or burying of seaweed,~~  
11 ~~debris, dead fish, or trash or the contouring of the beach by~~  
12 ~~raking and leveling, provided that such activity shall not~~  
13 ~~disturb existing beach or dune vegetation. Such activity~~  
14 ~~shall not change the final ground elevations greater than one~~  
15 ~~foot.~~

16 4.7. Beach compatible sand shall mean any sand that is similar to  
17 the native beach and dune material in terms of grain, size,  
18 distribution and color. The fill material shall consist of  
19 sand that falls within the same size classification of sand  
20 within the Unified Soils Classification System [i.e., fine  
21 sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and  
22 coarse sand (2.0 to 4.76 mm)] as that of the native beach  
23 material. The acceptable silt/clay fraction (<0.074 mm) and  
24 gravel/cobble fraction (>4.76 mm) shall be determined by ERM  
25 based upon site conditions. Sand grain size analyses shall  
26 be consistent with the grain size methodology described in  
27 Folk, Robert L. 1980, *Petrology of Sedimentary Rocks*. The  
28 fill material color shall match the color of the existing  
29 beach and dune coloration as closely as possible.

30 ~~8. Beach fill means sand placed on the beach.~~

31 5.9. Beachfront lighting shall mean all lighting within or  
32 causing illumination within the jurisdictional boundaries of  
33 this section. For the purpose of this section, Coastal  
34 Lighting is synonymous with Beachfront Lighting.

35 6.10. Board means the Board of County Commissioners  
36 representing Palm Beach County.

37 ~~11. Coastal Protection Zone means an area of jurisdiction~~  
38 ~~established by this section. This zone extends from the mean~~  
39 ~~high water line of the Atlantic Ocean to a line twenty five~~  
40 ~~(25) feet landward of the crest of dune or the State of~~  
41 ~~Florida Coastal Construction Control Line, whichever is more~~  
42 ~~landward.~~

43 ~~12. Coastal vegetation means all native plant species indigenous~~  
44 ~~to Palm Beach County's beaches and dunes. The coastal~~  
45 ~~vegetation species allowed for use are provided in this~~  
46 ~~section.~~

47 7.13. Crest of the dune means the highest point in elevation of  
48 the dune.

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- 1           **8.14.** Day means calendar day unless otherwise stated.
- 2           **9.15.** Dune means a hill or ridge of windblown sand and marine  
3           deposits lying landward of, and adjacent to, the beach  
4           which is formed by natural or artificial processes.
- 5           **10.16.** Dune profile means the cross-sectional configuration of  
6           the dune.
- 7           **11.17.** Egg means a shelled reproductive body produced by sea  
8           turtles.
- 9           ~~19. Emergency means any unusual incident which results in  
10           immediate danger to the health, safety, welfare or resources  
11           of the residents of the County, including damages to, or  
12           erosion of, any shoreline resulting from a hurricane, storm,  
13           or other such violent disturbance.~~
- 14           **12.19.** ERM means the Palm Beach County Department of  
15           Environmental Resources Management.
- 16           **13.20.** Excavation means removal or displacement of soil or sand  
17           ~~or vegetation~~ by the processes not limited to of digging,  
18           dredging, ~~cutting~~, scooping, or hollowing out.
- 19           **14.21.** Ground-level barrier means any natural or artificial  
20           structure rising above the ground which prevents  
21           beachfront lighting from shining directly onto the  
22           beach/dune system.
- 23           **15.22.** Hatchling means any specimen of sea turtle, within or  
24           outside of a nest, which has recently hatched from an  
25           egg.
- 26           ~~23. Listed Species means any species listed as endangered,  
27           threatened, rare, or of special concern by one (1) or more  
28           of the following agencies: (1) U.S. Fish and Wildlife  
29           Service; (b) Florida Game and Fresh Water Fish Commission;  
30           (d) Florida Committee on Rare and Endangered Plants and  
31           Animals; (e) Florida Department of Agriculture and Consumer  
32           Services; or (f) Treasure Coast Regional Planning Council.~~
- 33           **16.** Illumination means any artificial light source directly or  
34           indirectly cast within the jurisdictional boundaries of this  
35           section and visible from the beach.
- 36           **17.** Line of sight of beach means any position that is visible  
37           from any portion of the nesting beach and is not limited to  
38           a shore perpendicular direction.
- 39           ~~24. Motor vehicle includes any auto, car, van, truck, tractor,  
40           motorcycle, dune buggy, moped, ATC, or other similar  
41           vehicles, but excludes wheelchairs and emergency rescue  
42           vehicles.~~
- 43           **18.25.** Nest means the area in which sea turtle eggs are  
44           naturally deposited or relocated beneath the sediments of  
45           the beach/dune system.

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1 ~~F.A.C., of the Florida Department of Natural Resources,~~  
2 ~~Rules and Procedures for Coastal Construction and Excavation~~  
3 ~~are adopted as if set forth in full herein. In the event of~~  
4 ~~a conflict between this Section and the adopted F.A.C., the~~  
5 ~~provisions which are more stringent shall govern.~~

6 **Subpart** Section 9.1.C., Coastal Protection, Short Title and  
7 Applicability is amended to add and delete language as  
8 follows:

9 **C. SHORT TITLE AND APPLICABILITY.**

10 1. This section shall be known as the Palm Beach County Sea  
11 Turtle Coastal Protection and Sand Preservation Standards. It  
12 repeals and replaces Palm Beach County Ordinances 72-12, 78-  
13 20, 87-13 and 90-2.

14 2. All provisions of this section shall be effective within the  
15 unincorporated and incorporated areas of Palm Beach County,  
16 Florida, and shall set restrictions, constraints and  
17 requirements to preserve and protect ~~the coastal beaches,~~  
18 ~~dunes, coastal vegetation,~~ sea turtles, and sea turtle  
19 habitat and beach/dune sediments.

20 3. Palm Beach County funds for dune restoration or shore  
21 protection projects in municipalities shall be contingent  
22 upon this section being fully enforced or the adoption and  
23 enforcement of an equally stringent or more stringent  
24 ordinance by a municipality. Funding determinations shall be  
25 based on ERM's review and acceptance or rejection of a  
26 municipality's replacement ordinance, as well as a review of  
27 permits and variances and enforcement notices issued pursuant  
28 to the municipal ordinance.

29 4. This section shall apply to any coastal lighting activity  
30 that has the potential to adversely impact ~~the coastal~~  
31 ~~beaches, dunes and sea turtles~~ in Palm Beach County within  
32 the limits of jurisdiction. This section shall also apply to  
33 any sand removal or degradation that has the potential to  
34 adversely impact the unique sediments which comprise the  
35 coastal beach/dune system in Palm Beach County within the  
36 limits of jurisdiction.

37 ~~5. This section shall be liberally construed to effect the~~  
38 ~~purpose set forth herein.~~

39 **Subpart** Section 9.1.D., Coastal Protection, Authority has not  
40 been amended and is included for clarity purposes.

41 **D. AUTHORITY.**

42 This section is adopted under the authority of Sec. 125.01 et  
43 seq., Fla. Stat.

44 **Subpart** Section 9.1.E., Coastal Protection, Jurisdiction is  
45 amended to add, delete and reformat language as follows:

46 **E. JURISDICTION.**

47 1. ERM shall have regulatory authority over coastal lighting and  
48 alterations to the beach/dune system ~~beaches, dunes and~~  
49 ~~coastal lighting~~. This section establishes two (2) zones of  
50 jurisdiction ~~the Coastal Protection Zone and the Sand~~  
51 ~~Preservation/ Sea Turtle Protection Zone the Sea Turtle~~

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- 1           Protection Zone and the Sand Preservation Zone. The Sea  
 2           Turtle Protection Zone extends from 3 miles offshore of the  
 3           Atlantic Ocean and along inlet shorelines to a line six  
 4           hundred feet (600') landward of the mean high water line. The  
 5           Sand Preservation Zone extends from the mean high water line  
 6           of the Atlantic Ocean to a line six hundred feet (600')  
 7           landward.
- 8           ~~(2) The Coastal Protection Zone is established for the purposes~~  
 9           ~~of protecting the integrity of the coastal beach and dune~~  
 10           ~~system. This zone extends from the mean high water line of~~  
 11           ~~the Atlantic Ocean to a line twenty five feet (25') landward~~  
 12           ~~of the crest of the dune or the State of Florida Coastal~~  
 13           ~~Construction Control Line (CCCL), whichever is more~~  
 14           ~~landward. In areas where the natural dune has been severely~~  
 15           ~~altered due to clearing, grading or armoring, a twenty five~~  
 16           ~~(25) foot setback shall be established from the top of~~  
 17           ~~armoring.~~
- 18           2. (3) The Sand Preservation/ Sea Turtle Protection Zone Sea  
 19           Turtle Protection Zone is established for two (2)  
 20           ~~reasons. They are: (a) for the purposes of maintaining~~  
 21           ~~the volume and quality of beach sand presently existing~~  
 22           ~~within the beach/dune system. The unique characteristics~~  
 23           ~~of the sediments contained in the existing beaches and~~  
 24           ~~dunes of Palm Beach County require the preservation of~~  
 25           ~~these materials within the beach/dune system. (b) for~~  
 26           ~~the purpose of minimizing and controlling coastal~~  
 27           ~~lighting. Incorporated areas of Palm Beach County which~~  
 28           ~~have a Sea Turtle Protection Ordinance in effect shall~~  
 29           ~~not be subject to the provisions of this section which~~  
 30           ~~pertain to coastal lighting. The Sand Preservation/Sea~~  
 31           ~~Turtle Protection Zone extends from mean high water of~~  
 32           ~~the Atlantic Ocean to a line six hundred feet (600')~~  
 33           ~~landward.~~
- 34           3. The Sand Preservation Zone is established for the purposes of  
 35           ~~maintaining the volume and quality of beach sand presently~~  
 36           ~~existing within the beach/dune system. The unique~~  
 37           ~~characteristics of the sediments contained in the existing~~  
 38           ~~beaches and dunes of Palm Beach County require the~~  
 39           ~~preservation of these materials within the beach/dune system.~~  
 40           ~~Incorporated areas of Palm Beach County which have provisions~~  
 41           ~~to preserve beach/dune sediments in effect shall not be~~  
 42           ~~subject to the provisions of this section which pertain to~~  
 43           ~~Sand Preservation.~~
- 44           4. Within the limits of jurisdiction of the Coastal Sea Turtle  
 45           Protection Zone (STPZ) as defined in this section, no person,  
 46           firm, corporation, municipality, special district or public  
 47           agency shall install any artificial lighting without first  
 48           having obtained an approved Sea Turtle Protection Lighting  
 49           Plan from ERM as provided for in this section. Existing  
 50           beachfront lighting located within or causing illumination  
 51           within the STPZ as defined herein shall comply with Section  
 52           9.1 I.
- 53           ~~a. construct any structure,~~  
 54           ~~b. place any soil, sand or material,~~  
 55           ~~c. make any excavation,~~  
 56           ~~d. remove any existing soil, sand or beach material or otherwise~~

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- 1           ~~alter existing ground elevations;~~
- 2           ~~e. alter, damage or cause to be damaged any sand dune or coastal~~  
3           ~~vegetation;~~
- 4           ~~f. install any artificial lighting; or~~
- 5           ~~g. drive any motor vehicle on, over, or across any beach or sand~~  
6           ~~dune without first having obtained a permit from ERM as~~  
7           ~~provided for in this section. Nothing herein shall prevent~~  
8           ~~official motor vehicles of any governmental agency or~~  
9           ~~permitted agent of the State from traversing any sand dune or~~  
10           ~~beach in the performance of official duties, provided the~~  
11           ~~vehicle operators avoid coastal vegetation whenever possible~~  
12           ~~and drive as close to the low water line as possible.~~
- 13           5. Within the limits of jurisdiction of the Sand  
14           Preservation/Sea Turtle Protection Zone Sand Preservation  
15           Zone as defined in this subsection section, no person, firm,  
16           corporation, municipality, special district or public agency  
17           shall remove any beach or dune sediments from their property  
18           or from the Sand Preservation/Sea Turtle Protection Zone Sand  
19           Preservation Zone or install any artificial lighting without  
20           first having obtained a permit from ERM as provided for in  
21           complying with this Section 9.1.K.
- 22           ~~6. Upon request, ERM shall provide a Coastal Protection Zone~~  
23           ~~jurisdictional determination of a specified parcel of land.~~  
24           ~~The request shall include at least three (3) topographic~~  
25           ~~surveys of the subject property with a scale of 1" = 20' or~~  
26           ~~less, within the property boundaries clearly marked. The~~  
27           ~~survey shall include the Coastal Construction Control Line~~  
28           ~~(CCCL) as well as spot elevations to the nearest one tenth~~  
29           ~~foot throughout the beach dune area. At the request of ERM,~~  
30           ~~the landowner may be required to provide additional~~  
31           ~~elevations, directions, or access or field markings of the~~  
32           ~~subject property. Such jurisdictional determinations shall be~~  
33           ~~considered accurate by ERM for a period of two (2) years~~  
34           ~~unless there is a change to this section, at which time the~~  
35           ~~jurisdictional determination shall be considered invalid.~~
- 36           **Subpart** Section 9.1.F., Coastal Protection, Exemptions is  
37           amended to delete and add language as follows:
- 38           **F. EXEMPTIONS.**
- 39           ~~1. The following activities are exempt from the permitting~~  
40           ~~requirements of this section:~~
- 41           ~~a. The voluntary planting of native dune plants as identified on~~  
42           ~~the approved plant list (Sec. 9.1.0) provided that:~~
- 43           ~~(1) planting which is located seaward of the existing vegetation~~  
44           ~~strand occurs outside of the peak sea turtle nesting season~~  
45           ~~(May 1 through October 31),~~  
46           ~~(2) that no existing dune vegetation will be impacted during the~~  
47           ~~course of planting, and~~  
48           ~~(3) plant selection is based upon the appropriate dune zone to~~  
49           ~~be revegetated (pioneer, scrub, forest).~~
- 50           ~~b. Minor dune enhancement projects which involve the placement~~  
51           ~~of no greater than 100 cubic yards of beach compatible sand~~  
52           ~~within the coastal protection zone provided that:~~
- 53           ~~(1) its placement area will not impact native dune vegetation,~~  
54           ~~(2) the fill area is vegetated within 10 days of placement with~~

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- 1 approved plants (Sec 9.1.0);  
2 ~~(3) construction occurs outside of the peak sea turtle nesting~~  
3 ~~season (May 1 through October 31; and~~  
4 ~~(4) plant selection is based upon the appropriate zone to be~~  
5 ~~revegetated (pioneer, scrub, forest).~~  
6 e. ~~The removal of harmful exotic vegetation provided that no~~  
7 ~~native vegetation will be adversely impacted and provided~~  
8 ~~that cleared areas are quickly replanted with native coastal~~  
9 ~~vegetation according to the list provided in Section 9.1.C.~~  
10 ~~and will be placed in appropriate natural zones on the dune~~  
11 ~~profile.~~  
12 d. ~~The placement of lifeguard towers on an unvegetated area of~~  
13 ~~the beach outside the peak sea turtle nesting season.~~  
14 e. ~~The installation of public utility transmission lines~~  
15 ~~provided that such lines are designed to minimize impacts to~~  
16 ~~native vegetation and occur outside the peak sea turtle~~  
17 ~~nesting season. If impacts to the vegetation are unavoidable,~~  
18 ~~any loss shall be replaced in kind, following utility line~~  
19 ~~placement.~~

20 ~~(f)1.~~ Those projects for which ERM determines that there will  
21 be no significant environmental impacts shall be exempt  
22 from obtaining a Sea Turtle Lighting Plan approval.

23 **Subpart** Section 9.1.G., Coastal Protection, General Permits is  
24 retitled to Sea Turtle Protection Lighting Plan (STLP)  
25 and is amended to delete, add and reformat language as  
26 follows:

27 **G. SEA TURTLE PROTECTION LIGHTING PLAN (STLP) GENERAL PERMITS**

- 28 1. A Sea Turtle Lighting Plan (STLP) Approval is required for  
29 all new building construction and new artificial lighting  
30 proposed within the Sea Turtle Protection Zone. A STLP shall  
31 be approved by ERM prior to the issuance of a building permit  
32 by the Department of Planning, Zoning and Building or the  
33 local building Department. General Permits are required for  
34 the construction of dune walkovers, coastal vegetation  
35 trimming, beach cleaning, emergency repairs, dune  
36 revegetation and maintenance projects that are not otherwise  
37 exempt, and minor fill projects involving the placement of  
38 101 to 500 cubic yards of fill over less than 10,000 square  
39 feet. General Permits shall be issued provided the proposed  
40 project complies with the criteria specified in Sec. 9.1.H.  
41 Applicants with proposed projects that do not meet the  
42 criteria for a General Permit must apply for a Permit  
43 pursuant to 9.1.I.
- 44 2. ~~General Permit an~~ Applications shall be made on a form  
45 approved by ERM. ERM may make use of forms already in use by  
46 State and/or federal agencies.
- 47 ~~3.11~~ ERM may attach conditions to any General Permit STLP  
48 approval where such conditions are deemed reasonably  
49 necessary to protect sea turtles, ~~the environmental~~  
50 ~~integrity of the subject site, or areas of potential impact.~~
- 51 ~~4.12~~ Any application received that is substantially the same as a  
52 previous application that has been denied by ERM shall also  
53 be denied without further processing.
- 54 ~~5.13~~ Any site or property owner that is subject to or recipient  
55 of a notice of violation or notice of General permit  
56 noncompliance that remains unresolved shall not ~~to~~ be issued

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- 1 an ERM General Permit or Permit STLP approval.
- 2 ~~6.3-~~ An application STLP approval shall not be deemed complete  
3 issued or processed until the application fee and any and  
4 all information necessary to fully understand the extent,  
5 nature, and potential impacts of a proposed project lighting  
6 plan are received by ERM. Such information may include, but  
7 is not limited to:
- 8 a. a completed application form;
- 9 b. an explanation of the necessity and purpose of the project  
10 proposed lighting;
- 11 ~~c. a description of construction techniques and schedules.~~
- 12 ~~c.d-~~ photographs of existing conditions which may include aerial  
13 photographs;
- 14 ~~d.e-~~ plans showing profile and plan views including depicting all  
15 light fixture locations, the elevations of proposed and  
16 existing structures, proposed and existing vegetation,  
17 beach/dune profiles and pertinent topographic information.  
18 dune and vegetation;
- 19 ~~f. sediment analysis of existing dune and beach and any proposed~~  
20 ~~fill material.~~
- 21 ~~4. When an application is made for work in common areas of a~~  
22 ~~multi family residential site ( i.e., condominiums,~~  
23 ~~apartments, townhouses, villas, etc.) the representative~~  
24 ~~association, or all of the homeowners as a group, shall be~~  
25 ~~the applicant. ERM shall not process an application made by~~  
26 ~~one unit owner in a multi family setting where the work is~~  
27 ~~proposed on lands designated as, or can reasonably be~~  
28 ~~considered to be, common areas.~~
- 29 ~~5. Upon receipt of an application and appropriate application~~  
30 ~~fee, ERM shall have twenty (20) days to request any~~  
31 ~~additional information pursuant to Sec. 9.1.G.3 above.~~
- 32 ~~6. If ERM does not make a request for additional information~~  
33 ~~within twenty (20) days of receipt of an application and~~  
34 ~~appropriate application fee or requested information, the~~  
35 ~~application shall be deemed complete upon receipt.~~
- 36 ~~7. Failure to respond to an ERM request for additional~~  
37 ~~information within sixty (60) days may result in the~~  
38 ~~application being denied without prejudice. However, ERM may~~  
39 ~~grant an extension of time as is reasonably necessary to~~  
40 ~~fulfill a request for additional information.~~
- 41 ~~8. Upon receipt of a completed application and fee, ERM shall~~  
42 ~~have forty five (45) days to take final action unless the~~  
43 ~~applicant agrees in writing to a time extension or waiver of~~  
44 ~~this requirement. Final agency action shall be General Permit~~  
45 ~~issuance, conditional General Permit issuance, or notice of~~  
46 ~~inapplicability under the General Permit criteria.~~
- 47 ~~9. Any General Permit application containing false information~~  
48 ~~may be rejected and any General Permit issued based upon~~  
49 ~~false information may be revoked.~~
- 50 ~~10. General Permits may be issued by ERM with a duration of one~~

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- 1 d. ~~The proposed project will not adversely impact the~~  
2 ~~conservation of wildlife or their habitats with special~~  
3 ~~emphasis placed upon the protection of listed species.~~
- 4 e. ~~Project alternatives and modifications to lessen impacts have~~  
5 ~~been determined to be infeasible.~~
- 6 f. ~~The project is not in contravention with any other federal,~~  
7 ~~state or local designated preserve, conservation or~~  
8 ~~mitigation area.~~
- 9 g. ~~ERM determines that the cumulative impacts of the subject~~  
10 ~~project and other similar projects will also meet the~~  
11 ~~criteria of this section.~~
- 12 h. ~~Any and all light fixtures shall be designed to be the~~  
13 ~~minimum level necessary for safety and will be positioned~~  
14 ~~such that they do not cause illumination (direct or indirect)~~  
15 ~~of areas seaward of the existing seawall or crest of dune and~~  
16 ~~the source of light is not directly visible from the beach.~~
- 17 i. ~~There shall be no adverse impacts to sea turtles, sea turtle~~  
18 ~~nesting and sea turtle habitat. Measures that may be~~  
19 ~~implemented to protect sea turtles include:~~  
20 ~~(1) Design and placement of structures to minimize impacts;~~  
21 ~~(2) Scheduling construction to occur outside peak nesting~~  
22 ~~season;~~  
23 ~~(3) Daily nesting surveys allowing nests to be marked and~~  
24 ~~avoided during construction; or~~  
25 ~~(4) Elimination or alternation of all proposed or existing~~  
26 ~~exterior lights that cause direct or indirect illumination~~  
27 ~~of areas seaward of the existing crest of dune or which are~~  
28 ~~visible from the beach.~~
- 29 j. ~~The proposed project is in accordance with Rule 16B-33.005,~~  
30 ~~F.A.C., Florida Department of Natural Resources (FDNR) Rules~~  
31 ~~and Procedures for Coastal Construction and excavation. In~~  
32 ~~the event of a conflict between this section and the F.A.C.,~~  
33 ~~the provisions which are more stringent shall govern.~~
- 34 k. ~~The proposed project is in accordance with Rule 16B-33.007,~~  
35 ~~F.A.C., Rules and Procedures for Coastal Construction and~~  
36 ~~excavation. In the event of a conflict between this section~~  
37 ~~and the adopted F.A.C., the provisions which are more~~  
38 ~~stringent shall govern.~~
- 39 l. ~~ERM staff shall consider the FDNR Policy Memoranda (PM) 1-32~~  
40 ~~when evaluating coastal permit applications.~~
- 41 2. ~~In addition to the foregoing general criteria, a general~~  
42 ~~permit shall not be issued for the following specific~~  
43 ~~activities unless and until the following specific criteria~~  
44 ~~have been met:~~
- 45 a. ~~**Dune Walkovers.** When issuing permits for dune walkovers, BRM~~  
46 ~~shall require that:~~  
47 ~~(1) Privately owned structures shall not exceed four (4) feet in~~  
48 ~~walkway width.~~  
49 ~~(2) Publicly owned structures or those serving multi family~~  
50 ~~residences or resorts shall not exceed eight (8) feet in~~  
51 ~~width.~~  
52 ~~(3) The walkover shall be located in an area that will ensure~~  
53 ~~minimal disturbance to existing native vegetation.~~

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- 1           Construction activity shall disturb the minimum amount of  
2           vegetation with preference given to preserving scrub and  
3           forest zone vegetation and in no case shall such disturbance  
4           exceed the width of the permitted walkover.  
5           ~~(4) The slope of the walkover shall match the slope of the dune~~  
6           ~~as closely as possible while still meeting applicable~~  
7           ~~building codes for stairs.~~  
8           ~~(5) Construction which has potential impacts to sea turtle~~  
9           ~~nesting shall occur only between November 1 and April 30.~~
- 10           **~~b. Coastal Vegetation Trimming~~**
- 11           ~~In order to create visual corridors between upland properties and~~  
12           ~~the ocean, coastal vegetation may be trimmed on an annual basis.~~  
13           ~~The objective of these criteria is to provide for these visual~~  
14           ~~corridors without having a negative impact upon the beaches,~~  
15           ~~dunes and native dune ecosystems. No coastal vegetation trimming~~  
16           ~~shall be permitted if it results in additional lights being~~  
17           ~~visible from the beach or exposure of salt sensitive coastal~~  
18           ~~hammock vegetation to increased salt spray. Coastal vegetation~~  
19           ~~trimming projects shall comply with the following criteria:~~
- 20           ~~(1) Reducing height of sea grapes. Sea grape trees may be~~  
21           ~~permitted to be maintained to ten (10) feet in height. For~~  
22           ~~trees greater than ten (10) feet in height, the sea grape~~  
23           ~~will not be reduced greater than twenty five (25) percent~~  
24           ~~per year to a height of ten (10) feet. If the height of sea~~  
25           ~~grapes is reduced, no windows shall be permitted under the~~  
26           ~~trimmed canopy.~~  
27           ~~(2) Viewing windows. Viewing corridor "windows" may be trimmed~~  
28           ~~through sea grapes provided they meet the following~~  
29           ~~criteria:~~  
30           ~~(a) No "window" may be over twenty (20) feet in length.~~  
31           ~~(b) All "windows" shall be separated by a minimum of twenty (20)~~  
32           ~~feet of untrimmed dune vegetation.~~  
33           ~~(c) "Windowing" shall not comprise more than twenty percent~~  
34           ~~(20%) of the property frontage.~~  
35           ~~(d) The maximum height of any "window" shall be eight (8) feet~~  
36           ~~(as measured from the landward side of the sea grape stand).~~  
37           ~~(e) Only branches less than one (1) inch in diameter may be~~  
38           ~~trimmed.~~  
39           ~~(f) All sea grapes shall retain a minimum four (4) feet canopy~~  
40           ~~after trimming (as measured from the landward side of the~~  
41           ~~sea grape stand).~~  
42           ~~(g) Sea grapes shall be a minimum of eight (8) feet in height~~  
43           ~~(as measured from the landward side of the sea grape stand)~~  
44           ~~before "window" trimming will be considered.~~  
45           ~~(h) Where "windowing" occurs no hedging will be permitted.~~  
46           ~~(3) Freeze damaged sea grapes. Freeze damaged sea grapes may be~~  
47           ~~trimmed for aesthetic reasons. However, ERM general permits~~  
48           ~~for such alteration shall be subject to the following~~  
49           ~~conditions:~~  
50           ~~(a) ERM shall not consider a request to trim freeze damaged sea~~  
51           ~~grape until October 1, following the freeze event.~~  
52           ~~(b) Freeze damaged sea grape shall not be reduced by more than~~  
53           ~~fifty (50) percent of the original height and in no case~~  
54           ~~shall the height be reduced lower than four (4) feet above~~  
55           ~~the ground elevation.~~  
56           ~~(c) Freeze damaged sea grape may be altered by removing dead~~  
57           ~~wood no closer than one (1) foot from live material, in no~~  
58           ~~case to exceed the specifications of Sec. 9.1.H.2.b.~~  
59           ~~(d) Branches removed shall be chipped and left on the dune.~~

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- 1 ~~e. Beach Cleaning Activity. Routine raking of seaweed and other~~  
2 ~~natural debris is strongly discouraged because of the role it~~  
3 ~~plays in dune formation, beach stabilization and as a food~~  
4 ~~source for birds and invertebrates that inhabit the coastal~~  
5 ~~zone. Beach cleaning activities should target and be designed~~  
6 ~~for the removal of man created trash and litter.~~
- 7 ~~(1) Beach cleaning equipment will be permitted on the beach~~  
8 ~~provided that mechanized equipment is not used within~~  
9 ~~fifteen (15) feet of any existing coastal vegetation.~~  
10 ~~Existing coastal vegetation specifically includes isolated~~  
11 ~~patches of pioneer plants and seedlings.~~
- 12 ~~(2) Naturally occurring organic debris such as seaweed shall be~~  
13 ~~left on the beach. The debris may be either left in place or~~  
14 ~~raked into piles. Outside of peak sea turtle nesting season,~~  
15 ~~the piles may be buried in a continuous line along the beach~~  
16 ~~or placed at the base of an unvegetated dune scarp provided~~  
17 ~~that mechanized equipment is not used within fifteen (15)~~  
18 ~~feet of the toe of the dune or within fifteen (15) feet of~~  
19 ~~any existing vegetation. During peak sea turtle nesting~~  
20 ~~season, debris must be left at or below the previous high~~  
21 ~~tide mark. Trash and litter, such as plastics, shall be~~  
22 ~~removed from the beach and properly disposed of at a~~  
23 ~~resource recovery facility or recycling center. Raked debris~~  
24 ~~shall not be placed on adjacent property without permission~~  
25 ~~from the adjacent property owner.~~
- 26 ~~(3) Equipment, methodologies and points of access shall be~~  
27 ~~consistent with beach dune preservation policies established~~  
28 ~~by Palm Beach County and the State.~~
- 29 ~~(4) Beach cleaning shall be confined to daylight hours.~~
- 30 ~~(5) During the peak nesting season (May 1 through October 31):~~
- 31 ~~(a) Beach cleaning operations shall be limited to the wrack line~~  
32 ~~(previous high tide mark) or below.~~
- 33 ~~(b) Light weight motorized vehicles having wide, low profile,~~  
34 ~~low pressure tires shall be used to conduct beach cleaning~~  
35 ~~operations instead of heavy equipment.~~
- 36 ~~(c) Devices used for removing debris from the beach shall be~~  
37 ~~designed and/or operated such that they do not penetrate~~  
38 ~~beach sediments by more than two (2) inches.~~
- 39 ~~(d) Access for beach cleaning equipment is restricted to access~~  
40 ~~points approved by ERM.~~
- 41 ~~d. Emergency Repairs. An emergency repair may be authorized~~  
42 ~~where the proposed construction is necessary to prevent the~~  
43 ~~imminent collapse of a structure, or where the proposed~~  
44 ~~construction is for placement of sand fill or sand filled~~  
45 ~~bags and a structure which constitutes a human hazard. ERM~~  
46 ~~staff shall conduct an on-site inspection and an evaluation~~  
47 ~~prior to authorizing any emergency repair.~~
- 48 ~~e. Dune Restoration. When issuing general permits for dune~~  
49 ~~restoration (101 to 500 cubic yards over 10,000 square feet~~  
50 ~~or less), ERM shall require that:~~
- 51 ~~(1) All plants used for restoration plantings must be selected~~  
52 ~~from the Approved Plant List, Section 9.1.0. ERM may approve~~  
53 ~~additional species on the list that can be documented to be~~  
54 ~~local native coastal species.~~
- 55 ~~(2) Plants shall be selected according to vegetation community~~  
56 ~~being restored: pioneer zone, scrub zone or forest zone.~~
- 57 ~~(3) Temporary irrigation systems may be installed, but must be~~  
58 ~~placed above the ground and removed or disconnected from the~~  
59 ~~water source within six (6) months of the completion of~~  
60 ~~planting.~~

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1           **Subpart** Section 9.1.I., Coastal Protection, Permits is deleted  
2           in its entirety, except for Sections 9.1.I.3.i., Coastal  
3           Protection, Permits, Light and Window Tinting  
4           Information, and Section 9.1.I.5-15, Coastal Protection,  
5           Permits, which are being incorporated into 9.1.G,  
6           Coastal Protection, General Permits, above and Section  
7           9.1.I, Coastal Protection, Permits, is retitled to  
8           Standards for Existing Beach Front Lighting found below.

9           **~~I. PERMITS.~~**

- 10           ~~1. Any activity described in Sec. 9.1, 9.2 not qualifying for a~~  
11           ~~General Permit (Sec. 9.1.G) shall require a permit by ERM,~~  
12           ~~unless specifically exempted by this section.~~
- 13           ~~2. Permit applications shall be made on forms approved by ERM.~~  
14           ~~ERM may make use of forms already in use by state and/or~~  
15           ~~federal agencies.~~
- 16           ~~3. An application shall not be deemed complete until the~~  
17           ~~application fee and any and all information necessary to~~  
18           ~~fully understand the extent, nature, and potential impacts of~~  
19           ~~a proposed project are received by ERM. Such information may~~  
20           ~~include, but is not limited to:~~
- 21           ~~a. A completed application form.~~  
22           ~~b. An explanation of the necessity and purpose of the project.~~  
23           ~~c. A description of construction techniques and schedules.~~  
24           ~~d. Photographs of existing conditions which may include aerial~~  
25           ~~photographs.~~  
26           ~~e. Plans showing profile and plan views including elevations of~~  
27           ~~the proposed structure, dune and vegetation.~~  
28           ~~f. Sediment analysis of existing dune and beach and any proposed~~  
29           ~~fill material.~~  
30           ~~g. Engineering models and predictions.~~  
31           ~~h. Biological evaluation of the proposed project site.~~
- 32           ~~e.i Light and Window Tinting Information.~~ Electrical, building  
33           and landscape plans shall be submitted illustrating for all  
34           exterior lights and windows within line of sight of the  
35           beach ~~in unincorporated Palm Beach County and in~~  
36           ~~municipalities that do not have a sea turtle protection~~  
37           ~~ordinance in effect.~~ Light and window tinting information  
38           shall include:
- 39           (1) The location, number, wattage, elevation, orientation,  
40           fixture cut sheets, photometric illustrations and all  
41           ~~type(s) of proposed artificial light sources floodlights,~~  
42           ~~spotlights, and other fixtures discharging lighting.~~  
43           ~~(2) The location, number, wattage, elevation, orientation,~~  
44           ~~fixture cut sheets and type of all other Artificial light~~  
45           ~~sources shall include, but are not limited to, floodlights,~~  
46           ~~spotlights, temporary security lights, those used on~~  
47           balconies, walkways, recreational areas, roadways, parking  
48           lots, dune crossovers, decks, boardwalks and signs.  
49           (2) Protective/mitigative measures to minimize lighting impacts  
50           on sea turtles, including measures to prevent direct and  
51           indirect illumination of areas seaward of the crest of the  
52           dune.  
53           (3) Window tinting specifications for all windows and doors  
54           within line of sight of the beach including percentage of  
55           visible light transmittance (see definition of tinted  
56           glass).

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- 1 ~~j For projects constructed during the peak sea turtle nesting~~  
2 ~~season, the additional information may also be required.~~
- 3 ~~(1) A schedule of proposed construction periods.~~  
4 ~~(2) The number of lineal feet of shoreline seaward of the dune~~  
5 ~~upon which construction will occur.~~  
6 ~~(3) The number and type of vehicles anticipated during~~  
7 ~~construction, the type of equipment and materials to be used~~  
8 ~~seaward of the dune, and the location of beach access points~~  
9 ~~to be used in moving equipment and materials to and from the~~  
10 ~~construction site.~~  
11 ~~(4) The location, number, wattage, elevation and orientation,~~  
12 ~~and type of temporary nighttime security lights.~~  
13 ~~(5) Protective/mitigative measures to minimize construction~~  
14 ~~impacts on sea turtles.~~  
15 ~~(6) Name and PDNR turtle permit number of person responsible for~~  
16 ~~implementing protective measures.~~
- 17 ~~4. Notification of Affected Parties. When an application is made~~  
18 ~~for work that has the potential to affect shoreline erosion~~  
19 ~~and environmental protection on adjacent properties, it shall~~  
20 ~~be the responsibility of the applicant to notify in writing~~  
21 ~~and provide a copy of the application, to owners of all~~  
22 ~~properties adjacent to the property containing the proposed~~  
23 ~~project or within three hundred (300) feet of the proposed~~  
24 ~~project for which a permit is requested. Where the adjacent~~  
25 ~~property is a multi family residential site (i.e.,~~  
26 ~~condominiums, apartments, townhouses, villas, etc.), the~~  
27 ~~representative association or all of the homeowners as a~~  
28 ~~group shall be notified. The notification must also be~~  
29 ~~submitted in a format approved by ERM. However, where the~~  
30 ~~property for which the permit is sought is part of, or~~  
31 ~~adjacent to, property owned by the same person, the three~~  
32 ~~hundred (300) foot distance shall be measured from the~~  
33 ~~boundaries of the entire ownership, except that notice need~~  
34 ~~not be mailed to any property owner located more than one~~  
35 ~~half mile (2,640 feet) from the property for which the permit~~  
36 ~~is sought. For the purposes of this requirement, the names~~  
37 ~~and addresses of property owners shall be deemed those~~  
38 ~~appearing on the property appraiser's records of Palm Beach~~  
39 ~~County. Issues pertaining to this section related to~~  
40 ~~shoreline erosion and environmental protection that are~~  
41 ~~raised by notified property owners will be addressed by ERM~~  
42 ~~during the evaluation of application completeness. Notified~~  
43 ~~property owners must submit comments within thirty (30) days~~  
44 ~~of notification to be considered.~~
- 45 7.5 When an application is made for work a STLP approval in  
46 common areas of a multi-family residential site (i.e.,  
47 condominiums, apartments, townhouses, villas, etc.), the  
48 representative association, or all of the homeowners as a  
49 group, shall be the applicant. ERM shall not process an  
50 application made by one (1) unit owner in a multi-family  
51 setting where the work is proposed on lands designated as,  
52 or can reasonably be considered to be, common areas.
- 53 ~~8.6~~ Upon receipt of an application and appropriate application  
54 fee, ERM shall have thirty (30) days to request any  
55 additional information pursuant to Sec. 9.1.I.3 above.  
56 Within thirty (30) days of receipt of such additional  
57 information, ERM may request only that information needed to  
58 clarify such additional information or to answer new  
59 questions raised by, or directly related to, such additional  
60 information. ~~ERM may begin processing an application in the~~

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1 absence of the appropriate application fee. However, No time  
2 clocks of this subsection shall begin until the appropriate  
3 application fee is received.

4 9.7 If ERM does not make a request for additional information  
5 within thirty (30) days of receipt of an application or  
6 requested information, the application shall be deemed  
7 complete upon receipt.

8 10.8 If an applicant fails to respond to an ERM request for an  
9 application fee, or any additional information, within sixty  
10 (60) days, the application may be denied without prejudice.  
11 However, ERM may grant an extension of time as is reasonable  
12 necessary to fulfill the request for additional information.

13 11.9 Upon receipt of a completed application and fee, ERM shall  
14 have ninety (90) days to take final action unless the  
15 applicant agrees in writing to a time extension or waiver of  
16 this requirement. Final agency action shall be ~~permit~~  
17 ~~issuance approval of a STLP, permit denial of a STLP, or~~  
18 ~~conditional permit issuance approval of STLP.~~ Failure by ERM  
19 to take final action within ninety (90) days shall result in  
20 the authorization of the proposed work with standard  
21 limiting conditions.

22 12.10 Any application containing false information may be  
23 rejected and any ~~permit issued STLP approval granted~~  
24 based upon false information may be revoked.

25 13.11 ERM ~~permits STLP approvals~~ may be issued with a duration  
26 period that is reasonably necessary to complete the  
27 project not to exceed five (5) years. ~~Permits for~~  
28 ~~mechanical beach cleaning or vegetation alteration~~  
29 ~~activities shall be issued on an annual, renewable basis.~~

30 14.12 ERM may attach conditions to any ~~permit STLP approval~~  
31 where such conditions are deemed reasonably necessary to  
32 protect sea turtles. ~~the environmental integrity of the~~  
33 ~~subject site or areas of potential impact.~~

34 15.13 Any application received that is substantially the same  
35 as a previous application that has been denied by ERM  
36 shall also be denied without further processing.

37 16.14 Any site or property owner that is subject to or  
38 recipient of a notice of violation or notice of ~~permit~~  
39 noncompliance issued by ERM that remains unresolved shall  
40 not be issued an ERM ~~permit STLP approval~~.

41 17.15 Any substantial modification to a compete application, or  
42 ~~to an issued permit a STLP approval,~~ shall require an  
43 amended application form and an additional application  
44 fee ~~pursuant to Sec. 9.1.M~~ and shall restart all time  
45 periods of this subsection.

46 **Subpart** Section 9.1.J., Coastal Protection, Criteria for  
47 Issuance of a Permit is relettered as Section 9.1.H. and  
48 is retitled to Criteria for Sea Turtle Lighting Plan  
49 Approval and is amended to add, delete and reformat  
50 language.

51 **H. J- CRITERIA FOR SEA TURTLE LIGHTING PLAN APPROVAL ISSUANCE OF A**  
52 **PERMIT.**

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- 1 1. A permit STLP approval may be issued pursuant to this section  
2 provided that the applicant provides to ERM reasonable  
3 assurance that there shall be no adverse impacts to sea  
4 turtles, sea turtle nesting and sea turtle habitat and that  
5 the following criteria will be met:  
6 ~~a. The applicant must demonstrate with adequate engineering data~~  
7 ~~that the proposed project will not adversely affect the~~  
8 ~~natural exchange of sand within the beach/dune system, the~~  
9 ~~control of beach erosion, and the level of storm protection.~~  
10 ~~b. The proposed project does not adversely impact the stability~~  
11 ~~of the dune.~~  
12 ~~c. There shall be no net loss of sand from the Sand~~  
13 ~~Preservation/Sea Turtle Protection Zone. Sand temporarily~~  
14 ~~excavated from the Sand Preservation/Sea Turtle Protection~~  
15 ~~Zone shall be returned to the Sand Preservation/Sea Turtle~~  
16 ~~Protection Zone prior to the expiration date of the permit.~~  
17 ~~In addition, the sand may not be degraded by mixing with any~~  
18 ~~sediment, soil, or material that is not approved by ERM.~~  
19 ~~d. The proposed project will not adversely impact the~~  
20 ~~conservation of wildlife or their habitats with special~~  
21 ~~emphasis placed upon the protection of listed species.~~
- 22 a.h Any and all light fixtures shall be designed to be the  
23 minimum level necessary for safety and will be positioned  
24 such that they do not cause illumination (direct or  
25 indirect) of areas seaward of the existing seawall or crest  
26 of dune and the source of light is not directly visible from  
27 the beach.
- 28 b.e ~~Project ERM determines that coastal lighting alternatives~~  
29 ~~and modifications to lessen impacts have been determined to~~  
30 ~~be are infeasible.~~
- 31 ~~f. The project is not in contravention with any other federal,~~  
32 ~~state or local designated preserve, conservation or~~  
33 ~~mitigation area.~~
- 34 ~~c.g~~ ERM determines that the cumulative impacts of the subject  
35 lighting project and other similar lighting projects will  
36 also meet the criteria of this section.
- 37 ~~i There shall be no adverse impacts to Sea Turtles, Sea Turtle~~  
38 ~~nesting and Sea Turtle habitat.~~
- 39 2. Measures that may be implemented to protect sea turtles  
40 include:  
41 ~~(1) Design and placement of structures to minimize impacts;~~  
42 ~~(2) Scheduling construction to occur outside peak nesting~~  
43 ~~season;~~  
44 ~~(3) Daily nesting surveys allowing nests to be marked and~~  
45 ~~avoided during construction; or~~  
46 ~~(4) elimination, modification or alteration of all proposed~~  
47 ~~and/or existing exterior lights that cause direct or~~  
48 ~~indirect illumination of areas seaward of the existing crest~~  
49 ~~of dune or which are visible from the beach.~~
- 50 ~~(5) Exterior light and windows.~~
- 51 3.(a) Standards For New Beachfront Lighting. All lighting  
52 installed after September 2, 1987 in unincorporated Palm  
53 Beach County and in municipalities that do not have a sea  
54 turtle protection ordinance in effect shall comply with  
55 the following standards:
- 56 a.1) General Prohibition. No artificial public or private light  
57 source shall directly or indirectly illuminate areas seaward

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1 of the crest of the dune or be visible from the beach where  
2 it may deter adult female sea turtles from nesting or  
3 disorient hatchlings.

4 ~~b.2) Permanent Lighting.~~ The installation of ~~permanent-coastal~~  
5 lighting shall reflect the standards and mitigative measures  
6 published in one of the current state-of-the-art manuals  
7 pertaining to coastal lighting and sea turtle conservation  
8 available at ERM (Raymond, Paul W., Sea Turtle Hatchling  
9 Disorientation and Beachfront Lighting: A Review of the  
10 Problem and Potential Solutions, Washington, (D.C.), Center  
11 for Environmental Education, 1984) or (Witherington, Blair  
12 E. & Martin, Eric R., Understanding, Assessing and Resolving  
13 Light-pollution Problems on Sea Turtle Nesting Beaches,  
14 Florida Marine Research Institute Technical Report, Florida  
15 Department of Environmental Protection, 1996).

16 ~~3) Reference Availability.~~ ERM shall make a copy of the Raymond  
17 manual available for review. As design and/or performance  
18 standards are developed or upgraded and become available, ERM  
19 may provide additional references.

20 ~~c4)(a). Controlled Use, Design and Positioning of Lighting.~~

21 a) Any and all light fixtures shall be designed and/or  
22 positioned such that they do not cause direct or indirect  
23 illumination of areas seaward of the crest of the dune and  
24 the source of light is not directly visible from the beach.

25 ~~d.b)~~ All lights on balconies shall be eliminated or shielded from  
26 the beach. Proposed balcony lights which do not meet  
27 standard 3a. shall not be authorized.

28 ~~e) High intensity lighting for signs, decorative or accent~~  
29 ~~purposes which does not meet standard 4a) shall not be~~  
30 ~~permitted within the zone of jurisdiction.~~

31 e. Artificial lighting for decorative or accent purposes and  
32 uplights shall not be authorized within the zone of  
33 jurisdiction.

34 f. Lighting used in parking lots within the STPZ five-hundred  
35 (500) feet of the mean high water line shall be:

36 (1)(i) Set on a base which raises the source of light no higher  
37 than forty-eight (48) inches off the ground.

38 (2)(ii) Positioned and/or shielded such that the source of light  
39 is not visible from the beach.

40 g. Sign lighting may be authorized provided it illuminates an  
41 area less than 15 square feet and meets the criteria of  
42 standard 3a.

43 ~~4.5) Installation of Tinted Glass or Window Tint.~~ Tinted glass or  
44 any window film applied to window glass which meets the  
45 ~~shading defined~~ criteria for tinted glass, shall be  
46 installed on all windows and doors within line of sight of  
47 the beach.

48 ~~5.6) Beachfront Lighting Approval.~~ Prior to the issuance of a  
49 Certificate of Occupancy by the Department of Planning,  
50 Zoning and Building or local building department, each  
51 facility shall be inspected for compliance as follows:

52 a) Upon completion of the construction activities, a Florida

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- 1 registered: architect, landscape architect, environmental  
 2 professional or professional engineer shall conduct a site  
 3 inspection which includes a night survey with all the  
 4 beachfront lighting turned on.
- 5 b) The inspector shall prepare and report the inspection finding  
 6 in writing to ERM, identifying:
- 7 ~~(1) i)~~ The date and time of initial inspection.  
 8 ~~(2) ii)~~ The extent of compliance with this section and the  
 9 approved STLP.  
 10 ~~(3) iii)~~ All areas of potential and observed noncompliance with  
 11 this section.  
 12 ~~(4) iv)~~ Any action(s) taken to remedy observed noncompliance and  
 13 date remedy will be implemented, if applicable.  
 14 ~~(5) v)~~ The date(s) and time(s) of remedial inspection(s), if  
 15 applicable
- 16 c) The inspector shall sign and seal the inspection report which  
 17 includes a certification that:
- 18 ~~(1) i)~~ The beachfront lighting has been constructed in  
 19 accordance with this section.  
 20 ~~(2) ii)~~ The inspector observed the project area at night with  
 21 all lights operating.  
 22 ~~(3) iii)~~ The beachfront lighting does not directly or indirectly  
 23 illuminate areas seaward of the crest of the dune at the  
 24 time of the night inspection.  
 25 ~~(4) iv)~~ The beachfront light sources within the jurisdictional  
 26 boundaries are not directly or indirectly visible from  
 27 the beach at the time of the night inspection.  
 28 ~~(5)~~ Any signed and sealed inspection report containing false  
 29 information shall be a violation of this section.
- 30 **Subpart** Section 9.1.J.1.(5) (b). Coastal Protection, Criteria for  
 31 Issuance of a Permit, Exterior Light and Windows,  
 32 Standards for Existing Beachfront Lighting is retitled  
 33 to Section 9.1.I. and is amended to add, delete and  
 34 reformat language as follows:
- 35 ~~(b) I.~~ **STANDARDS FOR EXISTING BEACHFRONT LIGHTING**
- 36 ~~Standards for Existing Beachfront Lighting.~~ Existing beachfront  
 37 lighting shall comply with the following conditions by April 1,  
 38 1988.
- 39 1) **Adjustment to Essential Lighting.** Existing artificial light  
 40 sources shall be repositioned, modified or replaced with  
 41 modern alternatives so that the source of light is not be  
 42 directly visible from the beach and/or ~~does~~ shall not  
 43 directly or indirectly illuminate areas seaward of the crest  
 44 of dune. This may be accomplished by following the  
 45 recommended corrective action as listed in I.6. In some  
 46 cases, it may be desirable to retrofit fixtures and install  
 47 low pressure sodium vapor lights producing wavelengths  
 48 between 589 and 590 nanometers. Modifications using low  
 49 pressure sodium lighting shall be coordinated with ERM.  
 50 Techniques and/or materials used are recommended to be ~~shall~~  
 51 be consistent with the Raymond current state-of-the-art  
 52 lighting manual referenced in Section 9.1.J.1.i(5) (a) and  
 53 other reference manuals identified by ERM.
- 54 2) **Reduction of Indirect Lighting on the Beach.** The installation  
 55 of ground level barriers including dense native vegetation is  
 56 strongly encouraged and may be required to reduce the amount

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- 1 of indirect lighting striking the beach-dune system.
- 2 3) **Lighting for Pedestrian Traffic.** Lights illuminating beach  
3 access points, dune crossovers, beach walkways, piers or any  
4 other structure seaward of the crest of the dune designed for  
5 pedestrian traffic shall be the minimum level necessary to  
6 maintain safety and shall be located and shielded such that  
7 lights and their illumination are not directly or indirectly  
8 visible from the beach.
- 9 4) **Use of Window Treatments.** To prevent interior lights from  
10 illuminating the beach, window treatment shall be required on  
11 all windows visible from the beach within jurisdictional  
12 boundaries. Blackout draperies or shadescreens are preferred.  
13 Alternatively or additionally, window tint may be applied to  
14 beachfront windows. The turning out of all unnecessary  
15 interior lights during the nesting season is strongly  
16 encouraged.
- 17 5) **Special Lighting Restrictions During the Peak Nesting Season.**  
18 Effective May 1, 1988, and continuously throughout each peak  
19 nesting season (May March 1 through October 31), external  
20 light sources that are visible from the beach or illuminate  
21 directly or indirectly areas seaward of the crest of the dune  
22 shall be disconnected or otherwise modified to comply with  
23 this section.
- 24 6) Recommended Corrective Action. The following measures can be  
25 used to reduce or eliminate the effects of any exterior  
26 lighting on hatchlings and nesting sea turtles:
- 27 (a) Permanently remove the fixture;  
28 (b) Disconnect the fixture;  
29 (c) Reposition the fixture so the point source of light is no  
30 longer visible from the beach;  
31 (d) Replace fixtures having an exposed light source with  
32 fixtures containing recessed light sources or shields;  
33 (e) Replace non-directional fixtures with directional fixtures  
34 pointing down and away from the beach;  
35 (f) Replace fixtures having transparent or translucent coverings  
36 with fixtures having opaque shields covering an arc of at  
37 180 degrees and extending an appropriate distance below the  
38 bottom edge of the fixture on seaward side so the light  
39 source is not visible from the beach;  
40 (g) Replace pole lamps with low-profile, low-level luminaries so  
41 that the light source is not visible from the beach;  
42 (h) Plant or improve vegetation buffers between the light source  
43 and the beach to screen light from the beach; and  
44 (i) Construct an ornamental structural barrier to shield light  
45 source from the beach.
- 46 ~~(6)7)~~ **Enforcement and Implementation of Mitigative Corrective**  
47 **Measures.** In areas where compliance with the lighting  
48 conditions of this ordinance are not evidenced, non-  
49 compliant property owners shall be required to implement  
50 appropriate ~~protective~~ corrective measures, developed in  
51 consultation with ERM to ~~correct~~ mitigate against  
52 ~~potential~~ negative impacts to sea turtles. Corrective  
53 Mitigative measures shall be implemented in addition to  
54 applicable penalties and fines. Any ~~mitigation~~ corrective  
55 program implemented as a result of noncompliance with  
56 lighting conditions of this ordinance shall remain in  
57 effect until such time that acceptable beachfront  
58 lighting is achieved. Relocation of nests where

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1 authorized by the Department of Environmental Protection  
2 shall be considered only as a last resort and as a  
3 temporary measure while other solutions are being  
4 developed and implemented.

5 ~~j. The proposed project is in accordance with Rule 16B 33.005,~~  
6 ~~F.A.C., Florida Department of Natural Resources (FDNR) Rules~~  
7 ~~and Procedures for Coastal Construction and excavation. In~~  
8 ~~the event of a conflict between this section and the F.A.C.,~~  
9 ~~the provisions which are more stringent shall govern.~~

10 ~~k. The proposed project is in accordance with Rule 16B 33.007,~~  
11 ~~F.A.C., Rules and Procedures for Coastal Construction and~~  
12 ~~excavation. In the event of a conflict between this section~~  
13 ~~and the adopted F.A.C., the provisions which are more~~  
14 ~~stringent shall govern.~~

15 ~~l. ERM staff shall consider the FDNR Policy Memoranda (PM) 1-32~~  
16 ~~when evaluating coastal permit applications.~~

17 **Subpart** Section 9.1.J., Coastal Protection, Criteria for  
18 Issuance of a Permit, has been retitled to Standards for  
19 Dune Crossovers. Standards from Sec. 9.1.H.2.a.(6),  
20 Coastal Protection, Criteria for Issuance of a General  
21 Permit, Dune Walkovers, Information Sign Requirements  
22 have been relocated to this section and amended to add,  
23 delete and reformat as follows:

#### 24 **J. STANDARDS FOR DUNE CROSSOVERS**

25 ~~1.(6)~~ **Information Sign Requirements.** Permanent sea turtle  
26 information signs shall be conspicuously posted by  
27 applicable jurisdictions at all public beach access  
28 points provided with dune crossovers. The information  
29 signs shall be standardized by the ERM.

30 ~~a.(a)~~ **Sign posting responsibility.** Sea turtle information signs  
31 shall be encouraged at all new private beach access  
32 points provided with dune crossovers. Signage shall be  
33 the responsibility of the property owner.

34 ~~b.(b)~~ **Sign Maintenance Requirements.** Standardized sea turtle  
35 information signs shall be maintained in perpetuity such  
36 that information printed on the signs remains accurate  
37 and legible and the signs positioned such that they are  
38 conspicuous to persons at all public beach access points  
39 provided with dune crossovers.

40 ~~c.(c)~~ **Sign Removal.** Removal of the information signs by anyone  
41 other than those authorized by ERM is prohibited.

42 **Subpart** Section 9.1.K, Coastal Protection, Mitigation is deleted  
43 in its entity and retitled to Sand Preservation Zone  
44 Standards. Standards from Sec. 9.1.J.1.c., Coastal  
45 Protection, Criteria for Issuance of a Permit have been  
46 relocated to this section and is amended to add, delete  
47 and reformat as follows:

#### 48 **K. SAND PRESERVATION ZONE STANDARDS**

49 ~~e-1.~~ There shall be no net loss of sand from the Sand  
50 Preservation/~~Sea Turtle Protection~~ Zone (SPZ). Sand  
51 temporarily excavated from the Sand Preservation/~~Sea Turtle~~  
52 ~~Protection~~ Zone shall be returned to the Sand

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1 Preservation/Sea Turtle Protection Zone Sand Preservation  
2 Zone. Sand shall be returned to the SPZ prior to the  
3 issuance of a building department Certificate of Occupancy  
4 (C.O.) where a C.O. is required, or within six (6) months of  
5 the excavation for projects which do not require a C.O.  
6 expiration date of the permit. In addition, the sand may not  
7 be degraded by mixing with any sediment, soil, or material,  
8 such that it will not meet the definition for beach  
9 compatible sand as defined. that is not approved by ERM.

10 2. Sediment analysis of existing beach/dune and any proposed  
11 fill material to be mixed with the existing sand may be  
12 required by ERM. Written notification must be provided to ERM  
13 (attention: ERM Coastal Geologist) prior to removal of sand  
14 from the SPZ.

15 **~~K. MITIGATION.~~**

16 ~~1. General. For projects that do not meet the permitting~~  
17 ~~criteria of Secs. 9.1.H or 9.1.J, ERM may evaluate proposals~~  
18 ~~for mitigation. ERM shall first use the criteria of Sec.~~  
19 ~~9.1.K.2 to determine when mitigation is appropriate. The~~  
20 ~~criteria of Sec. 9.1.K.3 shall be used to set standards for~~  
21 ~~accepting mitigation proposals.~~

22 ~~2. When to Evaluate Mitigation Proposals.~~

23 ~~a. No Alternative Site. Restoration or creation may be permitted~~  
24 ~~to compensate for loss of functional dune ecosystem only~~  
25 ~~where a permit applicant demonstrates that the proposed~~  
26 ~~activity cannot be practically located landward of the~~  
27 ~~Coastal Protection Zone.~~

28 ~~b. All practical measures will be taken to reduce impact.~~  
29 ~~Restoration or creation may be permitted to compensate for~~  
30 ~~dune loss only where the permit applicant has made reasonable~~  
31 ~~project modification measures to reduce dune loss and~~  
32 ~~degradation.~~

33 ~~3. Standards for Mitigation.~~

34 ~~a. No Overall Net Losses. Restoration or creation may be~~  
35 ~~permitted to compensate for dune losses only where~~  
36 ~~restoration and/or creation will restore lost dune functions~~  
37 ~~and values in the zone which is being impacted and where it~~  
38 ~~does not result in loss to sea turtle nesting habitat. The~~  
39 ~~following mitigation ratios shall be presumed to restore dune~~  
40 ~~functions and values when performed in kind:~~

- 41 ~~(1) Landward of Armored Shoreline.....1.0:1~~  
42 ~~(2) Natural Shoreline~~  
43 ~~(a) Pioneer Zone Vegetation.....2.0:1~~  
44 ~~(b) Scrub Zone Vegetation.....3.0:1~~

45 ~~b. Only where the created dune can be expected to surpass the~~  
46 ~~values and functions of the existing dune can the ratio be~~  
47 ~~adjusted downward.~~

48 ~~c. ERM shall require a ratio for restored or created functions~~  
49 ~~and/or acreage exceeding these ratios where:~~

- 50 ~~(1) Uncertainties exist as to the probable success of the~~  
51 ~~proposed restoration or creation; or~~  
52 ~~(2) The degradation or destruction will deprive Palm Beach~~  
53 ~~County of various dune values for a period of time until the~~

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1 restoration or creation is completed and functional, or  
2 ~~(3) Mitigation is proposed off site or not in kind, or~~  
3 ~~(4) Mitigation proposals include restoration or enhancement of~~  
4 ~~an existing dune rather than a new creation.~~

5 **Subpart** Section 9.1.L., Coastal Protection, Appeals is not  
6 amended but is included for clarity.  
7

8 **L. APPEALS.**

9 Any affected party may appeal a final determination of ERM made  
10 pursuant to this section to the Environmental Ordinance Appeals  
11 Board. A written notice of appeal shall be filed by the applicant  
12 with the Director of ERM within twenty (20) days from receipt of  
13 the decision appealed from, setting forth in detail the factual  
14 basis for such an appeal. The appeal shall be reviewed at a  
15 hearing by the appeal board within sixty (60) days of ERM's  
16 receipt of a request and a \$50.00 filing fee. The appeal board  
17 shall enter a decision by written order not less than ten (10)  
18 days following conclusion of the hearing. The order shall include  
19 findings of fact and conclusions of law and shall be deemed final  
20 administrative action. An applicant or ERM may appeal a final  
21 decision of the appeal board within thirty (30) days of the  
22 rendition of the decision by filing a petition for Writ of  
23 Certiorari in Circuit Court of the Fifteenth Judicial Circuit in  
24 and for Palm Beach County, Florida.

25 **Subpart** Section 9.1.M., Coastal Protection, Fees is amended to  
26 add and delete language as follows:

27 **M. FEES**

- 28 1. A fee shall be required as established by the approved fee  
29 schedule.  
30 2. Permit STLP application fees shall be non-refundable and  
31 nontransferable.  
32 3. All application fees paid by check shall be made payable to  
33 the Palm Beach County Board of County Commissioners.

34 **Subpart** Section 9.1.N., Coastal Protection, Enforcement, is  
35 retitled to Violations and amended to delete, add and  
36 reformat language as follows:

37 **N. ENFORCEMENT- VIOLATIONS**

38 A violation of this section shall be defined as follows:

- 39 1. A lighting source illuminated during the night such that it  
40 causes the mortality and/or disorientation of a sea turtle or  
41 hatchling, following an initial notification by ERM. Each  
42 additional individual sea turtle or hatchling mortality  
43 and/or disorientation documented by ERM staff, a permitted  
44 agent of the State, code enforcement officials or law  
45 enforcement officers shall constitute a separate violation.  
46 2. Installation of beachfront light fixtures in the STPZ without  
47 ERM approval.  
48 3. Submittal to ERM of any signed and sealed lighting inspection  
49 report containing false information.  
50 4. Removal of sand from the SPZ without first supplying written

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- 1           notification to ERM.
- 2           5. Degrading sand by mixing with sediment, soil, or material  
3           such that it will not meet the definition for beach  
4           compatible sand.
- 5           6. Alterations which result in a net loss of sand from the SPZ.
- 6           ~~7.3.a. Pedestrians shall not transverse Traversing a natural dune~~  
7           ~~by a pedestrian within 200 feet of a public dune walkover. except~~  
8           ~~by use of the walkover or other approved walkovers.~~
- 9           ~~8.2- Failure to comply with the requirements of this section or~~  
10           ~~any permit or approval granted or authorized hereunder.~~  
11           ~~shall constitute a violation of this section. Violations of~~  
12           ~~the provisions of this section, upon conviction, shall be~~  
13           ~~punished by a fine not to exceed five hundred dollars (\$500)~~  
14           ~~per violation, per day, or by imprisonment in the County~~  
15           ~~jail not to exceed sixty (60) days, or by both fine and~~  
16           ~~imprisonment pursuant to the provisions of Sec. 125.69, Fla.~~  
17           ~~Stat. In addition to the sanctions contained herein, the~~  
18           ~~County and/or other municipal entity may take any other~~  
19           ~~appropriate legal action, including, but not limited to,~~  
20           ~~administrative action and requests for temporary and~~  
21           ~~permanent injunctions to enforce the provisions of this~~  
22           ~~section. It is the purpose of this section to provide~~  
23           ~~additional cumulative remedies.~~
- 24           ~~3. The following specific activities are prohibited by this~~  
25           ~~section and shall be considered a violation of this section:~~
- 26           ~~b The routine storage of boats/watercraft within a vegetated~~  
27           ~~dune area is specifically prohibited except for emergency use~~  
28           ~~not to exceed 24 hours during storm events.~~
- 29           ~~c The unauthorized alteration or damage to or removal of the~~  
30           ~~beaches, dunes or coastal vegetation in any manner defined by~~  
31           ~~this section of up to 1,500 square feet in extent.~~
- 32           ~~d Alteration or damage to or removal of each additional 1,500~~  
33           ~~square feet, or portion thereof, of beaches, dunes or coastal~~  
34           ~~vegetation in violation of this section shall constitute a~~  
35           ~~separate violation.~~
- 36           ~~e Cumulative violations shall be determined by the addition of~~  
37           ~~each 1,500 square feet tract or portion thereof of beaches,~~  
38           ~~dunes or coastal vegetation, whether altered in the same~~  
39           ~~manner or in a different manner, as defined by this section.~~
- 40           ~~f Alteration of a sea grape shall constitute an individual~~  
41           ~~violation.~~
- 42           ~~4. Violations of this section may be referred by ERM to the~~  
43           ~~Groundwater and Natural Resources Protection Board for~~  
44           ~~corrective actions and civil penalties and coordinated with~~  
45           ~~the appropriate municipal entity, if applicable.~~
- 46           ~~5 Alteration, removal of, or damage to the beaches, dunes or~~  
47           ~~coastal vegetation may result in an order to restore to pre-~~  
48           ~~existing conditions.~~
- 49           ~~6. All monies collected pursuant to violations of this section~~

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1 shall be deposited in the Pollution Recovery Trust Fund.

2 9.1. Any ~~structures,~~ lighting projects or alterations which would  
3 have been in violation of Palm Beach County Ordinances No.  
4 72-12, 78-20, 87-13 or 90-2, as amended, during its  
5 effective period, shall continue to be violations under this  
6 section but shall be subject to prosecution under the terms  
7 of Ordinance No. 72-12, 78-20, 87-13 or 90-2 as amended.

8 **Subpart** Section 9.1.0., Coastal Protection, Approved Plant List  
9 is deleted in its entirety and retitled to Enforcement,  
10 and language is added as follows:

11 **O. ENFORCEMENT**

12 1. In order to enforce compliance with the provisions of this  
13 section, ERM may issue a cease and desist order or require  
14 that a building permit or C.O. be withheld. Violations of the  
15 provisions of this section shall be punishable by one or more  
16 of the following:

17 a. Triple application fees for STLP approvals not obtained prior  
18 to violations involving activities which would otherwise have  
19 been authorized as determined by ERM;

20 b. Enforcement procedures as outlined in Article 14; or

21 c. Notwithstanding, the enforcement procedures set forth above,  
22 the County shall not be prevented from enforcing the  
23 provisions of this section by any other measures allowable by  
24 law, including but not limited to, Chapters 125 and 162,  
25 Florida Statutes, as may be amended.

26 2. All monies collected pursuant to as civil penalties for  
27 violations of this section shall be deposited in the  
28 Pollution Recovery Trust Fund.

29 **O. APPROVED PLANT LIST**

30 In addition to the following list, ERM may approve additional  
31 species that can be documented to be local native coastal  
32 species.

33 ~~\_\_\_\_\_ Pioneer Zone~~

34	<del>_____ <i>Alternanthera maritima</i></del>	<del>_____ chaff flower</del>
35	<del>_____ <i>Alternanthera ramosissima</i></del>	<del>_____ chaff flower</del>
36	<del>_____ <i>Ambrosia hispida</i></del>	<del>_____ ragweed</del>
37	<del>_____ <i>Bidens pilosa</i></del>	<del>_____ spanish needles</del>
38	<del>_____ <i>Borrichia arborescens</i></del>	<del>_____ sea oxeye</del>
39	<del>_____ <i>Canavalia maritima</i></del>	<del>_____ bay bean</del>
40	<del>_____ <i>Cenchrus</i> spp.</del>	<del>_____ sand spur</del>
41	<del>_____ <i>Chamaesyce</i> spp.</del>	<del>_____ beach spurge</del>
42	<del>_____ <i>Cnidoseolus stimulosus</i></del>	<del>_____ tread softly</del>
43	<del>_____ <i>Commelina erecta</i></del>	<del>_____ day flower</del>
44	<del>_____ <i>Croton glandulosus</i></del>	<del>_____ beach croton</del>
45	<del>_____ <i>Distichlis spicata</i></del>	<del>_____ salt grass</del>
46	<del>_____ <i>Helianthus debilis</i></del>	<del>_____ beach sunflower</del>

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1	<del><i>Hymenocallis lanifolia</i></del>	<del>spider lily</del>
2	<del><i>Ipomoea pes-caprae</i></del>	<del>railroad vine</del>
3	<del><i>Ipomoea stolonifera</i></del>	<del>fiddleleaf morning glory</del>
4	<del><i>Iva imbricata</i></del>	<del>beach elder</del>
5	<del><i>Okenia hypogaea</i></del>	<del>beach peanut</del>
6	<del><i>Panicum amarum</i></del>	<del>dune panic grass</del>
7	<del><i>Paspalum vaginatum</i></del>	<del>seashore paspalum</del>
8	<del><i>Remirea maritima</i></del>	<del>beach star</del>
9	<del><i>Salsola kali</i></del>	<del>Russian thistle</del>
10	<del><i>Scaevola plumieri</i></del>	<del>ink berry</del>
11	<del><i>Sesuvium portulacastrum</i></del>	<del>sea purslane</del>
12	<del><i>Spartina patens</i></del>	<del>cordgrass</del>
13	<del><i>Sporobolus virginicus</i></del>	<del>seashore dropseed</del>
14	<del><i>Suriana maritima</i></del>	<del>bay cedar</del>
15	<del><i>Tournefortia gnaphalodes</i></del>	<del>sea lavender</del>
16	<del><i>Tribulus cistoides</i></del>	<del>puncture weed</del>
17	<del><i>Uniola paniculata</i></del>	<del>sea oats</del>

18 ~~-----~~ **Scrub Zone**

19	<del><i>Agave decipiens</i></del>	<del>agave</del>
20	<del><i>Andropogon capillipes</i></del>	<del>chalky bluestem</del>
21	<del><i>Ardisia escallonioides</i></del>	<del>marlberry</del>
22	<del><i>Arenaria pentandra</i></del>	<del>sandwort</del>
23	<del><i>Baccharis halimifolia</i></del>	<del>grousel</del>
24	<del><i>Borrchia frutescens</i></del>	<del>sea daisy</del>
25	<del><i>Callicarpa americana</i></del>	<del>American beautyberry</del>
26	<del><i>Capparis flexuosa</i></del>	<del>lumber caper</del>
27	<del><i>Centrosema virginianum</i></del>	<del>butterfly pea</del>
28	<del><i>Chiococca alba</i></del>	<del>snowberry</del>
29	<del><i>Chrysobalanus icaco</i></del>	<del>cocoplum</del>
30	<del><i>Coccoloba uvifera</i></del>	<del>sea grape</del>
31	<del><i>Commelina erecta</i> var. <i>angustifolia</i></del>	<del>day flower</del>
32	<del><i>Crotalaria pumila</i></del>	<del>beach rattlebox</del>
33	<del><i>Croton glandulosus</i></del>	<del>beach croton</del>
34	<del><i>Dalbergia ecastophyllum</i></del>	<del>coin vine</del>
35	<del><i>Echites umbellata</i></del>	<del>Devil's potato</del>
36	<del><i>Ernodea littoralis</i></del>	<del>golden creeper</del>
37	<del><i>Eugenia axillaris</i></del>	<del>white stopper</del>
38	<del><i>Eugenia foetida</i></del>	<del>Spanish stopper</del>
39	<del><i>Flaveria linearis</i></del>	<del>yellowtop</del>
40	<del><i>Galactia maereei</i></del>	<del>milk pea</del>
41	<del><i>Guapira discolor</i></del>	<del>blolly</del>
42	<del><i>Hamelia patens</i></del>	<del>fire bush</del>
43	<del><i>Iva imbricata</i></del>	<del>beach elder</del>
44	<del><i>Ipomoea indica</i></del>	<del>purple morning glory</del>
45	<del><i>Jacquemontia reclinata</i></del>	<del>beach jacquemontia</del>
46	<del><i>Lantana involucrata</i></del>	<del>wild sage</del>
47	<del><i>Licania michauxii</i></del>	<del>gopher apple</del>
48	<del><i>Lycium carolinianum</i></del>	<del>Christmas berry</del>
49	<del><i>Melanthera aspera</i></del>	<del>melanthera</del>
50	<del><i>Melothria pendula</i></del>	<del>creeping cucumber</del>
51	<del><i>Mikania cordifolia</i></del>	<del>climbing hempweed</del>
52	<del><i>Morinda royoc</i></del>	<del>yellowroot</del>

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<del><i>Myrica cerifera</i></del>	<del>wax myrtle</del>
<del><i>Myrsine floridana</i></del>	<del>myrsine</del>
<del><i>Opuntia</i> spp.</del>	<del>prickly pear</del>
<del><i>Panicum amarum</i></del>	<del>dune panic grass</del>
<del><i>Parthenocissus quinquefolia</i></del>	<del>Virginia creeper</del>
<del><i>Passiflora suberosa</i></del>	<del>corky stemmed passion flower</del>
<del><i>Physalis viscosa</i></del>	<del>ground cherry</del>
<del><i>Pithecellobium guadalupense</i></del>	<del>blackbead</del>
<del><i>Polygala grandiflora</i></del>	<del>milkwort</del>
<del><i>Psychotria nervosa</i></del>	<del>wild coffee</del>

~~Scrub Zone (cont'd)~~

<del><i>Randia aculeata</i></del>	<del>white indigoberry</del>
<del><i>Sabal palmetto</i></del>	<del>cabbage palm</del>
<del><i>Serenoa repens</i></del>	<del>saw palmetto</del>
<del><i>Smilax</i> spp.</del>	<del>green briar</del>
<del><i>Solanum bahamense</i></del>	<del>nightshade</del>
<del><i>Solidago stricta</i></del>	<del>goldenrod</del>
<del><i>Sophora tomentosa</i></del>	<del>necklace pod</del>
<del><i>Spartina patens</i></del>	<del>cordgrass</del>
<del><i>Suriana maritima</i></del>	<del>bay cedar</del>
<del><i>Tournefortia gnaphalodes</i></del>	<del>sea lavender</del>
<del><i>Trichostema suffrutescens</i></del>	<del>blue curls</del>
<del><i>Uniola paniculata</i></del>	<del>sea oats</del>
<del><i>Verbena maritima</i></del>	<del>beach verbena</del>
<del><i>Vigna luteola</i></del>	<del>cow pea</del>
<del><i>Yucca aloifolia</i></del>	<del>Spanish bayonet</del>

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**Forest Zone**

<del><i>Amyris elemifera</i></del>	<del>torchwood</del>
<del><i>Ardisia escallonioides</i></del>	<del>marlberry</del>
<del><i>Bursera simaruba</i></del>	<del>gumbo limbo</del>
<del><i>Caesalpinia bonduc</i></del>	<del>nickerbean</del>
<del><i>Capparis cynophallophora</i></del>	<del>Jamaica caper</del>
<del><i>Capparis flexuosa</i></del>	<del>Limber caper</del>
<del><i>Chiococca alba</i></del>	<del>snowberry</del>
<del><i>Citharexylum fruticosum</i></del>	<del>fiddle wood</del>
<del><i>Chrysobalanus icaco</i></del>	<del>cocoplum</del>
<del><i>Coecoloba diversifolia</i></del>	<del>pigeon plum</del>
<del><i>Coecoloba uvifera</i></del>	<del>sea grape</del>
<del><i>Cocos nucifera</i></del>	<del>coconut palm</del>
<del><i>Conocarpus erecta</i></del>	<del>button wood</del>
<del><i>Diospyras virginiana</i></del>	<del>persimmon</del>
<del><i>Drypetes lateriflora</i></del>	<del>Guiana plum</del>
<del><i>Erythrina herbacea</i></del>	<del>coral bean</del>
<del><i>Eugenia axillaris</i></del>	<del>white stopper</del>
<del><i>Eugenia foetida</i></del>	<del>Spanish stopper</del>
<del><i>Exothea paniculata</i></del>	<del>inkwood</del>
<del><i>Ficus aurea</i></del>	<del>strangler fig</del>
<del><i>Forestiera segregata</i></del>	<del>Florida privet</del>
<del><i>Guapira discolor</i></del>	<del>bloily</del>
<del><i>Hamelia patens</i></del>	<del>fire bush</del>
<del><i>Ipomoea alba</i></del>	<del>moonflower</del>
<del><i>Ipomoea indica</i></del>	<del>purple morning glory</del>
<del><i>Krugiodendron ferreum</i></del>	<del>black ironwood</del>
<del><i>Mastichodendron foetidissimum</i></del>	<del>wild mastic</del>
<del><i>Metopium toxiferum</i></del>	<del>poison wood</del>
<del><i>Morus rubra</i></del>	<del>red mulberry</del>
<del><i>Myrsine floridana</i></del>	<del>myrsine</del>
<del><i>Nectandra coriacea</i></del>	<del>lancewood</del>
<del><i>Persea borbonia</i></del>	<del>red bay</del>
<del><i>Pithecellobium guadalupense</i></del>	<del>blackbead</del>
<del><i>Psychotria nervosa</i></del>	<del>wild coffee</del>
<del><i>Quercus virginiana</i></del>	<del>live oak</del>
<del><i>Randia aculeata</i></del>	<del>white indigo berry</del>
<del><i>Rivina humilis</i></del>	<del>rouge plant</del>
<del><i>Sabal palmetto</i></del>	<del>cabbage palm</del>
<del><i>Serenoa repens</i></del>	<del>saw palmetto</del>
<del><i>Simarouba glauca</i></del>	<del>paradise tree</del>
<del><i>Urechites lutea</i></del>	<del>wild allamanda</del>
<del><i>Zanthoxylum fagara</i></del>	<del>wild lime</del>

**Subpart** Section 9.4.N., Wetlands Protection, Sunset Clause is amended to add and delete language as follows:

**N. SUNSET CLAUSE SUSPENSION CLAUSE**

~~This Section 9.4 shall be reviewed at a workshop meeting of the Board of County Commissioners on or about August 16, 1994, and, if the Board deems it necessary to rulemaking to the Florida Legislature, at a workshop meeting on or about February 15, 1994.~~  
Upon the effective date of the ordinance amending this

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1 subsection, permits described in Section 9.4.H. will not be  
2 required for projects permitted for wetland impact through the  
3 Environmental Resource Permit (ERP) process by the Florida  
4 Department of Environmental Protection or the South Florida Water  
5 Management District. Upon adoption of a formal Environmental  
6 Resource Permit delegation with the State of Florida pursuant  
7 to Chapter 62-344, F.A.C., the suspension provided for in this  
8 subsection shall be null and void and the permitting requirements  
9 reinstated provided that the permitting requirements of Section  
10 9.4.H. are consistent with the authority granted under the ERP  
11 delegation.

12 **Subpart** Section 7.5 Vegetation Preservation and Protection, and  
13 Section 9.2 Environmentally Sensitive Lands, are both  
14 repealed in their entirety and replaced with Section  
15 9.5., Vegetation Preservation and Protection, created as  
16 follows:

17 **SEC. 9.5 VEGETATION PRESERVATION AND PROTECTION.**

18 **A. GENERAL.**

19 **1. Purpose.** This section establishes a program to preserve and  
20 protect native upland vegetation communities and those areas  
21 designated as environmentally sensitive lands. The program  
22 provides an administrative review and permitting process to  
23 prohibit the unnecessary destruction of native upland trees  
24 and vegetation and to require the eradication of harmful  
25 invasive exotic plant species.

26 **2. Applicability.** The provisions of this section shall apply  
27 within the unincorporated areas of Palm Beach County and  
28 shall apply to the alteration or removal of non-native and  
29 native upland vegetation, and the establishment and  
30 maintenance of preserve areas. Terms specific to this section  
31 are defined in Sec. 9.5.J.

32 **3. Authority.** This section is adopted under the authority of  
33 Chapter 125, Fla. Stat., and the Palm Beach County  
34 Comprehensive Plan, as amended. ERM shall administer the  
35 requirements of this section.

36 **B. TYPES OF APPROVAL.** No person shall cause the alteration or  
37 removal of non-native and native upland vegetation, unless  
38 such alteration or removal is deemed exempt or a permit has  
39 been issued under this section. Types of approval include:

40 **1. Exemptions.** A number of specific activities have been  
41 determined to have minimal adverse impact and are exempt from  
42 the permitting process of this section. No approval is  
43 required from ERM provided compliance with the conditions of  
44 the exemption occurs. Exemptions are listed in Section 9.5.C.

45  
46 **2. Vegetation Removal Notice for Single Family Residential Lots.**  
47 Single-Family residential lots less than 2.5 acres in gross  
48 size will automatically receive a Vegetation Removal Notice  
49 with standard conditions as part of the building permit  
50 process. For the purposes of this section, a single family  
51 residential lot also includes a single two-unit (duplex)  
52 residence and associated accessory structures. The Vegetation  
53 Removal Notice shall be executed by the applicant as part of  
54 the building permit process. Authorization will be issued  
55 concurrently with the building permit. For alteration in  
56 advance of the building permit, a Vegetation Removal Notice

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1           application shall be submitted directly to ERM. Conditions of  
2           the Vegetation Removal Notice for single-family residential  
3           lots are listed in Section 9.5.D.

4           3. General Permit. A general permit may be issued for exotic  
5           vegetation removal and minor vegetation alteration as  
6           determined by ERM in advance of building permits. A general  
7           permit may also be issued for minor construction activities  
8           (fences, building additions) to existing developed and  
9           undeveloped lots. This permit is expected to have an  
10           expedited review with field issuance following an on-site  
11           meeting with the applicant. Specifics of the general permit  
12           are found in Section 9.5.E.

13           4. Standard Permit. A standard permit is required for vegetation  
14           alteration that is not otherwise approved as a Vegetation  
15           Removal Notice for single-family residential lots or a  
16           General Permit or is otherwise exempt from this section.  
17           Standard Permit requirements are listed in Section 9.5.F.

18           5. Specimen Tree Permit. This permit is designed to protect  
19           certain exceptional trees due to their size and stature that  
20           make them important natural resources deserving of special  
21           protection. Permitting issues associated with Specimen Trees  
22           will generally be incorporated with standard permits but  
23           shall require special attention for activities that are  
24           otherwise exempt or covered by the General Permit or  
25           Vegetation Removal Notice. Specimen Tree requirements are  
26           listed in Section 9.5.G.

27           C. EXEMPTIONS. The following activities are exempt from the  
28           permitting process of this section:

29           1. Land surveyor. The minimal removal of trees or understory  
30           necessary for a Florida licensed land surveyor to conduct  
31           surveys. The cleared swath shall not cause the removal of  
32           trees three (3) inches or greater dbh nor exceed five (5)  
33           feet in width, and hand clearing only shall be used to remove  
34           vegetation.

35           2. Public and private utilities. Any alteration of existing  
36           canals or structures to design specifications pursuant to the  
37           direction of public or private utilities, water control  
38           district, or water management districts within drainage  
39           easements where the vegetation is interfering with drainage  
40           or services provided by the public or private utilities,  
41           water control districts or water management districts. New  
42           construction is not an exempt activity.

43           3. Natural emergencies. The provisions of this section may be  
44           suspended or waived by the Director of ERM during a period of  
45           officially declared emergency, such as a hurricane,  
46           windstorm, tropical storm, flood or similar disaster.

47           4. Forest management activities. Selective tree removal for  
48           forest management activities for a specific site as defined  
49           in the current Forest Management Plan as approved by the  
50           Florida Division of Forestry.

51           5. Botanical gardens, botanical research centers, licensed  
52           commercial nurseries, or bona-fide agricultural operations.  
53           Vegetation alteration associated with subsequent harvesting  
54           activities, except within preserve areas or vegetated  
55           buffers, which are part of the on-going activities of the

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- 1 existing operation shall not require a permit. Initial  
2 clearing of a site is not an exempt activity.
- 3 6. Parks and recreation. Alterations or activities associated  
4 with an adopted management plan for government-maintained  
5 parks, recreation areas, wildlife management areas,  
6 conservation areas and preserves. New construction or  
7 development is not an exempt activity.
- 8 7. Lot Clearing Ordinance. Removal of exotic vegetation ONLY as  
9 required pursuant to the Lot Clearing Ordinance (Ordinance  
10 No. 92-13), as amended, or by a public law enforcement agency  
11 directive or order pursuant to necessary law enforcement  
12 activity.
- 13 8. Mitigation or enhancement projects. Activities conducted on  
14 projects which have received a permit from SFWMD, DEP, or ERM  
15 pursuant to Chapters 403 and 373, Fla. Stat., and FAC Chapter  
16 62-312, as amended, and Sec. 9.4 of this Code, including  
17 projects approved for an adopted Surface Water Improvement  
18 and Management (SWIM) Plan.
- 19 9. Landscape plant removal. Removal or alteration of non-native  
20 vegetation installed as landscape material from a developed  
21 site, provided the activity complies with the requirements of  
22 Section 7.3, Landscaping and Buffering, and no removal occurs  
23 from native vegetation buffers or preserves.
- 24 10. Preserve management activities. Preserve management  
25 activities on publicly or privately-owned lands, provided  
26 that all of the following conditions are applicable:
- 27 a. The preserve area is designated as such by deed restriction,  
28 plat, restrictive covenant, or conservation easement and is  
29 dedicated to a public entity or approved private conservation  
30 group for the purpose of preservation in perpetuity; and
- 31 b. The purpose of the activity is to protect and preserve the  
32 natural values and functions of the ecological communities  
33 present, such as clearing for firebreaks for prescribed burns  
34 or construction of fences.
- 35 11. De Minimus impacts. Those projects for which ERM determines  
36 that there will be no significant adverse environmental  
37 impacts and a written response is provided by ERM.
- 38 D. VEGETATION REMOVAL NOTICE FOR SINGLE FAMILY RESIDENTIAL LOTS.  
39 The initial construction of a single-family unit or a single  
40 two (2) unit (duplex) residence or associated accessory  
41 structures on lots less than two and one half (2.5) acres in  
42 gross size shall comply with the conditions of the Notice.  
43 The Notice conditions are as follows:
- 44 1. Minimum Alteration. The extent of removal of vegetation shall  
45 be limited to the minimum necessary to accomplish the purpose  
46 of the site plan.
- 47 2. Removal of Prohibited Plant Species. Complete removal or  
48 eradication of prohibited plant species, as defined below,  
49 shall be completed for the entire site prior to receipt of  
50 the Certificate of Occupancy (C.O.). Planting or installation  
51 of these plant species is prohibited. Periodic removal is  
52 required to prevent future re-establishment of the prohibited  
53 species on site. The following plant species are prohibited:

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- 1 Melaleuca, punk tree or paper tree - *Melaleuca quinquenervia*
- 2 Brazilian pepper or Florida holly - *Schinus teribinthifolius*
- 3 Australian pine - *Casuarina* spp.
- 4 Earleaf acacia - *Acacia auriculiformis*
- 5 Kudzu - *Pueraria montana (P. lobata)*
- 6 Small-leaved climbing fern - *Lygodium microphyllum*

7 **3. Permit Duration.** The Vegetation Removal Notice shall be in  
 8 effect for one (1) year after the issuance date. The issuance  
 9 date may be the date of issuance of the building construction  
 10 permit.

11 **E. GENERAL PERMIT.** An applicant may request consideration for a  
 12 general permit for minor vegetation alteration as determined  
 13 by ERM, and/or for exotic plant removal. The field-issued  
 14 general permit may be issued for those portions or for all of  
 15 a property wherein exotic vegetation comprise eighty (80%)  
 16 percent or more of the vegetation as determined by ERM. For  
 17 properties wherein exotic vegetation comprises less than  
 18 eighty (80%) percent as determined by ERM, a standard permit  
 19 shall be issued. A general permit with appropriate conditions  
 20 designed to protect native upland and wetland vegetation  
 21 shall be issued following an on site meeting with the  
 22 applicant or the applicant's agent and receipt of a completed  
 23 permit form signed by the applicant or the applicant's agent.  
 24 Such permit conditions may include, but are not limited to,  
 25 setbacks from otherwise protected vegetation, considerations  
 26 for methods of vegetation removal, protection of specimen  
 27 trees or listed species, removal of prohibited plant species  
 28 and consideration for vegetation disposal. General permits  
 29 are valid for one year, unless otherwise extended by ERM.

30 **F. STANDARD PERMIT.** A standard permit requires submittal of an  
 31 application on forms provided by ERM. This permit shall be  
 32 issued with building permits, as applicable, and shall  
 33 include preservation and protection of native upland  
 34 vegetation through such techniques as removal of prohibited  
 35 plant species, incorporating existing native vegetation into  
 36 the site plan, relocating native vegetation as appropriate,  
 37 establishing natural area preserves and salvaging native  
 38 vegetation to off-site locations. Flexibility has been added  
 39 to the process by providing options which could allow for the  
 40 issuance of a standard permit in advance of building permits,  
 41 as well as options to the requirement for establishing on-  
 42 site natural area preserves. With the exception of  
 43 agricultural, and roadway production activities, and exotic  
 44 vegetation removal only, all standard permits shall be issued  
 45 with the building permits or a Land Development Permit.  
 46 Permits are valid for one year from the date of issuance  
 47 unless otherwise extended by ERM. A standard permit  
 48 application shall include the following information:

49 **1. Completed application form.** An application form shall be  
 50 completed, signed and notarized by the property owner or by  
 51 an agent of the owner with the following attachments:

52 **a. Site description.** A site description which shall include a  
 53 location map, certified site plan or survey, showing all  
 54 easements and a recent aerial map with the site delineated  
 55 and color photographs depicting the site.

56 **b. Vegetation assessment.** A vegetation assessment and species  
 57 list describing the vegetative communities on site. This

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1 information is provided by ERM during the site inspection for  
2 single family applicants.

3 c. Tree survey. A tree survey with a numbered tabular list and a  
4 listed species assessment may be required.

5 d. List of salvageable native vegetation. A list of salvageable  
6 native vegetation which cannot otherwise be used on site  
7 placed on forms provided by ERM.

8 **2. Technical requirements for standard permits.**

9 a. Removal of prohibited plant species. Complete removal or  
10 eradication of prohibited plant species, as defined below,  
11 shall be completed for the entire site concurrent with the  
12 permitted vegetation alteration and prior to receipt of the  
13 first C.O., if applicable, unless a phasing plan has been  
14 approved by ERM. Planting or installation of these plants is  
15 prohibited. Periodic follow-up removal is required to prevent  
16 future re-establishment of the prohibited species on-site.  
17 The following list constitutes the prohibited plant species,  
18 and the list may be updated by resolution by the Board of  
19 County Commissioners:

20 Melaleuca, punk tree or paper tree - *Melaleuca quinquenervia*  
21 Brazilian pepper or Florida holly - *Schinus teribinthifolius*  
22 Australian pine - *Casuarina* spp.  
23 Earleaf acacia - *Acacia auriculiformis*  
24 Kudzu - *Pueraria momana* (*P. lobata*)  
25 Small-leaved climbing fern - *Lygodium microphyllum*

26 b. Incorporation/Relocation of Existing Native Vegetation.  
27 Existing native vegetation shall be incorporated into the  
28 site plan and protected during construction. Existing native  
29 vegetation which cannot practically be preserved in place on  
30 the site plan shall be relocated to buffer and open space  
31 areas on site. To preserve and protect native vegetation, ERM  
32 shall also consider:

- 33 1) Limiting the removal of native vegetation to the minimum  
34 necessary to accomplish the site plan.  
35 2) Preserving listed species in place or relocating to buffers,  
36 open space or undeveloped portions of the site.  
37 3) The likelihood of accomplishing successful relocation of  
38 vegetation on or off site.  
39 4) The use of barriers and flagging during construction to  
40 establish appropriate setbacks to protect and preserve native  
41 vegetation.  
42 5) Mitigation/compensation for the loss of native vegetation  
43 which exceeds the minimum necessary to accomplish the site  
44 plan.

45 c. Establishing Natural Area Preserves. All standard permits  
46 with the exception of lots for single family or a single two  
47 (2) unit (duplex) residence that are less than four (4) acres  
48 in gross size, shall be evaluated for the establishment of a  
49 natural area preserve. Sites which previously have been  
50 designated as environmentally sensitive lands or otherwise  
51 have significant areas of native vegetation shall be required  
52 by ERM to designate a natural area preserve equivalent to 25%  
53 of the total native upland vegetation on site or otherwise  
54 comply with this Section. New public park facilities  
55 constructed on parcels 20 acres in size or less shall be

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1 exempt from the preserve requirements of this section.

2 Applicants are urged to evaluate preserve requirements prior  
3 to site planning. In determining significant areas of native  
4 vegetation and in designating the location of the preserve,  
5 ERM shall consider the quality of the native ecosystems,  
6 overall quality of its biological diversity, the presence of  
7 listed species, the wildlife habitat value, the compactness  
8 of the preserve and its proximity to other natural preserve  
9 areas and corridors. Activities within a preserve are  
10 restricted to those which will not cause degradation of the  
11 preserve. The preserve shall have the following additional  
12 requirements:

13 1) **Preserve Boundaries.** The preserve boundaries shall be  
14 designated in a certified survey submitted to ERM. Drainage  
15 or other types of easements shall not be located within the  
16 boundaries of the preserve. Prior to and during site  
17 alteration, the preserve boundaries shall be clearly marked  
18 and appropriately barricaded.

19 2) **Management Plan.** A Management Plan developed by the applicant  
20 shall outline methods to provide long-term protection and  
21 maintenance of the values and functions of the preserve. The  
22 Management Plan shall be approved by ERM prior to issuance of  
23 the permit for site development or site plan certification.  
24 ERM shall provide "typical" management plans as guidance for  
25 development of site specific plans.

26 3) **Preserve Dedication.** Preserve areas shall be identified as a  
27 preserve graphically and in writing on the applicable plat,  
28 restrictive covenant, or by a separate instrument to be  
29 recorded pursuant to Section 704.06, Fla. Stat., as amended.  
30 Said preserve shall be specifically and separately reserved  
31 to the owner, or if applicable, to the property owners'  
32 association as its perpetual maintenance responsibility,  
33 without recourse to Palm Beach County or other governmental  
34 entity or agency. Prior to issuance of the C.O., the plat or  
35 instrument shall be approved by ERM, recorded in the public  
36 records of Palm Beach County, and proof of recordation shall  
37 be provided to ERM.

38 4) **Invasive Non-Native Plant Species.** In addition to removal or  
39 eradication of the prohibited plant species as defined in  
40 Section 9.5.F.2.a., the invasive non-native plant species as  
41 defined below shall be removed or eradicated from the entire  
42 site including the preserve area prior to receipt of the  
43 first C. O. Periodic follow-up removal is required to control  
44 regeneration of these species. The installation of these  
45 plant species on lots containing preserves is prohibited.

46 The following list constitutes the invasive non-native plant  
47 species as defined, and the list may be updated by Resolution  
48 by the Board of County Commissioners:

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1	Air potato	<i>Dioscorea bulbifera</i>	Vine
2	Banyan	<i>Ficus bengalensis</i>	Tree
3	Bishop-wood	<i>Bischofia javanica</i>	Tree
4	Carrotwood	<i>Cupaniopsis anacardioides</i>	Tree
5	Cat's claw	<i>Mimosa pigra</i>	Tree
6	Chinese tallow tree	<i>Sapium sebiferum</i>	Tree
7	Cork tree	<i>Thespesia populnea</i>	Tree
8	Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
9	Jasmine	<i>Jasminum dichotomum</i>	Shrub
10	Java plum	<i>Syzygium cumini</i>	Tree
11	Lather leaf	<i>Colubrina asiatica</i>	Vine
12	Lofty fig	<i>Ficus altissima*</i>	Tree
13	Mahoe	<i>Hibiscus tiliaceus</i>	Tree
14	Schefflera	<i>Schefflera actinophylla</i>	Tree
15		<i>(Brassaia actinophylla)</i>	
16	Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
17	Woman's tongue	<i>Albizia lebeck</i>	Tree

18       \* Plants may be grown only under greenhouse or shade house  
19       conditions for use as indoor houseplants.

20       d. Salvaging Native Vegetation. Native upland vegetation which  
21       cannot be preserved or relocated on site shall be considered  
22       surplus. The applicant for standard permits shall attach to  
23       the application a list, on a form provided by ERM, of the  
24       available vegetation including the species names and  
25       approximate quantity and sizes of each species. The applicant  
26       shall physically mark (so no inadvertent destruction occurs)  
27       available vegetation on site to afford easy identification.  
28       ERM shall maintain a list of persons interested in salvaging  
29       native plant species and shall assist in finding suitable  
30       locations for this surplus vegetation. The vegetation shall  
31       remain available for removal, sale or donation for at least  
32       twenty (20) business days after issuance of the permit. The  
33       applicant is encouraged to cooperate with the salvage of this  
34       vegetation.

35       3. Standard Permit Options. The following options are available  
36       on a voluntary basis to applicants seeking a standard permit.

37       a. Option for Receipt of Standard Permit in advance of a Land  
38       Development or Building Permit. Public policy opposes  
39       speculative land clearing which eliminates native vegetation  
40       far in advance of development. However, certain conditions  
41       can provide assurances that development will proceed in good  
42       faith. A standard permit may be issued by ERM in advance of  
43       issuance of the Land Development Permit or building permit,  
44       provided the following conditions are met:

- 45       1) In addition to the application requirements contained in  
46       Section 9.5.F.1., the following additional information is  
47       required:
- 48       a) Documentation of submittal of an application for a Land  
49       Development Permit and fee payment; or
  - 50       b) If no Land Development Permit is required, then submittal of  
51       a copy of the SFWMD early works permit for the site; and
  - 52       c) A performance guarantee or surety in an amount equal to one  
53       hundred ten (110%) percent of the cost to restore native  
54       plant communities appropriate to the site in the event native  
55       vegetation is damaged or destroyed in violation of the permit  
56       conditions during the pre-construction activities. ERM  
57       retains the option for requesting a second cost estimate for  
58       which the surety is based.

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- 1           2) The final site plan certification has been granted by the  
2           Development Review Committee;  
3           3) The work for which the permit is issued shall be completed  
4           within one and one half (1 1/2) years of the issuance date;  
5           4) Preserve dedication, pursuant to Section 9.5.F.2.c.3., for  
6           any designated preserve area has occurred; and  
7           5) Within one year of permit issuance, all prohibited plant  
8           species shall have been removed, and until construction  
9           commences, the site shall be regularly monitored and  
10           maintained to prevent the reestablishment of the exotics.  
11           Every six (6) months thereafter the site shall be surveyed to  
12           ensure exotic removal is completed. A report verifying the  
13           removal shall be submitted to ERM by a licensed landscape  
14           architect. In the event the County exercises its option on  
15           the surety pursuant to Section 9.5.F.3.a.(1)(c) above, this  
16           maintenance and monitoring requirement shall cease.

17           **b. Option for Single Family Residential Lot Owners to accept a**  
18           **minimum alteration option in lieu of establishing a Natural**  
19           **Area Preserve. Applications for permits for site development**  
20           **on lots for single-family or single two-unit (duplex)**  
21           **residences may elect the Minimum Alteration Option in lieu of**  
22           **meeting the preserve requirements, provided the intent and**  
23           **conditions of this subsection are met.**

24           **1) Intent. It is the intent of this option to maximize**  
25           **protection of native vegetation by minimizing alterations**  
26           **associated with single-family residential development. By**  
27           **designating this option, the property owner agrees to**  
28           **maintain the remainder of the property in its natural state,**  
29           **including canopy, subcanopy, and groundcover vegetation with**  
30           **the exception of removal of prohibited species. Only periodic**  
31           **limited activities associated with fuel load reduction and**  
32           **passive recreation may occur in the uncleared portions of the**  
33           **property. This does not include regular mowing of all the**  
34           **groundcover.**

35           **2) Conditions. To qualify for this option, all of the following**  
36           **conditions shall be met:**

37           **a) The site is not located within a rare or endangered ecosystem**  
38           **such as scrub, nor does it constitute significant habitat for**  
39           **listed species.**

40           **b) No specimen trees shall be adversely impacted.**

41           **c) One (1) acre or less total area shall be impacted for all**  
42           **development on the lot, such as but not limited to entrance**  
43           **road, housepad, swimming pool, lawn area, and utilities.**

44           **d) If the prohibited species removal generates cleared areas,**  
45           **then the allowed one (1) acre shall incorporate the cleared**  
46           **areas to the greatest extent possible.**

47           **e) Property owners who have elected this option shall notify any**  
48           **prospective buyer, prior to sale of the property, of these**  
49           **vegetation protection requirements.**

50           **f) Any additional or future vegetation removal, such as but not**  
51           **limited to clearing for livestock, shall require compliance**  
52           **with the preserve requirements contained in this Section. The**  
53           **original preserve as calculated and designated shall be**  
54           **established under a Conservation Easement with a Management**  
55           **Plan.**

56           **c. Option for Cash Payment in lieu of establishing a Natural**  
57           **Area Preserve. ERM shall have the option of accepting a cash**  
58           **payment in lieu of setting aside a preserve. The monies shall**  
59           **accumulate in the Palm Beach County Natural Areas Stewardship**  
60           **Endowment Fund for the management of native ecosystems.**

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- 1           1) In order to grant this option, the following conditions shall  
2           be met:
- 3           a) The request shall be submitted to ERM prior to Development  
4           Review Committee approval or issuance of a building  
5           construction permit;  
6           b) The cash payment shall be equivalent to the average per acre  
7           appraised value, at the time of permit application,  
8           multiplied by the number of acres required to be preserved.  
9           ERM retains the option for requesting a second appraisal for  
10           which this option is based.  
11           c) The cash payment shall be made payable to the Palm Beach  
12           County Natural Areas Stewardship Endowment Fund and shall be  
13           received prior to issuance of the permit or site plan  
14           certification;  
15           d) If listed species are determined to be on site, the cash  
16           payment option may be approved if the applicant successfully  
17           demonstrates that the proposed action will not preclude the  
18           continued survival and viability of the listed species, or a  
19           plan is approved by all appropriate agencies for relocating  
20           those species on site or off site.
- 21           e) For Commercial Agriculture, this cash payment option may  
22           allow commencement of site development prior to submittal of  
23           the cash payment through compliance with the following  
24           additional requirements:
- 25           (1) Deed restriction or covenant. A deed restriction or covenant  
26           shall be placed on the parcel which limits the use to  
27           commercial agriculture, and the property owner agrees to  
28           make the cash payment to the Palm Beach County Natural Areas  
29           Stewardship Endowment Fund at the time the site is converted  
30           to a nonagricultural land use; and  
31           (2) Appraised value. The cash payment amount shall be calculated  
32           based on the appraised value at the time of the conversion  
33           of the parcel to a non-agricultural use.
- 34           d. Option for alternative mitigation for publicly-owned parcels.  
35           Projects proposed for publicly-owned (PO) parcels may propose  
36           alternative mitigation that meets the purpose and intent of  
37           this section. The alternative mitigation proposals shall be  
38           reviewed and a determination made by the County Administrator  
39           or his designee in consultation with the Director of ERM.
- 40           G. SPECIMEN TREE PERMITS. Trees that have attained the size and  
41           stature to meet the "specimen" designation are trees that are  
42           an important natural resource of Palm Beach County and  
43           deserve special protection. All applications for permits  
44           shall comply with the conditions and requirements of this  
45           subsection.
- 46           1. Definition. A Specimen Tree is a tree that has attained an  
47           age where its size, stature, health, and appearance  
48           contributes to the aesthetics of an area. A specimen tree may  
49           be native or non-native. Trunk sizes designating specimen  
50           stature of the most commonly found native tree species are  
51           contained in subsection 3 below. All other tree species,  
52           exclusive of those trees listed in subsection 2 below, not  
53           listed are defined as specimen trees if the trunk has  
54           attained a diameter size of at least thirty three (33)  
55           percent that of the Florida Division of Forestry's listed  
56           champion.
- 57           2. The following trees are not considered specimen trees:

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- 1 a. Non-native fruit trees that are cultivated or grown for the  
 2 specific purpose of producing edible fruit, such as citrus,  
 3 avocados, mangos;
- 4 b. Prohibited and invasive non-native plant species as defined  
 5 in this Section including the Norfolk pine (*Araucaria excelsia*);  
 6 and
- 7 c. All non-native multi-trunk palms.

8 **3. Specimen Tree list.** The following list includes the most  
 9 commonly found native trees in Palm Beach County with the  
 10 Specimen size trunk diameter at breast height (dbh) and  
 11 circumference calculations in inches:

Common Name	Scientific Name	Trunk Size (in inches)	
		dbh	circumference
Bald Cypress	<i>Taxodium distichum</i>	13	42
FL Strangler Fig	<i>Ficus aurea</i>	25	78
Green Buttonwood	<i>Conocarpus erecta</i>	13	42
Gumbo Limbo	<i>Bursera simaruba</i>	13	41
Laurel Oak	<i>Quercus laurifolia</i>	17	56
Live Oak	<i>Quercus virginiana</i>	22	72
Red Maple	<i>Acer rubrum</i>	13	40
Red Mulberry	<i>Morus rubra</i>	13	43
Sand Pine	<i>Pinus clausa</i>	8	27
Seagrape	<i>Coccoloba uvifera</i>	10	32
Slash Pine	<i>Pinus ellioti var. densa</i>	14	45
Southern Red Cedar	<i>Juniperus silicicola</i>	21	64
Sweet Bay	<i>Magnolia virginiana</i>	12	38

27 **4. Requirements.** All sites undergoing development shall comply  
 28 with the following conditions:

- 29 a. Site plans shall be developed to incorporate Specimen Trees  
 30 in place in the site design to the greatest extent possible;
- 31 b. Specimen Trees shall be relocated if there is no construction  
 32 alternative which allows incorporation of the tree into the  
 33 site design.
- 34 c. If Specimen trees cannot be relocated, ERM may allow  
 35 replacement plantings consisting of native tree species  
 36 pursuant to the Tree Credits Table provided in Section I.5.
- 37 d. Relocated specimen trees shall be provided with irrigation,  
 38 mulching, and other means to ensure survivorship. If  
 39 relocated specimen trees do not survive, they shall be  
 40 replaced with native tree species pursuant to the Tree  
 41 Credits Table.

42 **H. REMOVAL OF PROHIBITED PLANT SPECIES.** By the year 2006, all  
 43 developed property approved or constructed prior to April 28,  
 44 1986, shall have prohibited plant species removed by the  
 45 property owner. Developed property approved or constructed on  
 46 or after April 28, 1986, shall be maintained free of  
 47 prohibited plant species.

48 **I. ADMINISTRATIVE REQUIREMENTS.**

49 **1. Fees.** Fees shall be required as established by resolution of  
 50 the Board of County Commissioners. Fees are non-refundable

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- 1                   and non-transferable.
- 2                   **2. Appeals.** An applicant for any permit may appeal a final  
3                   determination made by the Director of ERM to the  
4                   Environmental Ordinance Appeals Board pursuant to this  
5                   section. The applicant shall comply with the following appeal  
6                   procedures:
- 7                   **a. Submittal.** A written appeal must be made within twenty (20)  
8                   days of the applicant's receipt of the final action.
- 9                   **b. Hearing.** Each hearing shall be held within sixty (60) days of  
10                   submittal of all documents which the Environmental Ordinance  
11                   Appeals Board deems necessary to evaluate the appeal. At the  
12                   conclusion of the hearing, the Environmental Ordinance  
13                   Appeals Board shall orally render its decision (order), based  
14                   on evidence entered into the record. The decision shall be  
15                   stated in a written order and mailed to the applicant no  
16                   later than ten (10) days after the hearing. Written orders of  
17                   the Environmental Ordinance Appeals Board shall be final.
- 18                   **c. Judicial Relief.** An applicant or ERM may appeal a final  
19                   written order of the Environmental Ordinance Appeals Board  
20                   within thirty (30) days of rendition of the written order by  
21                   filing a petition for Writ of Certiorari in Circuit Court of  
22                   the Fifteenth Judicial Circuit in and for Palm Beach County,  
23                   Florida.
- 24                   **3. Violations.** A violation of this section shall be defined as  
25                   follows:
- 26                   **a.** The alteration or removal of one (1) specimen tree(s) or the  
27                   alteration or removal of vegetation in any manner defined by  
28                   this section, of up to fifteen hundred (1,500) square feet in  
29                   extent without a current and valid permit or unless expressly  
30                   exempt under the provisions set forth in this section.  
31                   Alteration or removal of each additional specimen tree and  
32                   alteration of each additional fifteen hundred (1,500) square  
33                   feet tract of vegetation or portion thereof in violation of  
34                   this section shall constitute a separate violation; or
- 35                   **b.** Failure to comply with a condition of a permit or a  
36                   requirement of an approved Preserve Management Plan issued by  
37                   ERM pursuant to this section.
- 38                   **c.** Failure to notify a prospective buyer in writing of the  
39                   applicable restrictions and requirements wherein the Minimum  
40                   Alteration Option was exercised in lieu of a preserve.
- 41                   **4. Enforcement.** In order to enforce compliance with the  
42                   provisions of this section, ERM may issue a cease and desist  
43                   order or require that a building permit or C.O. be withheld.  
44                   Violations of the provisions of this section shall be  
45                   punishable by one or more of the following:
- 46                   **a.** Triple permit fees for permits not obtained prior to  
47                   violations involving activities which would otherwise have  
48                   been permissible as determined by ERM.
- 49                   **b.** Enforcement of this section shall be through the remedies as  
50                   outlined in Article 14.
- 51                   **c.** Notwithstanding, all enforcement remedies available, pursuant  
52                   to Article 14, do not prevent the County from enforcing the

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1 provisions of this section by any other measures allowable by  
2 law, including but not limited to, Chapters 125 and 162, Fla.  
3 Stat., as may be amended.

4 5. Restoration. Damage to native vegetation may result in an  
5 order to restore to pre-existing site conditions. When  
6 existing native trees are removed or damaged without a permit  
7 or when trees that were to be preserved in place or relocated  
8 are damaged or destroyed during activities conducted with a  
9 permit, they shall be replaced in accordance with the  
10 following Tree Credits Table:

11 TREE CREDITS TABLE

<u>Crown Spread</u>	<u>DBH (in inches)</u>	<u>Number of</u> <u>Replacement Trees</u>
14 <u>90 feet or greater</u>	<u>37 or more</u>	<u>8</u>
15 <u>60-89 feet</u>	<u>32 to 37</u>	<u>7</u>
16 <u>50-59 feet</u>	<u>27 to 32</u>	<u>6</u>
17 <u>40-49 feet</u>	<u>22 to 27</u>	<u>5</u>
18 <u>30-39 feet</u>	<u>17 to 22</u>	<u>4</u>
19 <u>20-29 feet</u>	<u>12 to 17</u>	<u>3</u>
20 <u>10-19 feet</u>	<u>7 to 12</u>	<u>2</u>
21 <u>5-10 feet</u>	<u>2 to 7</u>	<u>1</u>
22 <u>less than 5 feet</u>	<u>less than 2</u>	<u>0</u>

23 Replacement trees shall be at least twelve (12) feet in height,  
24 three (3) inches dbh, and consist of native species.

25 6. Additional sanctions. The County shall take any other  
26 appropriate legal action, including, but not limited to,  
27 administrative action, and requests for temporary and  
28 permanent injunctions to enforce the provisions of this  
29 section.

30 7. Pollution Recovery Trust Fund. All monies collected as civil  
31 penalties for violations of this section shall be deposited  
32 in the Palm Beach County Pollution Recovery Trust Fund.

33 J. GLOSSARY OF TERMS. Terms used in this section shall have the  
34 following definitions. Additional terms defined in Article 3  
35 may not apply to this section.

36 1. Alteration means the result of human-caused activity which  
37 modifies, transforms or otherwise changes the vegetation,  
38 including but not limited to the following activities:

- 39 a) The removal, displacement, mowing, or disturbance (severe  
40 pruning, hatracking or inter-nodal cutting, or poisoning) of  
41 vegetation excluding prescribed burns for the management of  
42 native vegetation communities;
- 43 b) Additional removal, displacement, demucking or disturbance of  
44 soil, rock, minerals or water;
- 45 c) Introduction of livestock for grazing, such as cattle and  
46 horses;
- 47 d) Placement of vehicles, structures, debris or other material  
48 objects thereon, including introduction or injection of water  
49 and other substances.

50 2. Diameter at breast height (dbh) means the diameter of a tree  
51 trunk measured at a point four and one half (4.5) feet above  
52 the ground.

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- 1           3. Environmentally sensitive lands mean ecological sites  
2           (ecosites), other than wetlands, that are designated in the  
3           Inventory of Native Ecosystems in Palm Beach County and on  
4           its accompanying aerial photographs as "A" quality,  
5           representing high-quality native Florida upland ecosystems.  
6           These sites are indicated on the aerial photographs (received  
7           on May 30, 1989) that are on file at ERM and are incorporated  
8           herein by reference. Inventory of Native Ecosystems in Palm  
9           Beach County is a report and annotated aerials produced  
10           during the study with this title, which was conducted by  
11           consultants under contract to Palm Beach County.
- 12           4. Exotic plant species means a plant species not indigenous to  
13           Florida including those plants listed as prohibited and  
14           invasive non-native plant species in this section.
- 15           5. Listed species means any species listed as endangered,  
16           threatened, rare, or of special concern by one (1) or more of  
17           the following agencies:
- 18           a. U.S. Fish and Wildlife Service;  
19           b. Florida Game and Fresh Water Fish Commission;  
20           c. Florida Committee on Rare and Endangered Plants and Animals;  
21           d. Florida Department of Agriculture and Consumer Services; and  
22           e. Treasure Coast Regional Planning Council.
- 23           6. Native tree(s) or native vegetation means plants species with  
24           a natural geographic distribution indigenous to Florida.  
25           Plant species introduced by humans are not native vegetation.
- 26           7. Native upland vegetation means the plant component of a  
27           native Florida upland community, (a characteristic assemblage  
28           of native plant and animal species which are interrelated and  
29           occupy predominantly upland terrain), which includes intact  
30           upland vegetation, such as Florida scrub, pine flatwoods,  
31           scrubby flatwoods, hammocks, and dry prairies.
- 32           8. Tree means a woody or fibrous perennial plant commonly with a  
33           single stem and having a minimum trunk dbh of three (3)  
34           inches and having a more or less defined crown, that usually  
35           grows to at least four (4) meters or thirteen (13) feet in  
36           height at maturity.
- 37           9. Tree survey means a comprehensive survey document or site  
38           plan that provides site specific information for trees three  
39           (3) inches or greater dbh or for palm trees with an overall  
40           clear trunk height of eight (8) feet that are on the site.  
41           The survey shall be performed by a Florida-licensed land  
42           surveyor, and ERM shall determine the applicability and the  
43           extent of each survey.

44           **Subpart** Section 10.1.A., Impact Fees, General, Intent, authority  
45           and findings is amended to delete language as follows:

46           **A. Intent, authority and findings.**

- 47           1. **Intent.** This article is intended to implement and be  
48           consistent with the Comprehensive Plan and to regulate the  
49           use and development of land. It is the intent of Palm Beach  
50           County that new development shall bear a proportionate share  
51           of the cost of capital expenditures necessary to provide  
52           park, fire-rescue, library, law enforcement, public building,  
53           schools and road capital facilities in Palm Beach County as  
54           is contemplated in the Comprehensive Plan.

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1 Impact fees shall not be used to collect more than is  
2 necessary to fund such capital facilities. The impact fees in  
3 this article are based on the Impact Fee Report, as amended,  
4 ~~and the methodology adopted for Fair Share Road Impact Fees,~~  
5 which establish a fair and equitable allocation of costs and  
6 recognize past and future payments from new development, as  
7 well as credits for in-kind contributions, and municipal  
8 provision of like facilities under certain circumstances.

9 Funds collected from impact fees shall not be used to replace  
10 existing capital facilities or to fund existing deficiencies,  
11 but only to provide for new capital facilities which as  
12 necessitated by new development.

13 **Subpart** Section 10.1.E., Impact Fees, Computation of Fee is  
14 amended to add language and renumber sections as  
15 follows:

16 **E. Computation of fee.**

17 ...

18 5. Errors and Omissions. Errors and omissions identified by the  
19 Internal Auditor or other County reviewing personnel within  
20 four (4) years of building permit issuance shall be corrected  
21 by the affected parties, including the feepayer. Impact fees in  
22 effect at the time of permitting shall be collected when  
23 identified. Computational or clerical errors do not excuse the  
24 affected parties, including the feepayer, from paying all  
25 impact fees due.

26 ~~5-~~ 6.

27 **Subpart** Section 10.1.F.2., Impact Fees, Independent fee  
28 calculation study, Submission of application is amended  
29 to add and delete language as follows:

30 **F. Independent fee calculation study.**

31 ...

32 **2. Submission of application.** The application for an  
33 independent calculation study shall be submitted to the Impact  
34 Fee Coordinator, ~~except~~ except that an independent calculation  
35 study for road impact fees shall be submitted simultaneously to  
36 the Impact Fee Coordinator and the County Engineer. The  
37 application for an independent calculation study must be  
38 submitted and an escrow agreement in a form acceptable to the  
39 County shall be executed, prior to permit issuance. A feepayer  
40 failing to submit an independent fee calculation study and an  
41 executed escrow agreement to the Impact Fee Coordinator prior  
42 to permit issuance is deemed to have waived the right to an  
43 impact fee adjustment based on the independent fee calculation  
44 study.

45 ...

46 **4. Determination of sufficiency.** The Impact Fee Coordinator  
47 shall determine if the application is sufficient within five  
48 (5) working days of its receipt. ~~a-~~ If the Impact Fee  
49 Coordinator determines the application is not sufficient, a  
50 written notice shall be mailed to the applicant specifying  
51 the deficiencies. No further action shall be taken on the  
52 application until the deficiencies are remedied.

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1 provide the certification setting for the square footage of  
2 an existing building.

3 ~~b. c.~~

4 ~~e. d.~~

5 ~~d. e.~~

6 ~~e. f.~~

7 ~~f. g.~~

8 ~~g. h.~~

9 ~~h. i.~~

10 ~~i. i.~~

11 **Subpart** Section 10.5.E., Law Enforcement Impact Fees, Use of law  
12 enforcement impact fees is amended to delete language as  
13 follows:

14 **10.5.E. Use of law enforcement impact fees.** The Sheriff shall  
15 identify in the Sheriff's budget those new capital facilities for  
16 which law enforcement impact fees shall be spent. The funds shall  
17 remain restricted to their respective trust funds and the  
18 requirements of this article, and the Sheriff shall ensure that  
19 the funds are expended and accounted for in accordance with this  
20 article. The Sheriff shall maintain such records and  
21 documentation necessary to allow the effective audit of the use  
22 of the law enforcement impact fees. The County's internal auditor  
23 shall have authority to require accounting controls and  
24 documentation, and shall have the authority to audit the use of  
25 law enforcement impact fees. Palm Beach County may require  
26 special impact fee reports by the auditor performing an audit of  
27 the Sheriff's accounts. ~~An intergovernmental agreement between~~  
28 ~~Palm Beach County and the Sheriff shall be entered into to ensure~~  
29 ~~compliance with, and to administer, this article.~~

30 **Subpart** Section 11.1.C., Adequate Public Facility Standards,  
31 Exemptions is amended to add and delete language and  
32 renumber as follows:

33 **C. Exemptions.** The following shall be exempt from the  
34 requirements of this article.  
35 ...

36 2. A residential lot of record which (a) meets the density  
37 requirements of the 1989 Comprehensive Plan, as amended, or  
38 (b) qualifies for an administrative order exempting it from  
39 the density requirement of the Plan.

40 ~~2.3.~~

41 ~~3.4.~~

42 ~~4.5.~~

43 ~~5.6.~~

44 **Subpart** Section 14.2., Enforcement by Code Enforcement Board  
45 and/or Special Master is amended to delete language as  
46 follows:

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Underlined language indicates proposed new language.  
~~Language crossed out~~ indicates language proposed to be deleted.  
... (ellipses) indicates language not amended which has been omitted to save space.

1           **SEC. 14.2 ENFORCEMENT BY CODE ENFORCEMENT BOARD AND/OR SPECIAL**  
2           **MASTER.** The Code Enforcement Board and/or Special  
3           Master shall have the jurisdiction and authority to  
4           hear and decide alleged violations of the codes and  
5           ordinances enacted by Palm Beach County including, but  
6           not limited to the following codes: building,  
7           electrical, fire, gas, landscape, plumbing, sign,  
8           zoning and any other similar type codes which may be  
9           passed by Palm Beach County in the future which  
10          regulate aesthetics, construction, safety, or location  
11          or any structure on real property in Palm Beach County.  
12          Further, any violation(s) of Articles 1 through 8 and  
13          Articles 10 through 12, except Secs. ~~7.5 and~~ 7.6, of  
14          this Code may be prosecuted pursuant to the following  
15          standards and procedures. For the purposes of this  
16          Section 14.2, the term "repeat violation" shall mean a  
17          violation of a provision of a code or ordinance by a  
18          person whom the Code Enforcement Board of Special  
19          Master has previously found to have violated the same  
20          provision within five years prior to the violation.

21          **Subpart** Section 14.2.D.2., Enforcement by Code Enforcement  
22          Board, Administrative fines; costs; liens is amended to  
23          add language as follows:

24          2. A fine imposed pursuant to this Section shall not exceed \$250  
25          per day for a first violation and shall not exceed \$500 per  
26          day for a repeat violation, and, in addition, may include all  
27          costs of repairs pursuant to paragraph 1. of this Section.  
28          If, after due notice and hearing, a code enforcement board  
29          finds a violation to be irreparable or irreversible in  
30          nature, it may impose a fine not to exceed \$5,000 per  
31          violation or as otherwise authorized by Florida State  
32          Statute. In determining the amount of fine, if any, the Code  
33          Enforcement Board and/or Special Master shall consider the  
34          following factors: 1) the gravity of the violation; 2) any  
35          actions taken by the violator to correct the violation; and  
36          3) any previous violations committed by the violator.

37          **Subpart** Section 14.3., Groundwater and Natural Resources  
38          Protection Board is amended to add and delete language  
39          as follows:

40          **SEC.14.3 GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD.** Any  
41          violation of Art.9 (except Sec. 9.4), ~~Sec. 7.5,~~ or Sec.  
42          7.6, of this Code may be referred by ERM and prosecuted  
43          by the Groundwater and Natural Resources Protection  
44          Board pursuant to the following standards and  
45          procedures.

46          **A. Warning of violation.** If an alleged violation of Art. 9  
47          (except Sec. 9.4), ~~Sec. 7.5 or Sec. 7.6~~ of this Code is  
48          found, the Director of ERM shall notify the alleged property  
49          owner and/or violator and give the alleged property owner  
50          and/or violator reasonable time to correct the violation. ~~If~~  
51          ~~the alleged violation is causing irreparable and irreversible~~  
52          ~~harm, the Director of ERM shall make a reasonable effort to~~  
53          ~~notify the violator and may immediately notice the~~  
54          ~~Groundwater and Natural Resources Protection Board and~~  
55          ~~request a hearing.~~

56          **B. Issuance of violation citation.** Should the violation continue  
57          beyond the time specified for correction, or irreparable and  
58          or irreversible harm has occurred, or the violation presents

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1 a serious threat to the public health, safety, and welfare,  
2 the Director of ERM shall make a reasonable effort to notify  
3 the violator and may immediately notice the Groundwater and  
4 Natural Resources Protection Board and request a hearing.  
5 ~~issue a Notice of Hearing to the alleged property owner~~  
6 ~~and/or violator which shall include a reference to the~~  
7 ~~particular section of Article 9, Sec. 7.5, or Sec. 7.6 that~~  
8 ~~is allegedly violated, and the date and time of the hearing.~~

9 ...

10 **F. Procedure at hearings.** Alleged violations of any of those  
11 sections described herein may be filed with the Groundwater  
12 and Natural Resources Protection Board by citizens or those  
13 officials who have the responsibility of enforcing such  
14 sections.

15 ...

16 3. At the conclusion of the hearing, the Groundwater and Natural  
17 Resources Protection Board shall orally render its decision  
18 (order) based on evidence entered into the record. The  
19 decision shall be by motion approved by the affirmative vote  
20 of those members present and voting, except that at least  
21 four (4) members of the Groundwater and Natural Resources  
22 Protection Board must vote for the action to be official. The  
23 Groundwater and Natural Resources Protection Board's decision  
24 shall then be transmitted to the respondent in the form of a  
25 written order including finding of facts, and conclusions of  
26 law consistent with the record. The order shall be  
27 transmitted by certified mail to the respondent within ten  
28 (10) days after the hearing. The order may include a notice  
29 that it must be complied with by a specified date and that a  
30 fine and costs may be imposed and under the circumstances set  
31 forth in Section 14.3.H. The cost of repairs or other  
32 corrective action may be included along with the fine if the  
33 order is not complied with by said date. A certified copy of  
34 such order may be recorded in the public records of Palm  
35 Beach County and shall constitute a notice to any subsequent  
36 purchasers, successors in interest, or assigns if the  
37 violation concerns real property, and the findings therein  
38 shall be binding upon the violator, and if the violation  
39 concerns real property, any subsequent purchasers, successors  
40 in interest, or assigns. If an order is recorded in the  
41 public records pursuant to this paragraph and the order is  
42 complied with by the date specified in the order, the  
43 Groundwater and Natural Resources Protection Board shall  
44 issue an order acknowledging compliance that shall be  
45 recorded in the public records. A hearing is not required to  
46 issue such an order acknowledging compliance.

47 If Palm Beach County prevails in prosecuting a case before  
48 the Groundwater and Natural Resources Protection Board, it  
49 shall be entitled to recover all costs incurred. Whether and  
50 to what extent such costs are imposed shall be within the  
51 discretion of the Groundwater and Natural Resources  
52 Protection Board but shall not exceed the costs incurred.

53 **G. Powers.** The Groundwater and Natural Resources Protection  
54 Board shall have the power to:

55 ...

56 6. Assess fines pursuant to Sec. 14.3.H. (Administrative fines;

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- 1 costs; liens) of this Article.  
2 7. Lien property pursuant to Sec. 14.3.H. (Administrative fines;  
3 costs; liens) of this Article.  
4 8. Assess costs pursuant to Sec. 14.3.H.

5 H. Administrative fines; costs; liens.

- 6 1. Whenever one of the Groundwater and Natural Resources  
7 Protection Board's orders has not been complied with by the  
8 time set for compliance, or upon finding that a repeat  
9 violation has been committed, the Groundwater and Natural  
10 Resources Protection Board may order the violator to pay a  
11 fine in an amount specified in this section for each day the  
12 violation continues past the date for compliance set forth in  
13 the order, or in the case of a repeat violation, for each day  
14 the repeat violation continues, beginning with the date the  
15 repeat violation is found to have occurred by the code  
16 inspector. In addition, if the violation is a violation  
17 described in Section 14.3.B., the Groundwater and Natural  
18 Resources Protection Board shall notify the Board of County  
19 Commissioners, which may make all reasonable repairs or other  
20 corrective actions which are required to bring the property  
21 into compliance and charge the violator with the reasonable  
22 costs of the repairs or other corrective actions along with  
23 the fine imposed pursuant to this section. If a finding of a  
24 violation or a repeat violation has been made as provided in  
25 this part, a hearing shall not be necessary for issuance of  
26 the order imposing the fine.

27 Persons charged with such violation(s) may include:

- 28 a. The owner, agent, lessee, tenant, contractor, or any other  
29 person using the land, building, or premises where such  
30 violation has been committed or shall exist.  
31 b. Any person who knowingly commits, takes part or assists in  
32 such violation.  
33 c. Any person who maintains any land, building, or premises in  
34 which such violation shall exist. if the same violation has  
35 been repeated by the same violator, the Groundwater and  
36 Natural Resources Protection Board may order the violator to  
37 pay a fine not to exceed two hundred fifty dollars (\$250.00)  
38 for each day thereafter during which each violation continues  
39 past the date set for compliance, and up to five hundred  
40 dollars (\$500) for each day for a repeat violation. In  
41 determining the amount of a fine, the Groundwater and Natural  
42 Resources Protection Board shall consider the following  
43 factors: (a) the gravity of the violation(s); (b) any actions  
44 taken by the violator to correct the violation(s); and (c)  
45 any previous violations committed by the violator. The  
46 Groundwater and Natural Resources Protection Board may  
47 consider any other factors pertaining to the violator or  
48 violation(s) which it deems relevant and shall not be limited  
49 to the above recited factors.

- 50 2. A fine imposed pursuant to this Section shall not exceed \$250  
51 per day for a first violation and shall not exceed \$500 per  
52 day for a repeat violation, and in addition, may include all  
53 costs of repairs pursuant to paragraph 1. of this Section.  
54 For violations deemed irreparable or irreversible by the  
55 Groundwater and Natural Resources Protection Board, the Board  
56 may impose a fine not to exceed five thousand (\$5,000)  
57 dollars per violation, pursuant to Section 162.09, Fla. Stat.  
58 as may be amended. In determining the amount of a fine, the  
59 Groundwater and Natural Resources Protection Board shall

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1 4. Any other remedies and/or corrective action provided for in  
2 the applicable act, delegated authority or Code, deemed  
3 necessary and appropriate by the Director of ERM to ensure  
4 compliance with such act or Code.

5 **Subpart** Section 15(I)B - Traffic Performance Standards,  
6 Definitions, Subsection 2. Terms Herein is amended to  
7 add language as follows:

8 **ADOPTED LEVEL OF SERVICE** - Generally Level of Service D; however,  
9 it may be another Level of Service set by the Plan or pursuant to  
10 Policies of the Traffic Circulation Element. For Test 2 it is  
11 Level of Service E. It need not be a whole letter range, it may  
12 be a portion of a letter range. (See: e.g., Level of Service D,  
13 Level of Service E).

14 **DOWNTOWN REVITALIZATION** - The physical and economic renewal of a  
15 central business district of a community as designated by the  
16 local government in its Comprehensive Plan, and including both  
17 downtown development and redevelopment.

18 **SPECIAL PART TIME DEMAND** - A development that does not have more  
19 than 200 scheduled events during any calendar year and does not  
20 affect the 100 highest traffic volume hours. An event that is  
21 scheduled on multiple days shall be considered multiple events.

22 **EXISTING URBAN SERVICE AREA** - An area defined and mapped in a  
23 local government comprehensive plan that is a built-up area where  
24 public facilities and services such as sewage treatment systems,  
25 roads, schools, and recreation areas are already in place.

26 **URBAN INFILL** - The development of vacant parcels in otherwise  
27 built-up areas where public facilities such as sewer systems,  
28 roads, schools, and recreation areas are already in place and the  
29 average residential density is at least five (5) dwelling units  
30 per acre, the average non-residential intensity is at least a  
31 floor area ratio of 1.0 and vacant developable land does not  
32 constitute more than 10 percent of the area.

33 **URBAN REDEVELOPMENT** - Means demolition and reconstruction or  
34 substantial renovation of existing buildings or infrastructure  
35 within urban infill areas or existing urban service areas.

36 **Subpart** Section 15(I)C - Traffic Performance Standards,  
37 Applicability, Subsection 2. Previously-approved  
38 Development Orders, (B) Existing Use is amended to add  
39 language as follows:

40 ...

41 **(B) Existing Use** - Any application for a SITE SPECIFIC  
42 DEVELOPMENT ORDER on property on which there is an existing use  
43 shall be subject to this Code's standards to the extent the  
44 traffic generation projected for the SITE SPECIFIC DEVELOPMENT  
45 ORDER exceeds the traffic generation of the existing use, or  
46 increases traffic through a redistribution of traffic from the  
47 existing use (as determined using generation and Pass-by rates in  
48 accordance with generally accepted traffic engineering  
49 principles) on the Major Thoroughfare system. For purposes of  
50 this paragraph B, the use of a structure or land that has been

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1 abandoned for more than five (5) years shall not be considered an  
2 existing use.  
3 An urban redevelopment project located within a defined and  
4 mapped existing urban service area, shall not be subject to the  
5 standards of this section, for up to 110 percent of the traffic  
6 generation of the previously existing development. The previously  
7 existing use shall be the last actual previous use that was  
8 active on a specific site within the preceding five (5) years.

9 **Subpart** Section 15.(I)C., Traffic Performance Standards,  
10 Applicability is amended to add and delete language as  
11 follows:

12 **Subsection 3. Non-applicability**

13 ...

14 **(B) Development Order Time Limit Criteria** - This Section shall  
15 not apply to Palm-Beach-County initiated petitions to lower  
16 density/intensity under Development Order Time Limit Criteria in  
17 ~~Section H Sec. 5.8~~ of the Unified Land Development Code of Palm  
18 Beach County, Florida. Nothing herein shall preclude the review  
19 of approvals under Development Order Time Limit Criteria, for  
20 consistency with this Section.

21 ...

22 **Subpart** Section 15(I)C - Traffic Performance Standards,  
23 Applicability, Subsection 3.(D) Special Events is  
24 amended to add language as follows:

25 **(D) Special Events** - The standards of this Section shall not  
26 apply to SITE SPECIFIC DEVELOPMENT ORDERS issued for special  
27 events or SPECIAL PART TIME DEMAND.

28 (1) For purposes of this Section, a special event is an activity  
29 or use which does not exceed three weeks a year, occurs no more  
30 frequently than once a year, and is public or quasi-public in  
31 nature. It includes auto races; Fourth of July activities;  
32 parades; and festivals. It does not include recurring events such  
33 as baseball games, football games, concerts, races, and the like  
34 held in stadiums, amphitheaters, or other permanent facilities  
35 even if such facilities are used for special events. Each special  
36 event shall constitute a separate special event for the purpose  
37 of calculating the number of weeks of the event. If the Plan is  
38 amended to provide more stringent provisions as to this  
39 exception, the Plan shall control.

40 (2) For the purposes of this Section, a SPECIAL PART TIME DEMAND  
41 event is a development that does not have more than 200 scheduled  
42 events during any calendar year and does not put traffic on the  
43 roadway system during the 100 highest traffic hours.

44 (a) The 100 highest traffic hours for the area of the SPECIAL  
45 PART TIME DEMAND shall be determined by the COUNTY ENGINEER  
46 based on information from permanent count stations.

47 (b) The development shall not be permitted if the daily traffic  
48 generated during a scheduled event has an impact that exceeds  
49 5% of the LOS D Standard Volume on a roadway on the Florida

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TABLE 1A-2  
LEVEL OF SERVICE D  
Test 1

FACILITY TYPE	Peak Hour	ADT	Alternate Test 1	
	Threshold	Threshold	Threshold	Threshold
	LOS D	LOS D	LOS D	LOS D
	STANDARD	STANDARD	STANDARD	STANDARD
	Signals per mile			
			0.00 to	2.50 to
			2.49	4.50
2 lanes undivided	1,330	14,300	880	760
3 lanes two-way	1,400	15,000	920	800
2 lanes one-way	1,730	18,700	2,270	1,970
3 lanes one-way	2,650	28,500	3,410	3,010
4 lanes undivided	2,170	23,300	1,420	1,230
4 lanes divided	2,890	31,100	1,890	1,640
5 lanes divided	2,890	31,100	1,890	1,640
6 lanes divided	4,420	47,500	2,840	2,510
8 lanes divided	5,390	58,000	3,480	3,060
4 lanes expressway	5,900	67,000	3,350	
6 lanes expressway	8,500	100,600	5,030	
8 lanes expressway	11,300	134,100	6,700	
10 lane expressway	14,800	167,700	8,380	

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For the Detailed Analysis for Alternate Test One, Level of Service D shall be the Sum of the Critical Volumes of one thousand four hundred (1,400) in accordance with the Planning Method in the 1985 Manual.

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TABLE 1B-1  
LEVEL OF SERVICE E

FACILITY TYPE	Peak Hour	Alternate ADT Test 1	
	Test 1	LOS E	LOS E
	LOS E	STANDARD	STANDARD
	STANDARD	STANDARD	STANDARD
2 lanes undivided	1,370	15,000	1,280
3 lanes two-way	1,450	15,700	1,340
2 lanes one-way	1,760	19,300	3,120
3 lanes one-way	2,660	29,300	4,670
4 lanes undivided	2,350	25,800	2,080
4 lanes divided	2,930	32,200	2,600
5 lanes two-way	2,930	32,200	2,600
6 lanes divided	4,440	48,800	3,890
8 lanes divided	5,550	60,400	4,870
4 lanes expressway	6,500	74,000	3,710
6 lanes expressway	9,780	111,200	5,560
8 lanes expressway	13,050	149,200	7,410
10 lanes expressway	16,310	185,300	9,260

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Source: FDOT Level of Service Manual, Generalized Daily Level of Service Maximum Volumes, Group C and Group 1, and Generalized Peak Hour/Peak Directional Level of Service Maximum Volumes, Group A and Group 1 for urbanized areas (April 1992).

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NOTE: Table 1B-1 will become obsolete and Table 1B-2 will become effective upon the compliance finding for Comprehensive Plan Amendment 96-1.

Underlined language indicates proposed new language.  
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TABLE 1B-2  
LEVEL OF SERVICE E

FACILITY TYPE	Test 1			
	Peak Hour	ADT	Alternate Test 1	
	Threshold	Threshold	Threshold	Threshold
	LOS E	LOS E	LOS E	LOS E
	STANDARD	STANDARD	STANDARD	STANDARD
	Signals per mile			
			0.00 to	2.50 to
			2.49	4.50
2 lanes undivided	1,480	15,900	900	840
3 lanes two-way	1,550	16,700	950	880
2 lanes one-way	2,000	20,400	2,270	2,160
3 lanes one-way	2,870	30,800	3,410	3,250
4 lanes undivided	2,370	25,500	1,420	1,350
4 lanes divided	3,160	34,000	1,890	1,800
5 lanes divided	3,160	34,000	1,890	1,800
6 lanes divided	4,780	51,400	2,840	2,710
8 lanes divided	5,850	62,900	3,480	3,320
4 lanes expressway	7,100	80,800		4,040
6 lanes expressway	10,700	126,900		6,340
8 lanes expressway	14,200	169,200		8,340
10 lanes expressway	18,600	211,400		10,570

For the Detailed Analysis for Alternate Test One, Level of Service E shall be the Sum of the Critical Volumes of one thousand five hundred (1,500) in accordance with the Planning Method in the 1985 Manual.

**Subpart** Section 15(I)D - Traffic Performance Standards, Standard, Subsection 2. (G) Reliance on Assured Road Construction is amended to add and delete language as follows:

(G) Reliance on Assured Road Construction (1) If a PROJECT is approved or phased based on ASSURED CONSTRUCTION, BUILDING PERMITS shall be granted for the phase or portion of the PROJECT approved based on the ASSURED CONSTRUCTION no sooner than the award of a contract by a governmental agency for the construction of the improvement, or the commencement of construction, subject to the following:

(1) If intersection improvements are required to meet Alternate Test 1 and there is a scheduled road construction project which would incorporate all or a portion of such intersection improvements, then the County Engineer, in his/her sole and exclusive discretion, may require payment for the cost of such intersection improvement provided all other requirements of the Traffic Performance Standards have been satisfied. In that event, upon receipt of the payment, BUILDING PERMITS shall be granted for a portion of the PROJECT which is phased to such intersection improvements. The payment shall be based on a certified engineering estimate accepted by the County Engineer.

(2) However, if the ASSURED CONSTRUCTION is in the first three (3) years of the County's Five Year Road Program Ordinance as construction and was relied upon for the issuance of the SITE SPECIFIC DEVELOPMENT ORDER and the construction is subsequently deleted from the Palm Beach County Five Year Road Program Ordinance, BUILDING PERMITS for development that was phased to

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1 that ASSURED CONSTRUCTION shall be issued, but not sooner than  
2 the end of the fiscal year construction was to commence. For  
3 purposes of this paragraph, "deleted" shall mean the elimination  
4 of the construction project, the material reduction in the scope  
5 of construction work or funding thereof (as it affects the  
6 construction project), the postponement of the construction  
7 project for more than two years (one year for PROJECTS approved  
8 prior to June 16, 1992) beyond the year the construction was  
9 originally programmed in the first three (3) years of the  
10 County's Five Year Road Program.

11 (3) Three Year grace period. Notwithstanding the requirements in  
12 this Subsection, a PROJECT may receive a building permit if the  
13 required roadway improvements are in the first 3 years of the  
14 County 5 Year Road Program, and the PROJECT is in one of the  
15 following geographic areas:

- 16 1. the Coastal Residential Exception Area,
- 17 2. the Westgate CRA,
- 18 3. the Lake Worth Road Corridor Study Area, or
- 19 4. the Glades communities.

20 **Subpart** Section 15(I)D - Traffic Performance Standards,  
21 Standard, Subsection 2. (H) DRI is amended to add  
22 language as follows:

23 **(H) DRI.** DEVELOPMENT ORDERS for a Development of Regional Impact  
24 (DRI) with a project buildout of more than five (5) years may  
25 meet Test One and Alternate Test One based on Development Order  
26 conditions that phase building permits to the commencement of  
27 ASSURED CONSTRUCTION for the first five years of the project and  
28 the construction of identified roadway links in the 2010 Plan  
29 Network beyond the first five years of the project. Any roadway  
30 improvement required beyond the first five years must be ASSURED  
31 CONSTRUCTION not less than three (3) years before the date that  
32 the roadway improvement is required. No building permits within  
33 the DRI that are phased to a roadway improvement may be issued  
34 until the roadway improvement that the building permits are  
35 phased to is under construction.

36 **Subpart** Section 15(I)J - Traffic Performance Standards,  
37 Affordable Housing, Subsection 4.(D) Approval is amended  
38 to add and delete language as follows:

39 (D) The applicant shall prepare a covenant approved by the  
40 Commission on Affordable Housing, determined to be legally  
41 sufficient by the County Attorney. The covenant, to be  
42 recorded in the public records of Palm Beach County, shall  
43 guarantee, for a period of at least ~~fifteen (15)~~ ten (10)  
44 years for single family housing and ~~ten (10)~~ fifteen (15)  
45 years for multi-family housing rental units, how the  
46 affordability shall be maintained for units required to be  
47 very low and/or low income (pursuant to income categories  
48 and definition in the comprehensive plan, Housing Element).  
49 The period of time these units will remain affordable shall  
50 commence from the date of the issuance of the final  
51 certificate of occupancy for the first required affordable  
52 unit built in the Project. The covenant shall be recorded in  
53 the Public Records of the Clerk of the Courts for Palm Beach  
54 County prior to the submittal of an application for

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1 development approval.

2 **Subpart** Section 15(I)M - Traffic Performance Standards,  
3 Transportation Concurrency Management Areas (TCMA) is  
4 amended to add and delete language as follows:

5 Subsection 1. Intent.

6 ~~In order to further the implementation of identified important~~  
7 ~~local and state planning goals and policies, this section~~  
8 ~~provides for a Transportation Concurrency Management Area~~  
9 ~~approach for ensuring that transportation facilities and services~~  
10 ~~needed to support development are available concurrent with the~~  
11 ~~impacts of that development. This Section is intended to be~~  
12 ~~consistent with the applicable provisions of Rule 9J-5 of the~~  
13 ~~Florida Administrative Code and Chapter 163, Part II of the~~  
14 ~~Florida Statutes.~~

15 The purpose and intent of this optional alternative  
16 transportation concurrency approach is to promote infill  
17 development within selected portions of urban areas in a manner  
18 that supports the provision of more efficient mobility  
19 alternatives, including public transit. As a coordinated approach  
20 to land use and transportation development, the use of an area  
21 wide level of service standard and an accommodation and  
22 management of traffic congestion may be employed. A  
23 Transportation Concurrency Management Area is a compact  
24 geographic area within existing or proposed multiple, viable  
25 alternative travel paths or modes for common trips. section is to  
26 encourage planning for an appropriate mix and intensity of land  
27 uses within designated transportation concurrency management  
28 areas, and to target these areas to become primary centers for a  
29 mix of residential, retail, employment, recreational, cultural,  
30 educational, and institutional facilities. Successful use of the  
31 Transportation Concurrency Management Area approach will direct  
32 growth into development patterns that better support alternatives  
33 to single occupant automobile transportation. It is recognized  
34 that achievement of development intensities and densities and  
35 mixed use patterns conducive to reducing dependency on single-  
36 occupant automobile travel may require a long term strategy based  
37 on directing development into more intensive patterns coupled  
38 with and early and continued commitment to public transit and an  
39 accommodation and management of traffic congestion. Therefore, a  
40 long term strategy may include use of a level of service  
41 standards that are lower than required standards of this Section  
42 15 as long as it can be demonstrated that long term land use  
43 patterns and development and mobility goals are integrated,  
44 internally consistent and achievable.

45 Subsection 2. ~~Criteria.~~ Area wide Level of Service.

46 ~~A Transportation Concurrency Management Area must ensure an~~  
47 ~~adequate level of mobility and further the achievement of~~  
48 ~~identified important local and state planning goals and policies.~~  
49 ~~These include discouraging the proliferation of urban sprawl,~~  
50 ~~encouraging the revitalization of existing downtowns or~~  
51 ~~designated redevelopment areas, maximizing the efficient use of~~  
52 ~~existing public facilities, protecting natural resources,~~  
53 ~~protecting historic resources, and promoting public transit,~~

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1 bicycling, walking and other alternatives to the single occupant  
2 automobile. These areas shall comply with the following criteria:

3 ~~(A) A Transportation Concurrency Management Area shall be  
4 compatible with and further various elements of the local  
5 government comprehensive plan, including but not limited to the  
6 Traffic Circulation Element, Mass Transit Element, Land Use  
7 Element, and the Capital Improvement Element.~~

8 ~~(B) A Transportation Concurrency Management Area shall contain or  
9 plan to contain an integrated and connected network of roadways  
10 and provide multiple, viable alternative travel paths and modes  
11 for common trips. Public transit service, transportation system  
12 management, and demand management programs shall also be provided  
13 or planned to be provided in the area.~~

14 ~~(C) A Transportation Concurrency Management Area shall consist of  
15 geographically compact area, such as:~~

- 16 ~~(1) Community Redevelopment Areas~~
- 17 ~~(2) Areas covered by an approved Downtown or Area wide  
18 Development of regional Impact~~
- 19 ~~(3) Regional activity centers designated in a comprehensive  
20 regional policy plan~~
- 21 ~~(4) Areas designated in a comprehensive regional policy plan as  
22 appropriate for increased Development of Regional Impact  
23 thresholds~~
- 24 ~~(5) Central Business Districts identified in a local  
25 government's Future Land Use Element~~
- 26 ~~(6) Compact areas served or proposed to be served by fixed rail  
27 or light rail facilities~~

28 An area wide level of service standard may be established for  
29 specific facilities in common corridors within a Transportation  
30 Concurrency Management Area (TCMA). The area wide level of  
31 service standard must be maintained, as a basis for the issuance  
32 of development orders and permits within the TCMA. The area wide  
33 level of service standard may only be established for facilities  
34 on common corridors with similar functions, serving common  
35 origins and destinations.

36 (A) The designation of a Transportation Concurrency Management  
37 Area and the establishment of an area wide level of service  
38 standard must be supported by data and analysis which:

39 (1) Demonstrate that the TCMA is compatible with and furthers  
40 the various portions and elements of the County Comprehensive  
41 Plan. When in a municipality, the data and analysis shall also  
42 demonstrate that the TCMA is compatible with and furthers the  
43 various portions and elements of the local government's  
44 Comprehensive Plan.

45 (2) Provide justification for the size and boundary of the TCMA  
46 for consistency with the purpose of promoting the stated  
47 purpose of a TCMA.

48 (3) Demonstrate that the TCMA contains an integrated and  
49 connected network of roads and provides multiple, viable  
50 alternative travel paths or modes for common trips.

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1 Florida Department of Transportation, District IV, and the  
2 Treasure Coast Regional Planning Council.

3 (B) Another conference shall be held with the representatives  
4 identified above within 30 days of receipt by the initiating  
5 local government of the state planning agency's Objection,  
6 Recommendation and Comments Report.

7 (C) The TCMA shall not become effective until the following  
8 actions are taken:

9 (1) The Board of County Commissioners finds the designation of  
10 the TCMA to be consistent with the Palm Beach County  
11 Comprehensive Plan.

12 (2) The Board of County Commissioners finds the area wide level  
13 of service standard to be appropriate, and can be maintained.

14 (3) The Board of County Commissioners adopts an amendment to  
15 the Palm Beach County Comprehensive Plan establishing the TCMA.

16 (4) A final order is issued by the Department of Community  
17 Affairs finding the amendment or amendments in compliance.

18 ~~Subsection 4. Designation of an Interim Transportation~~  
19 ~~Concurrency Management Area within Municipalities.~~

20 ~~(A) Criteria. At least 90 days prior to the time a municipal~~  
21 ~~governing body transmits a comprehensive plan amendment for an~~  
22 ~~Interim Transportation Concurrency Management Area, the municipal~~  
23 ~~governing body shall petition the Board of County Commissioners~~  
24 ~~to establish interim level of service standards for roads which~~  
25 ~~are not the responsibility of the municipality. The Board of~~  
26 ~~County Commissioners shall have the authority to set, set with~~  
27 ~~conditions or refuse to set interim level of service standards~~  
28 ~~for all effected roadways and shall transmit the interim level of~~  
29 ~~service standards to he municipal governing body at least 30 days~~  
30 ~~prior to the transmittal public hearing. The interim level of~~  
31 ~~service standards shall not become effective until the Florida~~  
32 ~~Department of Community Affairs issues a notice of intent to find~~  
33 ~~the municipal governments comprehensive plan amendment in~~  
34 ~~compliance.~~

35 ~~(B) Petition. The petition to the Board of County Commissioners~~  
36 ~~shall include sufficient data and analysis to enable the~~  
37 ~~establishment of interim level of service standards. The data and~~  
38 ~~analysis shall include but not be limited to:~~

- 39 ~~(1) The boundaries of the proposed Interim Transportation~~  
40 ~~Concurrency Management Area.~~  
41 ~~(2) The existing and projected average annual daily traffic and~~  
42 ~~peak hour traffic on effected roadways.~~  
43 ~~(3) Specific limits on development within the Interim~~  
44 ~~Transportation Concurrency Management Area.~~  
45 ~~(4) The projected trips generation and trip distribution.~~  
46 ~~(5) The requested interim level of service standards.~~  
47 ~~(6) How the Interim Transportation Concurrency Management Area~~  
48 ~~is consistent with the County's Comprehensive Plan.~~

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1 ~~(C) Determination. In determining whether to set an interim level~~  
2 ~~of service standard, the Board of County Commissioners shall base~~  
3 ~~its determination on the following criteria:~~

- 4 ~~(1) Whether the Interim Transportation Concurrency Management~~  
5 ~~Area is consistent with the County's Comprehensive plan.~~  
6 ~~(2) whether the data and analysis supports any requested interim~~  
7 ~~level of service standards.~~  
8 ~~(3) Whether the requested level of service standard would unduly~~  
9 ~~negatively impact the roadway network of any other~~  
10 ~~jurisdictions.~~  
11 ~~(4) Whether the Interim Transportation Concurrency management~~  
12 ~~Area has been coordinated with affected jurisdictions.~~

13 ~~(D) Compliance. Upon receipt of proof that the municipal plan~~  
14 ~~amendment designating an Interim Transportation Concurrency~~  
15 ~~Management Area is in compliance, the Board of County~~  
16 ~~commissioners shall amend the County's Comprehensive Plan at the~~  
17 ~~next available comprehensive plan amendment round. The amendment~~  
18 ~~will reflect the municipal Interim Transportation Concurrency~~  
19 ~~management Area, the interim level of service standards and any~~  
20 ~~conditions imposed by the Board of County Commissioners.~~

21 ~~(E) Duration. The Interim Transportation Concurrency Management~~  
22 ~~Area shall be effective for a maximum period not to exceed thirty~~  
23 ~~six months. Reduced level of service standards shall be effective~~  
24 ~~during this time period.~~

25 ~~(F) Conditions. Interim level of service standards shall be~~  
26 ~~adopted by a resolution of the Board of County Commissioners. The~~  
27 ~~Board of County Commissioners shall have the authority to impose~~  
28 ~~conditions upon the approval of any interim level of service~~  
29 ~~standard, including but not limited to, monitoring and status~~  
30 ~~reports, phasing requirements, roadway improvements, bikeway~~  
31 ~~improvements, pedestrian and pathway amenities and improvements,~~  
32 ~~parking requirements and improvements and access controls. The~~  
33 ~~Board of County Commissioners, by a majority vote, shall also~~  
34 ~~have the authority to rescind any interim level of service~~  
35 ~~standard for failure to comply with any conditions imposed.~~

36 **Subpart** Section 15(II)D - Traffic Performance Standards,  
37 Modification of Five-Year Road Program, Subsection 2,  
38 Findings Required Prior to Deletion in the Adopted Five-  
39 Year Road Program is amended to add language as follows:

40 Prior to approving the deletion of any construction project from  
41 the County's Five-Year Road Program, the County Commission must  
42 find: 1) that the deletion of the construction project will not  
43 result in any link or intersection on the road network operating  
44 at greater than the Adopted Level of Service as defined in this  
45 Ordinance if such link would not have operated at greater than  
46 the Adopted Level of Service as defined in this Ordinance had the  
47 project been constructed as originally programmed in the adopted  
48 Five-Year Road Program; and 2) that no project which was approved  
49 and phased based upon such ASSURED CONSTRUCTION would be denied  
50 BUILDING PERMITS because of the deletion of the construction. If  
51 both findings can be made, then the construction project can be  
52 eliminated by a majority vote except, if the project is in the  
53 current fiscal year, in which case a majority plus one vote is

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1 required. If only the second (2nd) finding can be made, then a  
2 project not in the current fiscal year could be deleted by a  
3 majority plus one vote. However, in no case may a project be  
4 deleted when the second (2nd) finding cannot be made.

5 Notwithstanding the above, a project may be deleted if an  
6 equivalent substitute project replaces the original project, in  
7 the same fiscal year. An equivalent substitute project is a  
8 roadway project in the same area that will serve substantially  
9 the same trips as the original project. This substitution may be  
10 made by a majority plus one vote.

11 **Subpart** Section 15(I)N - Traffic Performance Standards,  
12 Transportation Concurrency Exception Areas (TCEA) is  
13 amended to create language as follows:

14 **Subsection 1. Intent.**

15 The purpose and intent of this flexible transportation  
16 concurrency option approach is to reduce the adverse impact  
17 transportation concurrency may have on urban infill development  
18 and redevelopment and the achievement of other goals and policies  
19 of the state comprehensive plan, such as promoting the  
20 development of public transportation. Under limited  
21 circumstances, it allows exceptions to the standards of this  
22 Section 15 in defined urban areas. The exceptions provide  
23 flexibility for concurrency management in order to encourage the  
24 application of a wide range of planning strategies that  
25 correspond with the local circumstances of a specific geographic  
26 area. The exceptions apply to all land uses and development and  
27 types of facilities within the expressly excepted area.

28 **Subsection 2. Area types.**

29 A local government must designate a Transportation Concurrency  
30 Exception Area (TCEA) in its comprehensive plan. A TCEA will be  
31 allowed only in one of the following areas:

32 (A) A specific geographic area delineated in the local government  
33 comprehensive plan for urban infill development. Such an area  
34 shall meet the following requirements:

35 (1) The area shall contain no more than 10 percent developable  
36 vacant land. Developable vacant land shall not include water  
37 bodies and land designated for conservation use, natural  
38 reservations, public road right-of-way, public recreation  
39 sites, or other areas or uses designated in the local  
40 government's comprehensive plan as unavailable for development.

41 (2) For areas where residential uses are the dominant types of  
42 uses, comprising greater than 60 percent of the developed land,  
43 the average residential density shall be at least five (5)  
44 dwelling units per gross residentially developed acre of land.

45 (3) For areas where nonresidential uses are the dominant types  
46 of uses, comprising greater than 60 percent of the developed  
47 land, the average nonresidential intensity shall be at least a  
48 floor area ratio 1.0 per gross nonresidentially developed acre  
49 of land.

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1 (4) If neither residential nor nonresidential uses comprise  
2 more than 60 percent of the developed land, then both the  
3 existing residential uses and nonresidential uses shall meet  
4 the appropriate density and intensity criteria prescribed in  
5 subsection (2) and (3) above. The term "gross developed acre"  
6 shall include all uses associated with the predominant land use  
7 including roads, parking, drainage, open space, landscaping,  
8 and other support facilities.

9 (B) A specific geographic area delineated in the local government  
10 comprehensive plan for urban redevelopment. The urban  
11 redevelopment area must be within an urban infill area or within  
12 an existing urban service area that does not contain more than 40  
13 percent developable land.

14 (C) A specific geographic area delineated in the local government  
15 comprehensive plan for downtown revitalization within the  
16 designated central business district.

17 Subsection 3. Criteria.

18 (A) The designation of a Transportation Concurrency Exception  
19 Area must be supported by data and analysis which:

20 (1) Demonstrate that the TCEA is compatible with and furthers  
21 the various portions and elements of the County Comprehensive  
22 Plan. When in a municipality, it shall also demonstrate that  
23 the TCMA is compatible with and furthers the various portions  
24 and elements of the local government's Comprehensive Plan.

25 (2) Provide justification for the size and boundary of the TCEA  
26 for consistency with the purpose of promoting the stated  
27 purpose of a TCEA.

28 (3) Identify the impacts on other local governments, if any.

29 (B) To implement the TCEA, the local government's comprehensive  
30 plan must contain guidelines and policies which specify programs  
31 to meet the transportation needs of the TCEA. The guidelines may  
32 contain a wide range of strategies that include: timing and  
33 staging plans, parking control and pricing policies,  
34 Transportation System Management (TSM), Transportation Demand  
35 Management (TDM), incentives to promote public transit, and the  
36 utilization of creative financing tools for the provision of  
37 transportation services and facilities.

38 (C) The guidelines and policies and programs to implement the  
39 TCEA must demonstrate by supporting data and analysis, including  
40 short and long range traffic analysis, that consideration has  
41 been given to the impacts of the proposed development within the  
42 TCEA on the Florida Intrastate Highway System.

43 Subsection 4. Procedure.

44 (A) At least 30 days prior to a local government submitting a  
45 Comprehensive Plan Amendment for a TCEA, a preapplication  
46 conference shall be held. This preapplication meeting will be  
47 coordinated with the Planning Director. It will include  
48 representatives from the local government initiating the

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- 1 Comprehensive Plan amendment, the County Traffic Division and  
 2 Planning Division, the Metropolitan Planning Organization, the  
 3 Florida Department of Transportation, District IV, and the  
 4 Treasure Coast Regional Planning Council.
- 5 (B) Another conference shall be held with the representatives  
 6 identified above within 30 days of receipt by the initiating  
 7 local government of the state planning agency's Obiection,  
 8 Recommendation and Comments Report.
- 9 (C) The TCEA shall not become effective until the following  
 10 actions are taken:
- 11 (1) The Board of County Commissioners finds the designation of  
 12 the TCEA to be consistent with the Palm Beach County  
 13 Comprehensive Plan.
- 14 (2) The Board of County Commissioners adcopts an amendment to  
 15 the Palm Beach County Comprehensive Plan estabiishing the TCEA.
- 16 (3) A final order is issued by the Department of Community  
 17 Affairs finding the amendment or amendments in compliance.

18 **Subpart** Section 16.1, On-Site Disposal Systems - (Environmental  
 19 Control Rule I) is deleted in its entirety and replaced  
 20 by the following:

21 This rule shall be designated as "Palm Beach County Environmental  
 22 Control Rule I - Onsite Sewage Treatment and Disposal Systems."

23 **SECTION 1. PURPOSE**  
 24 The provisions of this Rule prescribe the minimum standards for  
 25 onsite sewage treatment and disposal systems used for treatment  
 26 and disposal of domestic sewage flows of 5,000 gallons per day  
 27 and less.

28 **SECTION 2. DEFINITIONS**  
 29 Terms contained herein shall have the meaning prescribed by  
 30 Rule 10D-6, FAC as may be amended or shall have the following  
 31 meaning:

32 (1) "Aerobic Treatment Unit," means a treatment receptacle in  
 33 which air is introduced into the sewage so as to provide  
 34 Aerobic biochemical stabilization during a detention period.

35 (2) "Department," means the Palm Beach County Public Health  
 36 Unit.

37 (3) Commercial sewage waste - Non-toxic, non-hazardous  
 38 wastewater from commercial facilities. Examples of  
 39 establishments included in this definition are commercial  
 40 and institutional food operations, commercial laundry  
 41 facilities with no more than 4 machines and animal holding  
 42 facilities.

43 (4) "Domestic sewage waste" - human body waste and wastewater,  
 44 including bath and toilet waste, residential laundry waste,  
 45 residential kitchen waste and other similar wastes from  
 46 appurtenances at a residence or establishment. Domestic  
 47 sewage is further categorized as:

48 (a) Blackwater - waste from toilets, urinals and kitchen  
 49 drains.

50 (b) Graywater - that part of domestic sewage that is not  
 51 blackwater, including waste from the bath, lavatory,  
 52 laundry and sink, except kitchen sink waste.

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- 1 pump system.
- 2 (18) "Onsite Sewage Treatment and Disposal System," means a  
3 system of piping, tanks, or treatment devices and a  
4 drainfield for treatment and disposal of domestic sewage.
- 5 (19) Potable water well - a source of water used for drinking,  
6 culinary or domestic purposes. The following classifications  
7 of potable wells are used in this Rule. A single rental  
8 residence is included in this category so that a maximum of  
9 three non-rental residences and one rental residence can be  
10 supplied by a single private potable well.
- 11 (a) Private potable well - a well used only by four or fewer  
12 non-rental residences.
- 13 (b) Public drinking water well - a well serving any drinking  
14 water system other than private water system. Public  
15 systems are classified in the following manner.
- 16 1. Community public water system - as defined in subsection  
17 403.852(3), F.S. such water system serves a year-round  
18 residential population of at least 25 people per day or has  
19 a minimum of 15 year-round residential service connections.
- 20 2. Non-community public water system - as defined in subsection  
21 403.852(4), F.S. such water system serves a transient  
22 population of at least 25 people per day at least 60 days  
23 per year or has a minimum of 15 non-residential service  
24 connections.
- 25 3. Non-transient non-community public water system - as defined  
26 in subsection 403.852(17), F.S., such water system is not a  
27 community water system, but is a system that regularly  
28 serves at least 25 of the same people for over 6 months of  
29 the year.
- 30 4. Limited Use public water system - a public water system not  
31 regulated by the Florida Safe Drinking Water Act or Rule 62-  
32 550, 62-555, or 62-560 of the Florida Administrative Code  
33 and further specified as limited use commercial public water  
34 system which provides piped potable water to one or more  
35 non-residential establishments and limited use community  
36 public water system which provides piped potable water to  
37 five or more private residences or two or more rental  
38 residences.
- 39 (20) "Repair," means modification or addition to a failing onsite  
40 sewage treatment and disposal system which is necessary to  
41 allow the system to function or which is necessary to  
42 eliminate a public health or pollution hazard. Pumping of  
43 septage from a system and making minor structural  
44 corrections to a tank or building sewer do not constitute  
45 repair.
- 46 (21) "Septage," means a mixture of sludge, fatty material and  
47 wastewater removed during the pumping of onsite sewage  
48 treatment and disposal system, grease traps, laundry  
49 interceptors and portable toilets.
- 50 (22) "Septic tank," means a watertight receptacle constructed to  
51 promote separation of solid and liquid components of sewage,  
52 to provide limited digestion of organic matter, to store  
53 solids and to allow clarified liquid to discharge for  
54 further treatment and disposal in a drainfield.
- 55 (23) "Septic Tank System," means septic tank, distribution box  
56 and drainfield. When pump equipment is utilized, it is also  
57 considered part of the septic tank system.
- 58 (24) "Service Truck," means a vehicle used to pump out the  
59 contents of onsite sewage treatment and disposal systems,  
60 grease traps, laundry interceptors and/or portable toilets.
- 61 (25) "Soil Classification," means the soil mantle as classified  
62 in accordance with the U. S. Department of Agriculture Soil  
63 Classification Methodology.
- 64 (26) "Soil Limitation Ratings," includes the three rating

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- 1 categories, which are:
- 2 (a) "Slightly Limited," means soils with favorable properties  
3 for the use of drainfield systems.
- 4 (b) "Moderately Limited," means soils that have properties  
5 moderately favorable for use of a drainfield system.  
6 Limitations in this category may be overcome by site  
7 alteration involving removal of impervious or too rapidly  
8 percolating soil layers, addition of fill, or lowering of  
9 high water table through approved drainage methods, or  
10 any combination of the above.
- 11 (c) "Severely Limited," means soils which have one or more  
12 properties unsuitable for the use of a drainfield system.
- 13 (27) "Subdivision," means any tract of land divided into three or  
14 more lots or parcels, regardless of the method by which the  
15 lots or parcels are described.
- 16 (28) Surface water - a recognizable body of water, including  
17 swamp or marsh areas, bayheads, cypress ponds, sloughs and  
18 natural or constructed ponds contained within a recognizable  
19 boundary. This does not include storm water retention or  
20 detention areas designed to contain standing or flowing  
21 water for less than 72 hours after a rainfall.
- 22 (29) "Temporary," means a single period or an accumulation of  
23 periods not exceeding 120 total days in any 365 day period.
- 24 (30) "Unobstructed Land" means that area on a lot or property  
25 which does not contain structures or other hindrances which  
26 would affect the installation, operation and/or maintenance  
27 of an onsite sewage treatment and disposal system. This  
28 includes, but is not limited to, pools, playgrounds,  
29 concrete slabs, trees, building, driveways, parking areas  
30 and tennis courts.
- 31 (31) "Water Table Elevation," means the upper surface of the  
32 groundwater or that level below which the soil or underlying  
33 rock material is saturated with water. Water table elevation  
34 is measured from the soil surface down or up to the free  
35 water level.
- 36 (32) "Wettest Season" means that period of time each year in  
37 which the groundwater table elevation can normally be  
38 expected to be at its highest elevation.
- 39 (33) "Wellfield" means an area of land which contains more than  
40 one potable well that is designed for a pumping rate of at  
41 least 100,000 gallons per day.

42 **SECTION 3. GENERAL PROVISIONS FOR CONSTRUCTION, USE AND**  
43 **ABANDONMENT OF ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS**

- 44 (1) No onsite sewage treatment and disposal system shall be  
45 installed, modified, abandoned or repaired without first  
46 obtaining a permit, or used without obtaining approval from  
47 the Department.
- 48 (2) No municipality or political subdivision of the State,  
49 including Palm Beach County, shall issue a building or  
50 plumbing permit for any building requiring the use of an  
51 onsite sewage treatment and disposal system unless the owner  
52 or builder has received a permit for such system from the  
53 Department. No municipality or political subdivision of the  
54 state should issue an occupational license to an owner or  
55 tenant of a building or otherwise allow an individual or  
56 business to relocate into or within an area zoned or used  
57 for industrial or manufacturing purposes or its equivalent  
58 until the owner or tenant has received written approval from  
59 the department. Approval shall state that the onsite sewage  
60 treatment and disposal system serving the business has been  
61 evaluated, is not expected to receive toxic or hazardous  
62 waste and is adequately designed to meet the sewage

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- 1 treatment and disposal needs of the business.
- 2 (3) Buildings used or intended for human occupancy, employment
- 3 or service to the public and locations where persons
- 4 congregate shall provide toilets connected to an approved
- 5 sewage waste disposal system. Also, property or location
- 6 where persons congregate and are employed, or where property
- 7 is used by the public for temporary and short periods of
- 8 duration, such as construction sites, fairs, carnivals,
- 9 revivals, field locations of agricultural workers,
- 10 encampments or other use, shall be provided with portable
- 11 toilets or other approved toilet facilities. The number of
- 12 toilet facilities to be provided shall be in accordance with
- 13 the local plumbing code, other applicable local regulations
- 14 and the Florida Administrative Codes. Establishments with
- 15 permanent structures shall not rely upon systems designed
- 16 for temporary use as the primary means of wastewater
- 17 treatment and disposal.
- 18 (4) Sewage wastes and effluents from an onsite sewage treatment
- 19 and disposal system shall not be allowed to surface onto the
- 20 ground and shall not be discharged into or permitted to
- 21 enter streams, surface waters, underground aquifers, ditches
- 22 or drainage structures.
- 23 (5) No building or premises shall be occupied, sub-let or leased
- 24 unless provided with an approved sewage disposal system.
- 25 (6) Total waste flow from any one establishment, whether a
- 26 single structure or group of structures, shall be centrally
- 27 collected for treatment and disposal.
- 28 (7) Wastewater generated by industrial or commercial
- 29 establishments shall not be discharged into an onsite sewage
- 30 treatment and disposal system if the characteristics of the
- 31 waste are such that it would cause malfunctioning of the
- 32 onsite sewage treatment and disposal system and/or
- 33 contamination of the ground water. Wastewater from such
- 34 establishments shall be treated and disposed of in
- 35 accordance with the State of Florida Department of
- 36 Environmental Protection requirements.
- 37 (8) Treatment and disposal of the wastewater from a building or
- 38 establishment shall be in compliance with Florida Department
- 39 of Environmental Protection standards and rules when any one
- 40 of the following conditions exist:
- 41 (a) Sewage or wastewater contains industrial, toxic or
- 42 hazardous waste.
- 43 (b) An area is zoned for industrial or manufacturing use, or
- 44 its equivalent, where there is a likelihood the system
- 45 may be used for disposing of wastes which are not
- 46 domestic wastes.
- 47 (9) Any existing and previously approved system which remains in
- 48 satisfactory operating condition shall remain valid for use
- 49 under the terms of the rule and permit under which it was
- 50 approved. If the use of a building is changed or if
- 51 additions or alterations to a building are made which will
- 52 increase sewage flow or change sewage characteristic, any
- 53 onsite sewage treatment and disposal system serving such
- 54 building shall be upgraded to comply with the provisions and
- 55 requirements of Rule 10D-6, F.A.C.
- 56 (10) Any onsite sewage treatment and disposal system used for
- 57 disposal of domestic sewage, which is designed, constructed,
- 58 installed, or modified after the effective date of this Rule
- 59 shall conform to the minimum requirements and provisions of
- 60 this Rule. Should an emergency or epidemic occur, the
- 61 Department may approve temporary systems for waste disposal
- 62 which may differ from standards set forth in this Rule, as
- 63 long as the Department supervises the operation of the
- 64 temporary system.

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- 1           (11) Any existing onsite sewage treatment and disposal system  
2           installed under previous rules and regulations which becomes  
3           non-conforming with this Rule for conditions or purpose as  
4           approved and which has not been placed in use for a period  
5           of one year or more, shall be deemed unapproved and its use  
6           for such purpose prohibited.  
7           (12) Whenever an approved sanitary sewer is made available under  
8           the conditions set forth in Section 8 (1) of this Rule, any  
9           onsite sewage treatment and disposal system shall be  
10           abandoned and the sewage wastes from the residences or  
11           building discharged to the sanitary sewer within 90 days  
12           thereafter.  
13           (13) When the use of an onsite sewage treatment and disposal  
14           system is discontinued, it shall be abandoned and its  
15           further use for any purpose prohibited. An abandoned septic  
16           tank shall be (a) pumped out, (b), the bottom suitably  
17           opened or ruptured so as to prevent the tank from retaining  
18           water, and (c) filled with clean sand or other suitable  
19           material, the actions being taken in the order listed.  
20           (14) It shall be the duty of the Department to conduct such  
21           technical inspections as are reasonable and necessary to  
22           determine compliance with the provisions of this Rule.

23           SECTION 4. PERMIT, PERMIT CONDITIONS AND APPROVALS

- 24           (1) An onsite sewage treatment and disposal system shall not be  
25           installed, modified, abandoned or repaired until a valid  
26           permit has been obtained from the Department. Permits issued  
27           for new construction shall expire after eighteen months from  
28           the date of issuance if the system has not been installed.  
29           However, if building construction has commenced, the system  
30           construction permit shall be extended 90 days beyond the  
31           eighteen month date. Permits for system repairs shall be  
32           issued in accordance with Rule 10D-6, F.A.C.  
33           (2) If the Department determines that the disposal of certain  
34           wastes into the onsite sewage treatment and disposal system  
35           may interfere with the proper functioning of the system, the  
36           Department may specify on the permit those conditions that  
37           are appropriate for the proper functioning of the system.  
38           Upon request of the Department, the permit and conditions  
39           shall be recorded in the public records of Palm Beach County  
40           at the permittee's expense.  
41           (3) The onsite sewage treatment and disposal system shall not be  
42           used or covered with earth before it has passed an  
43           inspection by the Department and a notice of approval has  
44           been issued. Should the installer or general contractor fail to  
45           notify the Department prior to covering the system, the  
46           Department shall require that the system be uncovered for  
47           inspection. If the system is approved, the Department shall  
48           issue a notice of approval to the owner and, when  
49           appropriate, to the Building Department. A building or  
50           structure shall not be occupied until a notice of approval  
51           has been issued by the Department. System inspection  
52           requirements as specified in Rule 10D-6, F.A.C. shall be  
53           adhered to.

54           SECTION 5. METHOD OF APPLICATION AND DATA REQUIRED ON APPLICATION  
55           FOR AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM FOR A SINGLE  
56           LOT OR PARCEL.

- 57           (1) The application and supporting data required for approval of  
58           an onsite sewage treatment and disposal system for a single  
59           lot or parcel of property shall be submitted to the  
60           Department by the owner or his authorized representative, or

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- 1           a contractor licensed under Chapter 489., Florida Statutes.  
2           The completed application form shall be submitted together  
3           with the following:  
4           (a) A site plan of the property drawn to scale, showing the  
5           following:  
6           1. Property boundaries with dimensions.  
7           2. Easements.  
8           3. Location of all existing and proposed buildings.  
9           4. Location of all wells.  
10           5. Location and layout of treatment receptacle and  
11           drainfield.  
12           6. Unobstructed area available for the installation of the  
13           onsite sewage treatment and disposal system.  
14           7. Potable and non-potable water lines.  
15           8. Driveways.  
16           9. Parking areas.  
17           10. Walkways.  
18           11. Swimming pools.  
19           12. Storm water drainage system.  
20           13. Surface water such as ponds, (existing or proposed),  
21           lakes, streams, ditches, canals or wet areas.  
22           14. Location and elevation of soil profiles.  
23           15. Benchmark on or adjacent to the property.  
24           16. Location of wells, onsite sewage treatment and disposal  
25           facilities or other pertinent features on adjacent  
26           properties if the features are within 200 feet of the  
27           proposed onsite sewage treatment system or well.  
28           17. The site plan shall also indicate the presence of any  
29           marsh area, mangroves, cypress and wetland vegetation on  
30           the property or on adjacent properties.  
31           (b) For residences, a floor plan showing the number of  
32           bedrooms and the building area of each dwelling unit.  
33           (c) In cases where there is a drastic variation in the  
34           elevation of the lot, a topographical map of the property  
35           must be submitted.  
36           (d) At least two soil profiles delineating the textural  
37           classification and Munsell color of the native soil at  
38           the beginning and end of the soil absorption area to a  
39           minimum depth of 6 feet or refusal in accordance with  
40           USDA Soil Classification Methodology.  
41           (e) The existing water table elevation and the estimated  
42           wettest season water table elevation.  
43           (2) The owner shall be held responsible for all information  
44           supplied to the Department. The application and supporting  
45           data serve as the basis for the issuance of a construction  
46           permit. In the event of a change in any material fact given  
47           in the application which served as a basis for issuing a  
48           construction permit, the owner shall immediately file an  
49           amended application detailing such changed conditions. If  
50           the new conditions are in compliance with the standards in  
51           this Rule, the construction permit shall be amended. If the  
52           new conditions are not in compliance with the standards of  
53           this Rule, the permit shall be revoked.  
54           (3) The supporting data must be prepared by an engineer and land  
55           surveyor registered in the State of Florida, as specified in  
56           Rule 10D-6, F.A.C. The site plan must be prepared by a  
57           professional land surveyor registered in the state of  
58           Florida. The soil classification and system design shall be  
59           performed by a professional engineer registered in the state  
60           of Florida with training in soils. When fill soils are used,  
61           the Department may require that soils be classified by a  
62           certified soils engineering testing laboratory registered in  
63           the State of Florida.  
64           (4) If the application is for a lot that is exempt under Section

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- 1                    7(5) documentation shall be submitted to substantiate the  
2                    existence of the lot prior to January 1, 1972. Documentation  
3                    shall be:  
4                    (a) A survey, map, plat or drawing prepared by a professional  
5                    land surveyor licensed in the State of Florida, or  
6                    (b) A survey, map, plat or drawing registered with the  
7                    Department of Business and Professional Regulation,  
8                    Division of Land Sales, or  
9                    (c) A property tax receipt, or  
10                   (d) A deed, or  
11                   (e) An agreement for deed.

12                   **SECTION 6. METHOD OF APPLICATION AND DATA REQUIRED ON APPLICATION**  
13                   **FOR ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS FOR A**  
14                   **SUBDIVISION.**

- 15                   (1) The application and supporting data required for approval of  
16                   the use of onsite sewage treatment and disposal systems for  
17                   a subdivision shall be submitted to the Department by the  
18                   owner or his authorized representative. The supporting data  
19                   must be prepared by a licensed surveyor or engineer, as  
20                   appropriate, and shall include:  
21                   (a) A plan of the subdivision clearly drawn to scale, showing  
22                   lot and block arrangements, lot dimensions with all lots  
23                   numbered and net area of each lot.  
24                   (b) A topographical map with contour interval to indicate  
25                   surface configurations, including slopes, streams, or  
26                   water courses, bodies of water, low, wet, or marshy land  
27                   and lots on which any fill is to be made.  
28                   (c) A general site location map for reference identification  
29                   of the area.  
30                   (d) The proposed drainage plans certified by the preparer as  
31                   being in compliance with existing district drainage plans  
32                   as approved by the local drainage authority, Palm Beach  
33                   County Engineering Department and the South Florida Water  
34                   Management District, as applicable.  
35                   (e) South Florida Water Management District staff report and  
36                   permit for the proposed drainage system, if applicable.  
37                   (f) The natural soil profile delineating soil classification  
38                   to a depth of 6 feet or refusal for a representative  
39                   number of test sites for at least 10% of the number of  
40                   lots, for which the minimum information provided is the  
41                   upper and lower horizon boundaries. Munsell color of the  
42                   horizon and its components and USDS soil texture; using  
43                   USDA Soil Classification methodology as described in  
44                   chapter 3 of the Soil Survey Manual, United States  
45                   Department of Agriculture, Handbook No. 18, October 1993,  
46                   herein incorporated by reference. Where the replacement  
47                   of severely limited soil is proposed, soil profiles shall  
48                   be performed to a minimum depth of 6 feet or to the depth  
49                   of the slightly or moderately limited soil layer lying  
50                   below the replaced layer, whichever is greater.  
51                   (g) Water table elevations as existing and for the wettest  
52                   season, based on M.S.L. datum.  
53                   (h) All dedicated right-of-way or recorded easements proposed  
54                   for use in the installation of onsite sewage treatment  
55                   and disposal or water system.  
56                   (i) Proposed sewer utility easements and rights-of-way shall  
57                   be included on the subdivision.  
58                   (j) If private wells are to be used, submit evidence to the  
59                   Department that the groundwater is of satisfactory  
60                   quality and is not threatened by a source of  
61                   contamination.

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- 1                   4. 75 feet from a non-potable water well.  
2                   5. 100 feet from the high water line of lakes, streams,  
3                   canals or other surface waters of overflow.  
4                   (8) When an automatic dosing system is required in accordance  
5                   with Rule 10D-6, F.A.C., two pumps shall be required for  
6                   commercial use when the estimated establishment sewage flow  
7                   exceeds 500 gallons per day and for multiple family  
8                   residential use where three or more units are proposed. A  
9                   placard on the dosing pump panel must be provided indicating  
10                   the following:  
11                   1. Name and phone number of person to contact in case of  
12                   emergency.  
13                   2. Name and phone number of septic tank company to call for  
14                   umpout in case of overflow.

15                   **SECTION 8. CONDITIONS UNDER WHICH ONSITE SEWAGE TREATMENT AND**  
16                   **DISPOSAL SYSTEMS SHALL NOT BE APPROVED.**

17                   An onsite sewage treatment and disposal system shall not be  
18                   approved:

- 19                   (1) Where an existing sanitary sewer is available. A  
20                   municipal or investor-owned sewerage system shall be  
21                   deemed available for connection if the following  
22                   conditions exist:  
23                   The system is not under a Department of Environmental  
24                   Protection moratorium, and the sewerage system has  
25                   adequate hydraulic capacity to accept the quantity of  
26                   sewage to be generated by the proposed establishment; and  
27                   the existing sewer line is within the following distance  
28                   from the property:  
29                   (a) For estimated sewage flows of 600 or fewer gallons per  
30                   day, if a sewer line exists in a public easement or  
31                   right-of-way which abuts the property or is within 100  
32                   feet of the property and if gravity flow can be  
33                   maintained from the building drain to the sewer line.  
34                   (b) For estimated sewage flows exceeding 600 gallons per day  
35                   to 1,200 gallons per day, if a sewer line, gravity or  
36                   force main exists in a public easement or right-of-way  
37                   which is within 100 feet of the property.  
38                   (c) For estimated sewage flows greater than 1,200 gallons  
39                   per day to 2,500 gallons per day, if a sewer line,  
40                   gravity or force main exists in a public easement or  
41                   right-of-way which is within 500 feet of the property.  
42                   (d) For estimated sewage flows greater than 2,500 gallons  
43                   per day to 5,000 gallons per day, if a sewer line (  
44                   gravity or force main) exists in a public easement or  
45                   right-of-way which is within 1,000 feet of the property.  
46                   (2) Where the property is located in an area that is subject  
47                   to frequent flooding.  
48                   (3) For lots in a subdivision where the approved drainage has  
49                   not been constructed in accordance with the requirements  
50                   of the South Florida Management District and/or the Palm  
51                   Beach County Engineering Department.  
52                   (4) For treatment and disposal of industrial hazardous or  
53                   toxic wastes.  
54                   (5) For commercial establishments where food is processed,  
55                   handled, prepared or served. This restriction does not  
56                   apply to retail or prepackaged food stores and to  
57                   convenience stores where food service is limited to  
58                   coffee, soft drinks and hot dogs.

59                   **SECTION 9. HANDLING OF SEPTAGE**

60                   Collection, treatment and disposal of septage shall be in

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1 accordance with Rule 10D-6, Florida Administrative Code. No  
2 person(s) or corporation shall engage in the business of  
3 servicing septic tanks, grease traps, portable toilets or other  
4 treatment receptacles without first obtaining an annual license  
5 from the Department. The issuance of the license would be based  
6 upon compliance with the provisions of Rule 10D-6, Florida  
7 Administrative Code.

8 **SECTION 10. PROHIBITIONS**

- 9 (1) It is prohibited for any person to construct, keep, use or  
10 maintain a privy from which human waste is deposited on the  
11 surface of the ground or over waters of the State.  
12 (2) No person shall manufacture, sell or install an onsite  
13 sewage treatment and disposal system unless in compliance  
14 with the requirements of this Rule.  
15 (3) It is prohibited to drain sewage wastes or septic tank  
16 effluent into cesspools or drywells as means of disposal.  
17 (4) Organic chemical solvents shall not be advertised, sold or  
18 used in the county for the purpose of degreasing or  
19 declogging onsite sewage disposal systems.

20 **SECTION 11. INCORPORATION BY REFERENCE OF RULE 10D-6, FLORIDA**  
21 **ADMINISTRATIVE CODE**

22 Rule 10D-6, Florida Administrative Code as may be amended from  
23 time to time and all amendments hereto, is hereby incorporated by  
24 reference including, but not limited to, application and  
25 permitting procedures, systems design and construction standards,  
26 system sizing, system setback requirements, septage disposal,  
27 system maintenance and fee schedule unless higher in county fee  
28 ordinance. In the event of a conflict between the provision of  
29 Rule 10D-6 and this Rule, the more restrictive provision shall  
30 apply.

31 **SECTION 12. ENVIRONMENTAL APPEAL BOARD**

- 32 (1) The Environmental Appeal Board, which was established by the  
33 Environmental Control Board on May 26, 1987, to hear appeals  
34 from certain requirements, interpretations or determinations  
35 of this Rule made by the Palm Beach County Health Department  
36 or the Environmental Control Officer shall continue to hear  
37 appeals. The members of the Environmental Appeal Board shall  
38 have the following qualifications and terms of office:  
39 (a) Members shall be residents of Palm Beach County and shall  
40 serve three year terms. However, the first term of the  
41 water resource professional and the drinking water  
42 engineer shall be for two years, but said terms shall be  
43 for three years thereafter.  
44 (b) The membership shall be as follows:  
45 i. A professional engineer, nominated by the American  
46 Society of Civil Engineers, Palm Beach Branch.  
47 ii. A water resource professional employed by the South  
48 Florida Management District.  
49 iii. A drinking water engineer employed by the Department of  
50 Environmental Protection.  
51 iv. A person nominated by the Home Builders and Contractors  
52 Association.  
53 v. A citizen not holding elective office. However, after  
54 the citizen has served one term, the citizen shall be  
55 replaced by an attorney nominated by the Palm Beach  
56 County Bar Association.  
57 (c) The members of the Environmental Appeal Board shall elect  
58 a chairman. The presence of three or more members shall

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- 1 constitute a quorum of the Environmental Appeal Board. A  
2 majority vote of the membership shall be necessary to  
3 take any action. Members shall serve without  
4 compensation.  
5 (d) Conduct of hearing:  
6 i. Hearings may be called by the chairman or by written  
7 notice signed by at least three members of the  
8 Environmental Appeal Board. At any hearing, the  
9 Environmental Appeal Board may set a future hearing date.  
10 ii. Minutes shall be kept of all hearings. The Environmental  
11 Appeal Board shall keep accurate records of its public  
12 hearings, which shall be filed, together with its  
13 minutes, in the Environmental Control Office.  
14 (e) The Environmental Control Board shall provide adequate  
15 and competent clerical and administrative personnel as  
16 may be required by the Environmental Appeal Board for the  
17 proper performance of its duties.

18 **SECTION 13. APPEALS**

- 19 (1) Persons aggrieved by a requirement, interpretation or  
20 determination of this Rule made by the Palm Beach County  
21 Public Health Unit or the Environmental Control

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1 officer may appeal to the Environmental Appeal Board by filing a  
2 written notice of appeal, with the Environmental Control Officer  
3 within 30 days from the determination to be appealed. The notice  
4 shall be accompanied by a certified check or money order, made  
5 payable to the Palm Beach County Public Health Unit to defray the  
6 cost of processing and administering the appeal. The fee for  
7 filing the appeal shall be non-refundable and in the following  
8 amounts:

- 9 (a) \$100.00 for a single family residence  
10 (b) \$125.00 for all others, including, but not limited to,  
11 multiple family, commercial or subdivisions.  
12 However, no appeal shall be filed which requests relief from the  
13 construction standards required under Rule 10-D-6, F.A.C.  
14 (2) Each notice of appeal shall state the factual basis for the  
15 appeal and the relief requested. There shall be attached to  
16 each notice supportive materials and documents, including  
17 the information listed in Exhibits I or II, if applicable to  
18 the appeal. The Environmental Appeal Board may require such  
19 additional information as it deems necessary. A separate  
20 notice of appeal must be filed for each site or system  
21 considered for an appeal. Required supporting documentation  
22 for the appeal must be filed with the Department of  
23 Environmental Control Office with the notice of appeal. The  
24 burden of presenting supportive facts in the notice of  
25 appeal shall be the responsibility of the person filing the  
26 appeal. The person filing the appeal shall have the burden  
27 of proving that he/she is entitled to relief. The Department  
28 and/or the Environmental Control Officer shall defend all  
29 appeals before the Environmental Appeal Board.  
30 (3) The person filing the appeal shall also submit to the  
31 Environmental Control Officer a list of the names and  
32 addresses of every property owner who may be affected by the  
33 granting of the appeal in the following cases:  
34 (a) The proposed onsite sewage treatment and disposal system  
35 fails to meet the minimum distance required between the  
36 system and a well, as provided by this Rule; or  
37 (b) The proposed onsite sewage treatment and disposal system  
38 is within 5 feet of a neighboring lot; or  
39 (c) The proposed onsite sewage treatment and disposal system  
40 is within 50 feet of a water body on a neighboring lot.  
41 (4) A hearing on the appeal shall be set within sixty (60) days  
42 of receipt of the notice of appeal by the Environmental  
43 Control Officer. This provision does not mean that the  
44 applicant is entitled to a hearing on the first available  
45 agenda following receipt of the notice of appeal.  
46 (5) Formal rules of evidence shall not apply, but fundamental  
47 due process shall be observed and shall govern the  
48 proceedings. All testimony shall be under oath. Irrelevant,  
49 immaterial or unduly repetitious evidence shall be excluded;  
50 but all other evidence of a type commonly relied upon by  
51 reasonably prudent persons shall be admissible, whether or  
52 not such evidence would be admissible in the trial courts of  
53 Florida. Hearsay evidence may be used for the purpose of  
54 supplementing or explaining other evidence, but it shall not  
55 be sufficient in itself to support a finding unless it would  
56 be admissible over objection in civil actions.  
57 (6) The parties shall have the following rights: to be  
58 represented by counsel; to call and examine witnesses; to  
59 introduce exhibits; to cross-examine witnesses on any  
60 relevant matter, even though the matter was not covered in  
61 direct examination; and to rebut evidence.  
62 (7) The Environmental Appeal Board shall hear and consider all  
63 facts material to the appeal and shall issue findings of  
64 fact based upon the greater weight of the evidence and shall

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- 1                    issue an order affording the proper relief consistent with  
2                    the powers granted herein. The findings and order shall be  
3                    by motion approved by a majority of those members present  
4                    and voting.
- 5                    (8) In order to grant an appeal authorizing a sewage treatment  
6                    and disposal system on a single lot, the Environmental  
7                    Appeal Board must find that:
- 8                    (a) because of special factors, which may include economic  
9                    factors, the applicant is unable to comply with this Rule  
10                    and
- 11                    (b) the onsite sewage treatment and disposal system complies  
12                    with current construction standards; and
- 13                    (c) The granting of the appeal is the minimum alternative  
14                    that will make possible the reasonable use of the land,  
15                    structure or building; and
- 16                    (d) The granting of the appeal is consistent with the general  
17                    intent, purpose and requirements of Palm Beach County  
18                    laws and ordinances; and
- 19                    (e) The grant of the appeal will not be injurious to the area  
20                    involved or to the public health and general welfare.
- 21                    (9) In order to grant an appeal authorizing onsite sewage  
22                    treatment and disposal systems in subdivisions containing  
23                    lots smaller than those required under this Rule, the  
24                    Environmental Appeal Board must additionally find:
- 25                    (a) That for a proposed subdivision to be served by  
26                    individual private wells, each lot has at least ¼ acre,  
27                    with a minimum dimension of 100 feet and that said  
28                    subdivision contains no more than 50 lots; or that for  
29                    the proposed subdivision to be served by a public water  
30                    system, each lot has at least 1/3 acre with a minimum  
31                    dimension of 75 feet and that said subdivision contains  
32                    no more than 100 lots; and
- 33                    (b) That satisfactory ground water can be obtained if an  
34                    individual private well is to be used; and
- 35                    (c) That all distance and setbacks, soil conditions, water  
36                    table elevations and other related requirements of this  
37                    Rule and Rule 10D-6, Florida Administrative Code, are  
38                    met; and
- 39                    (d) That the proposed subdivision does not represent  
40                    sequential development of contiguous subdivisions, the  
41                    purpose of which is to avoid the requirements of Section  
42                    13 (9) (a) of this Rule; and
- 43                    (e) That a municipal, county or investor-owned public  
44                    sewerage system is not available contiguous to the  
45                    proposed subdivision or within ¼ mile thereof with public  
46                    right-of-way accessibility; and
- 47                    (f) That the proposed plat contains notification that the  
48                    lots must be connected to a municipal, county or  
49                    investor-owned water supply and/or sewerage system within  
50                    ninety (90) days from the date such system becomes  
51                    available; and
- 52                    (g) That the proposed density of the subdivision is  
53                    consistent with the density recommended in the Land Use  
54                    Plan of Palm Beach County or in the Land Use Plan of the  
55                    appropriate municipality; and
- 56                    (h) That the developer has made every reasonable effort to  
57                    obtain public water and sewer; and
- 58                    (i) That dry water and/or sewer lines are to be installed by  
59                    the developer and that the developer will establish an  
60                    escrow account to pay for the cost of connection when  
61                    water and/or sewer becomes available, or that the  
62                    installation of the same is not feasible from a technical  
63                    or economic standpoint; and
- 64                    (j) That onsite, water and/or sewage treatment facilities are

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- 1 not feasible from a technical or economic standpoint; and  
2 ~~(k) That the proposed development will consist of no more~~  
3 ~~than one single family residence per lot; and~~  
4 ~~(1) That land uses surrounding and adjacent to the proposed~~  
5 ~~subdivision and soil qualities of the area do not~~  
6 ~~indicate that the area's health is endangered by an~~  
7 ~~inordinate proliferation of septic tanks.~~  
8 (10) Provided that the factual findings specified in subsection  
9 (8) or (9) are made, the Environmental Appeal Board may  
10 reverse, modify or affirm, wholly or partly, the  
11 requirement, interpretation or determination made by the  
12 Palm Beach County Public Health Unit or the Environmental  
13 Control Officer. In granting an appeal, the Environmental  
14 Appeal Board may prescribe appropriate conditions and  
15 safeguards consistent with this Rule. Violation of such  
16 conditions and safeguards, when made a part of the terms  
17 under which the appeal is granted, shall be deemed a  
18 violation of this Rule. The Environmental Appeal Board may  
19 also prescribe a reasonable time within which the action for  
20 which the appeal is granted shall be started or completed or  
21 both. Any decision of the Environmental Appeal Board shall  
22 be in the form of written order.  
23 (11) If there is a change in facts or circumstances supporting a  
24 request for relief after an order granting relief has been  
25 issued, then the applicant shall notify the Department. The  
26 Department may request the Environmental Appeal Board to  
27 revoke or amend the order.  
28 (12) Except where the relief granted is to exempt an applicant  
29 from the requirement to connect to a sanitary sewer under  
30 Section 8 (1), any relief granted shall automatically  
31 terminate upon the availability of sewer service to the lot  
32 or parcel. Unless otherwise provided in an order issued  
33 pursuant to Section 21 11 (10), relief granted under this  
34 Rule shall automatically lapse if action for which the  
35 appeal was granted has not been initiated within one (1)  
36 year from the date of granting such appeal by the  
37 Environmental Appeal Board or, if judicial proceedings to  
38 review the Environmental Appeal Board's decision shall be  
39 instituted, from the date of entry of the final order in  
40 such proceedings, including all appeals.  
41 (13) The decision of the Environmental Appeal Board shall be  
42 final administrative action. Any party or interested person  
43 may appeal a decision of the Environmental Appeal Board to  
44 the Circuit Court of Palm Beach County. Such appeal shall be  
45 filed within 30 days of the execution of the Environmental  
46 Appeal Board's order.

47 **SECTION 14. VIOLATIONS, ENFORCEMENT PENALTIES, INSPECTIONS.**

- 48 (1) **Violations, Enforcement and Penalties.** It is unlawful for  
49 any person to violate any provisions of this Rule or any  
50 duly constituted order of the Palm Beach County  
51 Environmental Control Hearing Board enforcing this Rule.  
52 Such violations shall be punished according to the  
53 provisions of Chapter 77-616, Special acts, Laws of Florida,  
54 as amended from time to time.  
55 (2) **Inspections.** It shall be the duty of the County Health  
56 Director or his authorized representative to conduct such  
57 inspections as are reasonable and necessary to determine  
58 compliance with the provisions of this Rule.

59 **SECTION 15. JUDICIAL REVIEW.**

60 Any person aggrieved by an action or decision of the Palm Beach

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1 County Environmental Appeal Board may seek judicial review in the  
2 Circuit Court for Palm Beach County.

3  
4 **SECTION 16. APPLICATION.**

5 This Rule shall apply to all the incorporated and unincorporated  
6 areas of Palm Beach County, Florida.

7 ECR I  
8 Exhibit I  
9 **INFORMATION REQUIRED FOR AN APPEAL FOR AN INDIVIDUAL LOT**

10 Eight copies of the following information prepared by an  
11 engineer or land surveyor registered in the State of Florida must  
12 be submitted with the notice of appeal:

13 I. Floor Plan

14 II. A site plan drawn to scale showing:

- 15 A) Boundaries with dimensions  
16 B) Elevations or slope of land  
17 C) Location of building(s)  
18 D) Location and layout of septic tank  
19 E) Location and layout of drainfield  
20 F) Location of potable water supply lines  
21 G) Location of well  
22 H) Location of public sewers  
23 I) Location and elevation of percolation test  
24 J) Location of septic tank, drainfield and well on adjacent  
25 properties (sides, front and rear)  
26 K) Location of driveways, parking and walkways  
27 L) Benchmark on or adjacent or property

28 III. The site plan must indicate the following (related to the  
29 system):

- 30 A) Distance from private well  
31 B) Distance form public well  
32 C) Distance of septic tank and drainfield from building  
33 D) Distance of septic tank and drainfield from property line  
34 E) Distance from water supply lines  
35 F) Distance to high water line of lakes, canals, streams, etc.

36 IV. Two soil profiles to six feet (in drainfield area)  
37 indicating the soil classification and showing the existing  
38 water table and the estimated wettest season water table.

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SECTION 2. PURPOSE

The provisions of this Rule prescribe the minimum standards for the design, construction, installation and operation of all water supply systems from which water is used for human consumption, culinary, sanitary, domestic, or other purposes.

SECTION 3. DEFINITIONS

- (1) "Adequate Protection by Treatment" means any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, or other processes in addition to disinfection which produces water consistently meeting the requirements of this Rule including processes which are appropriate to the source of supply.
- (2) "Approved Source," when used in reference to bottled water, means a source, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source, that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with provisions of the Rule.
- (3) "Bottled Water" means water that is sealed in a container or package and is offered for sale for human consumption or other uses.
- (4) "Bottled Water Plant" means any place or establishment in which bottled water is prepared for sale.
- (5) "Community Water System" means a water system which serves at least 15 service connections used by year-round residents or which serves at least 25 year round residents.
- (6) "Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter used for coliform detection, or a portion thereof, in which bacterial colonies are not discrete.
- (7) "Consecutive Water System" means a water supply system which serves at least 15 service connections used by year-round residents or which serves at least 25 year round residents which receives its water from a community water system.
- (8) "Contaminant" means any physical, chemical biological or radiological substance or matter in water.
- (9) "Cross-Connection" means any physical arrangement whereby any drinking water supply is connected, directly or indirectly, with any other supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the drinking water supply as the result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeable devices and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.
- (10) "Department" means the Palm Beach County Public Health Unit.
- (11) "Environmental Appeal Board" is the five (5) member Board appointed by the Environmental Control Board to hear appeals under this Rule.
- (12) "Environmental Control Board" is the Board consisting of the seven (7) members of the Board of County Commissioners, which adopts, reviews and amends ordinances and rules under Chapter 77-616, Special Acts.

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1                   "Water System" or "Water Facility," means any or all  
2 works and auxiliaries for collection, treatment, storage  
3 and distribution of water from the source or sources of  
4 supply to the consumer or processing plants including  
5 ice-making vending machines, water vending machines and  
6 bottled water plants.  
7       (30) "Water Well," means any excavation that is drilled,  
8 cored, bored, washed, driven, dug, jetted or otherwise  
9 constructed when the intended use of such excavation is  
10 to conduct groundwater from a source bed to the surface  
11 by pumping or natural flow.

12                   **SECTION 4. GENERAL PROVISIONS**

13       (1) A single water supply system shall be constructed for any  
14 new structure, lot or facility containing more than one building  
15 with common access parking.  
16       (2) All fees charged for the administration of this Rule shall  
17 be in accordance with the fee schedule pursuant to Ordinance No.  
18 92-23 and the amendments thereto.  
19       (3) All buildings used or intended for human occupancy,  
20 employment or service to the public shall be provided with piped  
21 water under pressure from a water system which complies with the  
22 provisions of this Rule. Bottled water shall not be considered an  
23 acceptable substitute for such a water system.  
24       (4) Request for Department approval on zoning, site plan and  
25 subdivision matters for building permits shall be reviewed in  
26 light of this Rule.  
27       (5) This rule applies to both new and existing water systems  
28 unless the section states otherwise.

29                   **SECTION 5. WATER QUALITY REQUIREMENTS**

30       The ultimate concern of a public drinking water program is the  
31 quality of piped water for human consumption when the water  
32 reaches the consumers. The following rules establish the maximum  
33 contaminant levels for the water within public water systems.  
34 Public water systems shall not exceed the maximum contaminant  
35 levels established.  
36       (1) "Primary Drinking Water Standards Maximum Contaminant  
37 Levels." These standards are as specified in Chapter 62-550  
38 F.A.C. and 10D-4 F.A.C. as applicable.  
39       (2) Maximum contaminant levels for secondary inorganic  
40 contaminant. The maximum contaminant levels for secondary  
41 inorganic contaminants are applicable to community water systems  
42 only and are as specified in Chapter 62-550 F.A.C.

43                   **SECTION 6. WATER MONITORING REQUIREMENTS**

44       (1) Microbiologicals and chlorine residual monitoring of water  
45 systems shall be provided by the supplier of water as specified  
46 in Chapter 62-550, F.A.C. or Chapter 10D-4 F.A.C., as applicable.  
47       (2) Primary inorganic chemicals monitoring on water systems  
48 shall be provided by the supplier of water as specified in  
49 Chapter 62-550 F.A.C.  
50       (3) Primary organic chemicals monitoring on water systems shall  
51 be provided by the supplier of water for community water systems  
52 as specified in Chapter 62-550 F.A.C.  
53       (4) Monitoring for physical contaminants shall be provided by  
54 the supplier of water for community and non-transient  
55 non-community water systems as specified in Chapter 62-550.  
56       (5) Monitoring for radionuclides shall be provided by the  
57 supplier of water for community water systems and non-transient

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1 non-community water supply systems as specified in Chapter 62-550  
2 F.A.C.  
3 (6) Monitoring for secondary inorganic contaminants in  
4 community water systems shall be provided by the supplier of  
5 water as specified in Chapter 62-550 F.A.C.  
6 (7) Monitoring for trihalomethanes, volatile organics and  
7 synthetic organics shall be provided by the supplier of water for  
8 water systems as specified in Chapter 62-550 F.A.C.  
9 (8) Consecutive, community and non-transient non-community  
10 water systems shall provide microbiological and chlorine residual  
11 monitoring as specified in Chapter 62-550 F.A.C.  
12 (9) Community water systems shall monitor for volatile and  
13 synthetic organics including pesticides and herbicides as  
14 specified in Chapter 62-550 F.A.C.  
15 (10) Community and non-transient non-community water systems  
16 shall monitor for the following from each raw water source or  
17 well semi-annually:  
18 Calcium, Ca  
19 Chloride, Cl  
20 Color  
21 Iron, Fe  
22 Nitrate, NO3  
23 pH (Field)  
24 Total dissolved solids  
25 Conductivity  
26 Total hardness, as CaCO3

27 **SECTION 7. REPORTING REQUIREMENTS**

28 The Supplier of water of any community, non-community or  
29 non-transient non-community water supply system shall comply with  
30 the reporting requirements as specified in Chapter 62-550 F.A.C.

31 **SECTION 8. NOTIFICATION REQUIREMENTS**

32 (1) The supplier of water of any community, non-community or  
33 non-transient non-community water system shall comply with the  
34 notification requirements as defined in Chapter 62-560, F.A.C.  
35 (2) If a limited use public water system fails to comply with  
36 an applicable maximum contaminant level or fails to comply with  
37 an applicable testing procedure, established in Section 6, the  
38 supplier of water shall give notice of such failure to the  
39 persons served by the system by fixed signs located at all  
40 potable water outlets or connections.  
41 (3) In case of breakdown in purification or protective  
42 equipment, breaks in main transmission lines, loss of water  
43 pressure below 20 p.s.i., abnormal taste or odor, change in  
44 treatment, or any interruption of water service to users, or any  
45 circumstances which could affect the quality of the drinking  
46 water, it shall be the duty of the water supplier to notify the  
47 Department within one (1) hour of the occurrence. Notification  
48 shall include the following information:  
49 a. Description of the problem  
50 b. Area affected  
51 c. Number of connections or users affected  
52 d. Estimated duration of problem  
53 e. Method of notification to users.  
54 Such information shall also be provided in writing on the monthly  
55 operation report.  
56 (4) If the water is shut off to the users and/or the water  
57 pressure falls below 20 p.s.i., notification shall be given  
58 immediately to the users either by written notice or through the  
59 media of newspaper, radio or television of the interruption of  
60 water service and/or the necessity to boil water. The notice to

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1 boil water shall remain in effect until two (2) consecutive days  
2 of satisfactory bacteriological sample results have been obtained  
3 from the area affected. Samples shall be taken twenty-four (24)  
4 hours apart. The department shall notify the water supplier when  
5 the boil water notice may be rescinded.

6 (5) Where public fire protection is provided by the mains  
7 affected by the interruption, the utility water supplier shall  
8 notify the Fire Marshall or the appropriate Fire Department  
9 official that an interruption has occurred or will occur.

## 10 SECTION 9. CONSTRUCTION AND DESIGN REQUIREMENTS

11 Design Criteria - Approval for construction, extension, expansion  
12 or use of any community or non-community non-transient  
13 non-community and limited use public water supply system shall be  
14 based on the criteria cited below, in Chapter 62-555 F.A.C. in  
15 addition to the design criteria specified in Chapter 62-22,  
16 F.A.C. and Chapter 40D-4, F.A.C. and the standards considered as  
17 modern sanitary engineering practices.  
18 Criteria in the references listed below are incorporated into  
19 this code. If any differences in design criteria exists, the more  
20 stringent standard shall be used.

21 (1) Lead pipes, solder and flux are prohibited for use in the  
22 installation or repair of any drinking water system. This does  
23 not apply to leaded joints necessary for the repair of cast iron  
24 pipes. Solders and fluxes must contain not more than 0.2 percent  
25 lead and fittings not more than 8.0 percent lead.

26 (2) A minimum of two (2) drinking water supply wells and pumps  
27 shall be provided for each community water system that will serve  
28 350 or more persons upon completion of construction.

29 (3) All water wells shall be constructed by a water well  
30 contractor licensed by the South Florida Water Management  
31 District in accordance with Chapter 62-21, F.A.C.,  
32 Chapter 62-22, or Chapter 40E-3, F.A.C., as applicable.

33 (4) All water wells to be used for drinking purposes except for  
34 private water system wells shall be constructed in accordance  
35 with Chapter 62-21 and Chapter 62-555 or Chapter 10D-4, F.A.C.,  
36 as applicable.

37 (5) Private water system wells shall be constructed in  
38 accordance with Chapter 40E-3, F.A.C., with the following  
39 additions:

40 a) Well head shall be at least 6 inches above finished grade  
41 level

42 b) Casing shall be surrounded at grade level by a two inch  
43 thick concrete pad extending at least six inches in all  
44 directions.

45 (6) Water wells for purposes other than for the supply of  
46 drinking water shall be constructed in accordance with Chapter  
47 40E-3, F.A.C.

48 (7) Whenever the pump is not set at the vertical casing, the  
49 line between the vertical casing and pump shall be considered an  
50 extension of the casing and protected from sanitary hazards in a  
51 similar manner as the casing.

52 (8) For community, non-community and non-transient  
53 non-community water systems having on-site sewage disposal  
54 systems wells shall be located as specified in Chapter 62-555  
55 F.A.C.

56 (9) Limited use public wells shall be placed a minimum distance  
57 of 100 feet from any onsite sewage treatment and disposal system.

58 (10) a. Private water wells shall be placed a minimum distance  
59 of 75 feet from any onsite sewage treatment and  
60 disposal system or brine disposal area.

61 b. 50 feet from any non-drinking water well, pond, canal

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- 1                                    or other body of water.  
2                                    c. 25 feet from poisoned soils, including but not limited  
3                                    to building foundations.  
4                                    (11) Community, non-community, non-transient non-community and  
5                                    limited use public water wells shall be located a minimum  
6                                    distance of:  
7                                    a. 100 feet from other pollution sources, including but not  
8                                    limited to drainage wells, gasoline or other petroleum  
9                                    product under-ground storage tanks water softener brine  
10                                    disposal areas except as otherwise provided in the Palm  
11                                    Beach County Wellfield Protection Ordinance.  
12                                    b. 100 feet from any non-drinking water well, pond, canal or  
13                                    other body of water unless justified in accordance with  
14                                    Chapter 62-555 F.A.C., but not less than 50 feet.  
15                                    c. 25 feet from poisoned soils, including but not limited to  
16                                    building foundations.  
17                                    d. 500 feet from any sanitary landfill or recognized hazardous  
18                                    or toxic waste site.  
19                                    (12) Distances shown in 8, 9, 10 and 11 above may be increased  
20                                    if required under Palm Beach County Environmental Control Rule I,  
21                                    Section 8 (7).  
22                                    (13) For limited use public and private water system wells,  
23                                    construction shall be in accordance with criteria specified in  
24                                    Chapter 10D-4 and 40E-3, F.A.C., as applicable.  
25                                    (14) Any waste collection or transmission line within the  
26                                    defined locations defined in the Palm Beach County Wellfield  
27                                    Protection Ordinance shall be constructed in accordance with  
28                                    current American Water Works Association, water main standards,  
29                                    including the passing of the appropriate pressure and leakage  
30                                    tests.  
31                                    (15) Within thirty (30) days after the completion of the  
32                                    construction or repair of any drinking water well, the water well  
33                                    contractor shall submit a report to the Department on the  
34                                    approved forms in accordance with the instructions provided  
35                                    thereon.  
36                                    (16) Water supply system wells shall be enclosed within  
37                                    protective fencing when access is open to the general public.  
38                                    (17) The cone of influence of a new well or wells serving a  
39                                    community water supply system shall comply with the requirements  
40                                    of the Palm Beach County Wellfield Protection Ordinance.  
41                                    (18) All wells for which use has been permanently discontinued  
42                                    shall be plugged by filling them from the bottom to the top with  
43                                    neat cement grout, concrete or other method approved by the  
44                                    Department.  
45                                    (19) All existing community systems serving 350 or more persons  
46                                    and all newly proposed community systems shall be equipped with a  
47                                    source of auxiliary power to allow operation of the raw water  
48                                    supply, water treatment units and pumping capacity. In addition,  
49                                    such systems shall be provided with automatic start-up devices  
50                                    except where elevated storage or 24 hour per day, 7 day per week  
51                                    operation is provided. Such emergency power shall be of a  
52                                    sufficient capacity to operate the water supply facility at  
53                                    one-half design capacity. A minimum fuel supply for fourteen (14)  
54                                    days of continuous operation for each item of auxiliary power  
55                                    shall be maintained at the water treatment plant or under the  
56                                    control of the utility and reserved for the water treatment  
57                                    plant. Any fuel pumps required to transfer the fuel to the  
58                                    auxiliary power units shall be equipped with their own auxiliary  
59                                    power or manual pumping system.  
60                                    (20) All community, non-community, and non-transient  
61                                    non-community systems, including limited use public systems where  
62                                    applicable, shall maintain a minimum reserve supply of chlorine  
63                                    for emergency conditions. Such reserve shall be figured for  
64                                    fourteen (14) days consumption for systems using gas chlorine and

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1 seven (7) days consumption for systems using hypochlorite  
2 solution. The consumption shall be based, as a minimum on 50% of  
3 design capacity.  
4 (21) Disinfection.  
5 A. All water supplies shall be designed to maintain a minimum  
6 continuous and effective free chlorine residual within the  
7 acceptable range of 3.0 mg/l maximum and 0.2 mg/l minimum or  
8 equivalent disinfection if other than free chlorine is used as  
9 the disinfection measure throughout the system. When utilizing  
10 chlorine in combination with ammonia, a minimum combined residual  
11 of 0.6 mg/l shall be maintained.  
12 B. Limited use public water systems - The Department shall  
13 require disinfection if bacteria is discovered in any sample of  
14 water and it is determined that there is an existing or potential  
15 health threat.  
16 C. A minimum of two (2) chlorination facilities at the water  
17 treatment plant shall be provided for each community water  
18 system. Each chlorinator shall be of adequate capacity to supply  
19 the total demand of the raw water at the rated capacity of the  
20 treatment plant. Where more than two (2) chlorinators are  
21 available, adequate capacity to supply the total chlorine demand  
22 of the raw water shall be provided with the largest unit out of  
23 service. Disinfection other than chlorination will be considered  
24 on an individual basis by the Department.  
25 D. Booster chlorination facilities shall be provided in the  
26 distribution systems of community water systems to maintain the  
27 disinfection requirements of (A) above to consecutive systems.  
28 E. Consecutive systems shall be responsible for maintaining the  
29 disinfectant residual requirements of (A) above within the  
30 consecutive system.  
31 (22) Water Treatment Plant and Storage - The approved design  
32 capacity shall be adequate to provide for the maximum day demand  
33 plus fire flow requirements and maintain the water quality  
34 standards specified in this Rule.  
35 (23) Distribution.  
36 A. The sizing of the distribution lines shall be adequate to  
37 provide the following without the development of distribution  
38 pressures lower than twenty (20) pounds per square inch (20 psi).  
39 (i) maximum day demand plus fire flow.  
40 B. Except for repair or replacement of existing lines, the size  
41 of new piping for any community system shall be no less than 6  
42 inch diameter unless a departure in sizing is justified by  
43 hydraulic analysis or historic analysis and future water use for  
44 the area and is approved by Department based on such  
45 circumstances.  
46 C. In metered distribution systems, the supplier of water shall  
47 be responsible for operation maintenance and repair of new water  
48 lines up to and including the water meter.  
49 D. Any new development or construction connecting to an offsite  
50 water main shall provide an extension of that water main along  
51 the public right-of-way or utility easements abutting the  
52 property.  
53 E. Fire hydrants shall be maintained by the owner in accordance  
54 with standards established by the "Standards of the American  
55 Water Works Association." If a fire hydrant is located downstream  
56 of a water meter, the meter shall be designed to provide an  
57 adequate flow without excessive pressure drop. Private fire  
58 hydrant owners shall be required to request a dedicated private  
59 fire line, separate from any drinking water line, where an  
60 excessive drop through a metered source exists.  
61 F. The required fire flow from fire hydrants approved for  
62 installation prior to the effective date of this Rule shall be a  
63 minimum of 500 G.P.M. for two (2) hours. Those approved after the  
64 effective date of this Rule shall meet the following

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1 requirements:  
2 (i) Residential Sub-divisions. In one or two family  
3  dwellings not exceeding two stories in height, the  
4  system shall provide capability for fire flow of at  
5  least 500 gallons per minute.  
6 (ii) Family dwellings of 3 or more units, Commercial,  
7  institutional, or industrial sub-divisions, or other  
8  high daytime or nighttime population density  
9  developments; in new sub-divisions which include these  
10  developments, fire hydrants in the areas of such  
11  developments shall provide a minimum fire flow of 1,500  
12  gallons per minute. However, a lower or higher flow may  
13  be required by the Fire Marshall or by the appropriate  
14  fire department official according to the Insurance  
15  Services Office recommendations.  
16 (iii) All systems shall have sufficient storage or other  
17  facilities so that the minimum fire flow will be  
18  maintained for at least four (4) hours or the current  
19  recommendations of the Insurance the Insurance Services  
20  Office, whichever is greater.  
21 G. Dead end lines shall be minimized by the looping of all  
22  mains were possible. Where dead end lines occur, they shall be  
23  provided with flush hydrants, fire hydrants or blowoffs for  
24  flushing purposes.  
25 H. When the distribution demand, as determined in A(i) above,  
26  reaches eighty (80) percent of approved design capacity the  
27  supplier of water shall initiate the procedures for water  
28  treatment plant expansion. In the event expansion procedures are  
29  not initiated, the system shall be considered inadequate for  
30  additional distribution expansion, and approval for additional  
31  distribution expansion shall not be granted unless otherwise  
32  justified by an engineering report covering the circumstances and  
33  approved by the Department.  
34 I. When the distribution demand, as determined in (20)A(i)  
35  above, reaches ninety percent (90%) of the approved design  
36  capacity, the supplier of water shall have the water treatment  
37  plant expansion under construction. In the event construction is  
38  not underway, the system shall be considered inadequate for  
39  additional distribution expansion and approval for additional  
40  distribution expansion shall not be granted unless otherwise  
41  justified by an engineering report covering the circumstances and  
42  approved by the Department.

43 **SECTION 10. CONNECTION REQUIRED**

44 A. All existing buildings served by non-community,  
45  non-transient non-community and limited use water supply systems  
46  or new limited use and private water supply systems shall connect  
47  to an approved community water system where such a system has an  
48  available water main within 100 feet in a public right-of-way or  
49  easement abutting the property on which the building(s) are  
50  located. Connection to an approved community water system shall  
51  not be required.  
52 (1) If connection requires an extension of the main; or  
53 (2) If the main is located across four (4) or more lanes of  
54  paved roadway; or  
55 (3) If the utility is unable to provide water.  
56 B. Notwithstanding the provisions of subsection A above, if the  
57  Health Department determines that there is an existing or  
58  potential health threat on the property served by a  
59  non-community, non-transient non-community, or limited use public  
60  water system, then the connection shall be made as required under  
61  subsection C., below.  
62 C. Establishments or buildings that utilize a non-community, or

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1 non transient non-community water system and are being  
2 constructed, modified, expanded or changed in operation shall  
3 connect to an approved community water supply system when said  
4 system is available within 1,000 feet by existing right-of-way or  
5 easement to the property. Each foot of water crossing, paved  
6 roadway, or sidewalk shall be considered as two (2) feet; the  
7 proposed supply shall not be required to cross interstate highway  
8 or railroad systems. Property owners connecting to community  
9 water supply systems under this subsection shall be required to  
10 extend the water main along their public right-of-way utility  
11 easements which abut the property.

12 **SECTION 11. BACKFLOW PREVENTION**

13 The following buildings, establishments or facilities connected  
14 to a drinking water supply shall install and maintain backflow  
15 prevention devices complying with current American Water Works  
16 Association standards; nursing homes, hospitals, mortuaries,  
17 funeral parlors, restaurants, sewage treatment plants, sewage  
18 lift stations, public swimming pools and buildings using  
19 corrosive, toxic, infectious, radioactive or other substances  
20 which would be a health threat if they entered a drinking water  
21 supply.

22 **SECTION 12. PERMITS/APPROVALS**

23 (1) The department shall review and approve or deny any  
24 construction or use of any water supply system or facility based  
25 on the criteria specified in this rule. Prior to submission to  
26 the Department, plans involving distribution mains shall be  
27 reviewed by the Fire Marshall or by the appropriate fire  
28 department official.

29 (2) Construction Permits

30 A. No person shall install, extend or alter any water supply  
31 system or facility including any well, plant, tank, pump station,  
32 distribution system, fire line or other pipe or structures  
33 without first obtaining a construction permit from the  
34 Department.

35 B. Where required, applicants shall provide evidence  
36 of their ability to secure a consumptive use permit from the  
37 South Florida Water Management District; in addition evidence of  
38 proper zoning is required prior to Department approval.

39 C. The applicant shall provide the necessary information and  
40 design specifications requested and required by the Department to  
41 conduct an adequate review of any proposed activity or  
42 construction in addition to that information provided on the  
43 Department of Environmental Protection (DEP) or Department (HRS)  
44 (PBCPHU) application forms. The plans, applications and  
45 specifications for community, non-community, or non-transient  
46 non-community water wells and water systems except limited use  
47 public, private and non-drinking use water wells shall be  
48 prepared by a professional engineer, licensed in the State of  
49 Florida.

50 D. Any submittal for community water systems, for which the  
51 supplier of water is not the applicant but will require  
52 ownership, operation or maintenance by the supplier of water,  
53 shall require the acceptance stamp of the supplier of water on  
54 the plans.

55 E. A permit shall not be required for distribution extensions  
56 or services connections of less than 400 feet of 1 inch pipe, 200  
57 feet of 2 inch pipe 100 feet of 4 inch or larger pipe, or road  
58 crossing with less than 4 inch pipe when system capacity is  
59 adequate as specified in Section 9. ~~(20)~~ ~~(21)~~.

60 F. Any extension of a distribution system within Palm Beach

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1 County for which the water supply facility is not located within  
2 Palm Beach County, or distribution extension outside Palm Beach  
3 County when the water supply facility is located within Palm  
4 Beach County, shall require a permit from the Department and  
5 written acceptance of the project from the responsible agency  
6 outside the County. During construction partial releases may  
7 be given by the Department. However, the pressure and leakage  
8 test and the disinfection and bacteriological procedures shall be  
9 followed in all cases.  
10 (3) Approval for use.  
11 A. No person shall put into service or use any drinking water  
12 system or facility, including any well, plant, tank, pump  
13 station, distribution system, fire line or other pipes or  
14 structure without first having received written approval from the  
15 Department.  
16 B. Upon completion of construction of the water well or water  
17 system, the following information shall be submitted to the  
18 Department in order to obtain an approval for use:  
19 (i) For water wells, a well completion report prepared by a  
20 licensed water well contractor.  
21 (ii) For water systems a certification of completion and  
22 record drawings (sampling points shall be highlighted)  
23 prepared by the Engineer of Record.  
24 (iii) Chemical and bacteriological sample results as required  
25 by this rule.  
26 C. The certification of Completion for the water system or  
27 facility shall include certification of any accompanying sewerage  
28 system and evidence of the acceptance of the system or facility  
29 by the supplier of water.  
30 D. Uses of construction meters for construction water may be  
31 approved by the Department in cases when accompanying sewer has  
32 not been certified if the Department determines the water system  
33 or facility has been satisfactorily tested and certified by the  
34 engineer of record.  
35 E. The Water Well Completion Report shall be submitted to the  
36 Department within 30 days of the completion of construction or  
37 repair of the water well.  
38 F. The connection of new water mains to existing mains shall  
39 not be completed until after the new mains have passed their  
40 pressure and leakage tests and completed the disinfection and  
41 bacteriological clearance procedures. During construction partial  
42 releases may be given by the Department. However, the pressure  
43 and leakage tests and the disinfection and bacteriological  
44 procedures shall be followed in all cases. No water supply system  
45 or facility, including any well, plant, tank, pump station,  
46 distribution system, or other pipes, equipment or structure  
47 through which water is delivered to the consumer for drinking or  
48 household purposes, except certain community water supply service  
49 connections not requiring a permit, shall be put into service or  
50 used until such facility has been effectively disinfected and  
51 bacteriologically cleared. Sample results shall be submitted to  
52 the Department as follows:  
53 (a) For all water systems, except wells, two (2) acceptable  
54 consecutive daily samples shall be required.  
55 (b) For a community, non-community, or non-transient  
56 non-community well clearance, a minimum of twenty (20)  
57 consecutive workday acceptable samples are required with  
58 no more than two (2) samples taken daily. Samples shall  
59 be taken at least 6 hours apart.  
60 (c) For a limited use public water well clearance, a minimum  
61 of ten (10) acceptable samples are required. The  
62 collection and analysis of two samples per day for five  
63 (5) days is permitted if the samples are taken a minimum  
64 of six (6) hours apart and the well is purged for fifteen

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- 1                   (15) minutes before each sample is taken.  
2           (d) For a private water well clearance, one acceptable sample  
3           shall be taken.  
4           (e) Any sample analysis with confluent and/or too numerous to  
5           count (TNTC) non-coliform counts shall not be accepted.  
6           (f) Sample results from any water supply facility or well  
7           shall not be accepted if more than 30 days has elapsed  
8           since the taking of the last sample.

9           **SECTION 13. SAMPLING/ANALYTICAL METHODS**

10           (1) All water samples required under this Rule for community,  
11           non-community, and non-transient non-community water systems,  
12           including community water well and water main clearance shall be  
13           taken by an employee of a laboratory certified to perform  
14           drinking water analysis by the Department of Health and  
15           Rehabilitative Services in accordance with Section 403.863  
16           Florida Statutes, and Chapter 10D-41, Florida Administrative  
17           Code, or an operator certified under Chapter 61E.12 F.A.C., or an  
18           employee of the Department. Water samples for other public and  
19           private water well clearance shall be taken by the licensed well  
20           contractor that installed the well.

21           (2) All water samples shall be analyzed by a laboratory  
22           certified to perform drinking water analyses by the Department of  
23           Health and Rehabilitative Services in accordance with Section  
24           403.863, Florida Statutes, and Chapter 10D-41, Florida  
25           Administrative Code.

26           (3) Analyses conducted to determine compliance with this Rule  
27           shall be made in accordance first with the methods specified in  
28           Chapter 62-550, F.A.C., and if not specified then in accordance  
29           with "Standard Methods of Examination of Water and Wastewater,"  
30           latest Edition, or methods approved by the United States  
31           Environmental Protection Agency.

32           **SECTION 14. OPERATION AND MAINTENANCE**

33           The following operation and maintenance requirements shall apply  
34           to community, non-community and non-transient non-community water  
35           systems except for only paragraphs (1), (4), (5) (6), (7) and (9)  
36           shall also apply when applicable to limited use public water  
37           systems:

38           (1) The supplier of water shall maintain all items of the water  
39           supply facility in the approved operational condition.

40           (2) The supplier of water shall provide a certified operator as  
41           specified in Chapter 62-699, 602, F.A.C. as it may be amended or  
42           transferred.

43           (3) The certified operator servicing water systems shall  
44           maintain an on-site log of maintenance performed, date performed  
45           and problems encountered with the system.

46           (4) The supplier of water shall operate the water supply  
47           facility to maintain continuously the free available chlorine  
48           residual or equivalent disinfection between 3.0 mg/l and 0.2 mg/l  
49           throughout the distribution system, and the total chlorine  
50           residual no greater than 5.0 mg/l. When utilizing chlorine in  
51           combination with ammonia, a minimum combined residual 0.6 mg/l  
52           shall be maintained.

53           (5) The supplier of water shall operate the water supply  
54           facility to produce continuously water meeting the pressure  
55           quality requirements of this Rule.

56           (6) The supplier of water shall not make any change in  
57           treatment or alter, discontinue or by-pass an purification  
58           process or protective provisions without securing prior approval  
59           from the Department.

60           (7) Cross-connection to any water supply system is prohibited.

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1 Upon detection of a cross-connection, the supplier of water shall  
2 either eliminate the cross-connection by installation of an  
3 approved backflow prevention device or discontinue service by  
4 providing a physical separation.  
5 (8) The supplier of water shall establish a routine  
6 cross-connection control program and keep a maintenance log on  
7 each backflow prevention device connected to its system.  
8 Inspection, testing and maintenance on each backflow prevention  
9 device shall be performed by a certified backflow prevention  
10 device tester, certified under a State of Florida approved  
11 program. The frequency of testing shall be minimum of once per  
12 year or other schedule recommended by the manufacturer and  
13 approved by the Department.  
14 (9) The supplier of water shall establish a routine testing and  
15 maintenance program on each fire hydrant connected to its system.  
16 The frequency of testing shall be a minimum of once per year or  
17 other schedule recommended by the manufacturer and approved by  
18 the Department.  
19 (10) Any planned water outages shall be scheduled by the water  
20 supplier during periods of low water usage.  
21 (11) The supplier of water shall operate for at least fifteen  
22 (15) minutes all emergency power units at least once per week to  
23 ensure starting capabilities and continuously for four (4) hours  
24 under load once each calendar quarter to ensure dependability.  
25 (12) The supplier of water shall conduct the necessary flushing  
26 program to remove lime, sand or other objectionable sediments,  
27 matter or material from its water  
28 system.  
29 (13) Each community, non-transient and non-community water  
30 system shall maintain a distribution map showing the general  
31 locations of the water lines and sizes, valves, fire hydrants,  
32 flush hydrants and any inter-connections. The scale of the  
33 distribution map shall be between 200 and 1,000 feet per inch or  
34 other scale acceptable to the Department. A microfilm quality  
35 copy of the current edition of this map shall be submitted to the  
36 Department by February 28, of each even numbered year. The  
37 Department may waive the submittal requirements for any water  
38 supply in which no significant change has taken place within the  
39 distribution system.

40 **SECTION 15. EMERGENCY OPERATION REQUIREMENTS**

41 (1) Where two (2) community water supply systems have  
42 distribution or transmission lines within 1,000 feet of each  
43 other, they shall provide an emergency interconnection between  
44 the two systems when the Department determines that such a  
45 connection would be of benefit to the citizens of Palm Beach  
46 County. Such determination shall be based on the possibility of  
47 destruction of the water source or treatment system in the event  
48 of a disaster and the possible benefits in moving water between  
49 the systems. Such inter-connecting lines shall be no smaller than  
50 the smallest of the two (2) lines being inter-connected and shall  
51 be provided with at least one valve and any necessary flush  
52 points. If the two water suppliers are unable to reach an  
53 agreement on the payment for installation of such an  
54 interconnection, each supplier shall pay the cost of construction  
55 from the supplier's line to the point of connection and shall pay  
56 50% of the cost of a meter and meter box if either party desires  
57 a meter and meter box. The point of connection shall be at the  
58 following:  
59 (i) Municipal limits or franchise boundaries if the  
60 supplier's limits or boundaries are adjacent and  
61 contiguous.  
62 (ii) The midpoint of the municipal limits or franchise

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1 boundaries if the limits or boundaries are not adjacent  
2 and contiguous.  
3 The interconnection shall be completed within one (1) year after  
4 the Department notifies the systems involved.  
5 (2) Any consecutive or community water system may be required  
6 to provide a flush or fire hydrant, water tap or other provision  
7 for securing an emergency water service from an existing main at  
8 a location that the Department determines would be of benefit to  
9 the citizens of the area. Such determination shall be based in  
10 part on the possibility of a prolonged power outage or other  
11 disaster which would render individual wells in the area  
12 unusable. Other considerations will include the density of  
13 individual wells in the area and the distance of the nearest  
14 possible potable water supply during an emergency. Such water  
15 taps shall be constructed within 120 days of notification by the  
16 Department. It shall be the responsibility of Palm Beach County  
17 to secure an agreement with the community water system for use of  
18 that emergency water service.

19 **SECTION 16. ADOPTION OF CHAPTERS of FLORIDA ADMINISTRATIVE CODE**

20 Chapters 62, 550, 551, 555, 560, 602, 699, 40E-3 10D-6 and  
21 10D-4, Florida Administrative Code, and all amendments thereto,  
22 are hereby incorporated into this Rule. In the event of a  
23 conflict between the provisions of these Chapters and this Rule,  
24 the more restrictive provision shall apply.

25 **SECTION 17. ENVIRONMENTAL APPEAL BOARD**

26 (1) The Environmental Appeal Board, which was established by  
27 the Environmental control Board on May 26, 1987, to hear appeals  
28 from certain requirements, interpretations or determinations of  
29 this Rule made by the Department or the Environmental Control  
30 Officer, shall continue to hear appeals. The members of the  
31 Environmental Appeal Board shall have the following  
32 qualifications and terms of office:  
33 (a) Members shall be residents of Palm Beach County and shall  
34 serve three year term. However, the first term of the  
35 water resource professional and the drinking water  
36 engineer shall be for two years, but said terms shall be  
37 for three years thereafter.  
38 (b) The membership shall be as follows:  
39 i. A professional engineer nominated by the American  
40 Society of Civil Engineers, Palm Beach Branch.  
41 ii. A water resource professional employed by the South  
42 Florida Water Management District.  
43 iii. A drinking water engineer employed by the Department of  
44 Environmental Protection.  
45 iv. A person nominated by the Home Builders and Contractors  
46 Association.  
47 v. An attorney nominated by the Palm Beach County Bar  
48 Association.  
49 (c) The members of the Environmental Appeal Board shall elect  
50 a chairman. The presence of three or more members shall  
51 constitute a quorum of the Environmental Appeal Board. A  
52 majority vote of the membership shall be necessary to  
53 take any action. Members shall serve without  
54 compensation.  
55 (d) Conduct of hearing:  
56 (i) Hearing may be called by the chairman or by written  
57 notice signed by at least three members of the  
58 Environmental Appeal Board. At any hearing the  
59 environmental Appeal Board may set a future hearing  
60 date.

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- 1                   (ii) Minutes shall be kept of all hearings. The Environmental  
2                   Appeal Board shall keep accurate records of its public  
3                   hearings, which shall be filed, together with its  
4                   minutes, in the Environmental Control Office.  
5                   (e) The Environmental Control Board shall provide adequate  
6                   and competent clerical and administrative personnel as  
7                   may be required by the Environmental Appeal Board for the  
8                   proper performance of its duties.

9                   **SECTION 18. APPEALS**

10                   (1) Persons aggrieved by requirement, interpretation or  
11                   determination of Sections 9 and 10 of this Rule made by the Palm  
12                   Beach County Public Health Unit or the Environmental Control  
13                   Officer may appeal to the Environmental Appeal Board by filing a  
14                   written notice of appeal with the Environmental Control Officer.  
15                   The notice of appeal must be filed with the Environmental Control  
16                   Officer within 30 days of the determination to be appealed. The  
17                   notice shall be accompanied by a certified check or money order  
18                   in the amount of \$100 made payable to the Palm Beach County  
19                   Public Health Unit which shall be non-refundable, to defray the  
20                   cost of processing and administering the appeal. Only those  
21                   appeals requesting relief from setbacks under Section 9 or  
22                   requesting an exception from connection to a public or  
23                   investor-owned community water supply under Section 10 shall be  
24                   filed.

25                   (2) Each notice of appeal shall state the factual basis for the  
26                   appeal and the relief requested. There shall be attached to each  
27                   notice supportive materials and documents, including a site plan  
28                   indicating proposed and existing individual sewage disposal  
29                   systems and water wells on the property that is the subject of  
30                   the appeal and all other systems and conditions on neighboring  
31                   properties which could affect the requirements of Section 9 or 10  
32                   of this Rule if the appeal were granted. The Environmental Appeal  
33                   Board may require such additional information as it deems  
34                   necessary. A separate notice of appeal must be filed for each  
35                   site or system considered for an appeal. Required supporting  
36                   documentation for appeal must be filed with the Palm Beach County  
37                   Public Health Unit or the Environmental Control Officer with the  
38                   notice of appeal. The burden of presenting supporting facts in  
39                   the notice of appeal shall be the responsibility of the person  
40                   filing the appeal. The person filing the appeal shall have the  
41                   burden of proving that he/she is entitled to relief. The  
42                   Department and/or the Environmental Control Officer shall defend  
43                   all appeals before the Environmental Appeal Board.

44                   (3) The person filing the appeal shall also submit to the  
45                   Environmental Control Officer a list of the names and addresses  
46                   of every property owner who may be affected  
47                   by the granting of the appeal.

48                   (4) A hearing on the appeal shall be set within sixty (60) days  
49                   of receipt of the notice of appeal by the Environmental Control  
50                   Officer. This provision does not mean that the applicant is  
51                   entitled to a hearing on the first available agenda following  
52                   receipt of the notice of appeal.

53                   (5) Formal rules of evidence shall not apply to the hearing but  
54                   fundamental due process shall be observed and shall govern the  
55                   proceedings. All testimony shall be under oath. Irrelevant,  
56                   immaterial or unduly repetitious evidence shall be excluded, but  
57                   all other evidence of a type commonly relied upon by reasonably  
58                   prudent persons shall be admissible, whether or not such evidence  
59                   would be admissible in the trial courts of Florida. Hearsay  
60                   evidence may be used for the purpose of supplementary or  
61                   explaining other evidence, but it shall not be sufficient in  
62                   itself to support a finding unless it would be admissible over

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1 objection in civil actions.

2 (6) The parties shall have the following rights: to be  
3 represented by counsel; to call and examine witnesses; to  
4 introduce exhibits; to cross-examine witnesses on any relevant  
5 matter, even though the matter was not covered in direct  
6 examination; and to rebut evidence.

7 (7) The Environmental Appeal Board shall hear and consider all  
8 facts material to the appeal and shall issue findings of fact  
9 based upon the greater weight of the evidence and shall issue an  
10 order affording the proper relief consistent with the powers  
11 granted herein. The findings and order shall be by motion  
12 approved by a majority of those members present and voting.

13 (8) In order to grant an appeal authorizing a new or existing  
14 well for use in lieu of connecting to a public or investor-owned  
15 community water supply, the Environmental Appeal Board must find  
16 that:

17 (a) Satisfactory ground water is available or can be  
18 obtained; and

19 (b) The well complies with all setbacks, construction  
20 standards and other requirements of this Rule and  
21 Chapters 62, 550, 555, 10D-6, 10D-4 and 40E-3, F.A.C.,  
22 and

23 (c) Every reasonable effort has been made to obtain a water  
24 supply from a public or investor-owned community water  
25 supplier.

26 (9) In order to grant relief from Section 9 and or 10 of this  
27 Rule the Environmental Appeal Board must find that:

28 (a) Satisfactory ground water can be obtained; and

29 (b) Every reasonable effort has been made to comply with the  
30 requirements of this Rule in the location of the water  
31 well; and

32 (c) The proposed water well complies with all construction  
33 standards and other requirements of this Rule; and

34 (d) Advance notice shall be given to future purchasers of the  
35 water system that the system shall be connected to a  
36 community water supply when such a supply becomes  
37 available. The purchaser has certain operational  
38 requirements until such connection is completed.

39 (10) Provided that the factual findings specified in  
40 subsections (8) or (9) are made, the Environmental Appeal Board  
41 may reverse, modify or affirm, wholly or partly, the requirement,  
42 interpretation or determination made by the Department or the  
43 Environmental Control Officer. In granting an appeal, the  
44 Environmental Appeal Board may prescribe appropriate conditions  
45 and safeguards, consistent with this Rule. Violation of such  
46 conditions and safeguards, when made a part of the terms under  
47 which the appeal is granted, shall be deemed a violation of this  
48 Rule. The Environmental Appeal Board may also prescribe a  
49 reasonable time within which the action for which the appeal is  
50 granted shall be started or completed or both. Any decision of  
51 the Environmental Appeal Board shall be in the form of a written  
52 order.

53 (11) If there is a change in the facts or circumstances  
54 supporting a request for relief after an order granting relief  
55 has been issued, then the applicant shall notify the Department.  
56 The Department may request the Environmental Appeal Board to  
57 revoke or amend the order.

58 (12) Except where the relief granted is to exempt an applicant  
59 from the requirement to connect to a community water supply under  
60 Section 10, any relief granted shall automatically terminate upon  
61 the availability of a community water supply to the lot or  
62 parcel. Upon the request of the Department or the Environmental  
63 Control Officer, the Environmental Appeal Board may modify or  
64 rescind an order granting relief from the requirements to connect

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1 to a public or investor-owned community water supply under  
2 Section 10 in the conditions under which the appeal was granted  
3 no longer exist. Unless otherwise provided in an order issued  
4 pursuant to Section 18(8), relief granted under this Rule shall  
5 automatically lapse if action for which the appeal was granted  
6 has not been initiated within one (1) year from the date of  
7 granting such appeal by the Environmental Appeal Board or, of  
8 judicial proceedings to review the Environmental Appeal Board's  
9 decision shall be instituted, from the date of entry of the final  
10 order in such proceedings, including all appeals.

11 (13) The decision of the Environmental Appeal Board shall be  
12 final administrative action. Any party or interested person may  
13 appeal a decision of the Environmental Appeal Board to the  
14 Circuit Court of Palm Beach County. Such appeal shall be filed  
15 within 30 days of the execution of the Environmental Appeal  
16 Board's Order.

17 **SECTION 19. VIOLATIONS, ENFORCEMENT, PENALTIES AND INSPECTIONS**

18 (1) Violations and Penalties:  
19 It is unlawful for any person to violate any provision of this  
20 Rule or any duly constituted order of the Palm Beach County  
21 Environmental Control Hearing Board enforcing this Rule. Such  
22 violations shall be subject to the enforcement and penalty  
23 provisions of Chapter 77-616, Special Acts, Laws of Florida, as  
24 may be amended from time to time and Palm Beach County  
25 Environmental Control Ordinance No. 94-26, 32 as amended.

26 (2) Inspections:  
27 a. It shall be the duty of the Palm Beach County Health  
28 Director or his authorized representative to conduct such  
29 inspections as are reasonable and necessary to determine  
30 compliance with the provisions of this Rule.

31 **SECTION 20. JUDICIAL REVIEW**

32 Any person aggrieved by an action or decision of the Palm Beach  
33 County Environmental Control Hearing Board including Palm Beach  
34 County, may seek judicial review in the  
35 Circuit Court of Palm Beach County.

36 **SECTION 21. APPLICATION**

37 This Rule shall apply to all the incorporated and unincorporated  
38 areas of Palm Beach County, Florida.

39 **Subpart** Section 16.4, Open Burning, is created as follows:

40 **Sec. 16.4 OPEN BURNING**

41 **A. Purpose and Intent.** The purpose and intent of this section is  
42 to ensure that open burning does not have a negative impact  
43 on human health and welfare and the surrounding environment.  
44 The specific objectives of this section are to encourage the  
45 use of air curtain incinerators (ACIs) and to establish  
46 guidelines for open burning.

47 **B. Applicability.** The standards of this section shall apply to  
48 all activities involving open burning within the  
49 unincorporated areas of Palm Beach County.

50 **C. Exemptions.** This section shall not apply to agricultural  
51 burning which is regulated by Florida Administrative Code  
52 (F.A.C.) Chapter 5I-2.

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1 D. Definitions. The following definitions shall apply to this  
2 section only.  
3 1. Open burning means the burning of land clearing debris.  
4 2. Land clearing debris means uprooted or cleared vegetation.  
5 This includes vegetative material, trees, and brush.  
6 3. Land clearing operation means the uprooting or clearing of  
7 vegetation in connection with building construction or the  
8 initial clearing of vegetation to enhance property values.  
9 4. Residential land clearing means the initial land clearing of  
10 vegetation on a parcel consisting of not more than two  
11 dwelling units.

12 E. Open burning prohibitions and limitations. The following  
13 activities shall be prohibited:  
14 1. Open burning of trash, pesticide containers, plastic and  
15 other materials except as provided for in Florida  
16 Administrative Code (FAC) Chapter 62-256.  
17 2. Burning of wet and/or green vegetation.  
18 3. Burning on weekends, except for residential clearing  
19 purposes.  
20 Note: Open burning for commercial or planned development on  
21 weekends may be allowed by the Palm Beach County Public  
22 Health Unit (PBCPHU), on a case-by-case basis, depending on  
23 such factors as meteorological conditions, proximity to  
24 occupied buildings, and the compatibility of the surrounding  
25 area.  
26 4. An air curtain incinerator shall be required for commercial  
27 or planned developments less than 50 acres.  
28 5. No person shall conduct or allow open burning without first  
29 obtaining a permit from the Palm Beach County Fire  
30 Department.

31 F. Minimum setback requirements.  
32 1. Air curtain incinerators. Air curtain incinerators shall be  
33 setback a minimum of 500 feet from any property line  
34 abutting a residential district or use.  
35  
36 a. The required setback for an ACI may be reduced to a  
37 minimum of 200 feet if authorized by the PBCPHU director,  
38 or designee, and if it is determined that the burning  
39 will not adversely affect the area.  
40  
41 2. Open burning of land clearing debris. Open burning without  
42 an air curtain incinerator shall be located a minimum of  
43 1,500 feet from occupied buildings (excludes residential  
44 land clearing).  
45  
46 3. Residential land clearing. Open burning without an air  
47 curtain incinerator shall be located a minimum of 300 feet  
48 from an occupied building.  
49  
50 4. Commercial or planned developments. Open burning shall be  
51 setback a minimum of one-hundred fifty (150) feet from any  
52 public highway or road.

53 G. Approval process.  
54 1. Permits and inspections. Prior to approving an open burning  
55 permit, the cleared site shall be inspected by the PBCPHU.  
56 a. The inspector shall verify the following:  
57 (1) the type and condition of materials to be burned;  
58 (2) compliance with minimum setbacks;  
59 (3) compatibility with adjoining properties;

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1           B. This Ordinance is enacted pursuant to the provisions of  
2           Article VIII, Section 1(g) of the Florida Constitution;  
3           Chapter 125, Florida Statutes (1995) Chapter 333, Florida  
4           Statutes (1995).

5           **Section III. Applicability.**

6           A. This Ordinance regulates height and land uses around  
7           publicly owned airports in Palm Beach County. The height  
8           standards for structures provide maximum height limits and  
9           a review procedure to determine if structures will have an  
10           adverse impact on safe and efficient airspace use. The land  
11           use standards provide restrictions and a review procedure  
12           within four nautical miles of publicly owned airports to  
13           determine if the land use is compatible with normal airport  
14           operation and Federal Aviation Administration (FAA)  
15           guidelines. The land use standards apply to the highest  
16           hazard areas and Noise zones, and limit uses which include,  
17           but are not limited to, hazardous material storage,  
18           emissions of light or smoke, or uses which attract  
19           concentrations of people or birds.

20           B. This Ordinance applies to all land in unincorporated Palm  
21           Beach County.

22           C. This Ordinance also applies to all municipalities that may  
23           elect to participate through interlocal agreement, pursuant  
24           to Chapters 163 and 333.03, (1)(b)1, Florida Statutes, or to  
25           all affected municipalities if a Joint Airport Zoning Board  
26           is created pursuant to Section 333.03 (1) (b) 2, Florida  
27           Statutes (1994).

28           D. These regulations supplement other land development  
29           regulations in this code.

30           E. Where there exists a conflict between any of the  
31           regulations or limitations prescribed in this Article and  
32           any other regulations applicable to the same area, the more  
33           stringent limitation or requirement shall govern and  
34           prevail.

35           **Section IV. Definitions.**

36           For the purpose of this Ordinance, the terms shall have the  
37           meaning as presented in this section. Additional definitions are  
38           found in Article 3 of this Code. In case of conflict, the terms  
39           as defined in this section shall apply.

40           Aircraft - any vehicle which is used or designed for navigation  
41           of or flight in the air.

42           Airport - Palm Beach International Airport, Palm Beach County  
43           Park Airport (Lantana), Palm Beach County Glades Airport  
44           (Pahokee), Belle Glade Municipal Airport, Palm Beach North County  
45           Airport and Boca Raton Airport and any area owned or operated by  
46           Palm Beach County, or other public entity, intended to be used  
47           for the taking-off, maneuvering and landing of aircraft,  
48           including any seaplane base, heliport or vertiport, validly  
49           licensed by the state for public use.

50           Airport Elevation - the highest point of an airport's usable  
51           landing area measured in feet above mean sea level (AMSL).

52           Airport Hazard - any man-made structure, object of natural growth

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1 or use of land which would exceed the Federal obstruction  
2 standards as contained in Federal Aviation Regulation Part 77 (as  
3 may be amended from time to time) and which obstructs the  
4 airspace or may otherwise be hazardous to aircraft taking-off,  
5 maneuvering or landing at an airport.

6 **Airport Hazard Area** - any area of land or water upon which an  
7 airport hazard might be established if not prevented as provided  
8 in this article.

9 **Airport Obstruction** - any man-made structure, object of natural  
10 growth or use of land which would exceed the Federal obstruction  
11 standards as contained in Federal Aviation Regulation Part 77 (as  
12 may be amended from time to time).

13 **Airspace Height** - the height limits as established and set forth  
14 in this Section. Above Mean Sea Level (AMSL) elevation shall be  
15 the datum unless otherwise specified.

16 **ALUNZ** - Airport Land Use Noise Zone.

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

22 **Avigation Easement** - the assignment of a right to an airport  
23 proprietor to a portion of the total benefits of the ownership of  
24 real property. The selected rights may be granted or may be  
25 purchased.

26 **Climb Gradient** - an aircraft instrument departure procedure  
27 requiring adherence to minimum climb stops or grade expressed in  
28 feet per nautical mile.

29 **Conical Zone** - the area extending outward from the periphery of  
30 the horizontal zone for a distance of 4,000 feet.

31 **Day-Night Average Sound Level (L<sub>dn</sub>)** - a 24-hour average Noise  
32 level in weighted decibels, for a period from midnight to  
33 midnight, adding a 10-decibel penalty for each Noise event during  
34 the hours between midnight and 7:00 a.m. and 10:00 p.m. and  
35 midnight.

36 **Decision Height** - the height at which a pilot must decide, during  
37 an Instrument Landing System (ILS) approach, to either continue  
38 the approach or to execute a missed approach.

39 **Determination** - the term used by FAA to denote the outcome of an  
40 aeronautical study under FAR Part 77 (See: Airport Hazard or No  
41 Hazard).

42 **F.A.R. (Part 77)** - Federal Aviation Regulation. The "Part  
43 numbers" identify specific subject areas. All FARs are contained  
44 in Title 14, CFR. (Part 77 - Title : Objects Affecting Navigable  
45 Airspace).

46 **Hazard** - an advisory determination rendered by the FAA at the  
47 conclusion of an Aeronautical Study made under FAR Part 77  
48 indicating the proposed structure is not a safe and/or efficient  
49 use of airspace.

50 **Heliport or Vertiport** - an identifiable ground level or elevated

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1 area which is validly licensed by the State of Florida for public  
2 use and is intended to be used for the take off and landing of  
3 helicopters, tilt rotors or any other vertical takeoff and  
4 landing rotorcraft.

5 Horizontal Zone - the area around each airport with an outer  
6 boundary constructed by swinging arcs of specified radii from the  
7 center of each end of the primary zone of each airport's runways  
8 and connecting adjacent area by lines tangent to those arcs. The  
9 radius of the arc specified for each end of a value will be the  
10 highest composite value determined for either end of the runway.  
11 When a 5,000-foot arc is encompassed by tangents connecting two  
12 adjacent 10,000-foot arcs, the 5,000-foot arc shall be  
13 disregarded on the construction of the perimeter of the  
14 Horizontal Zone.

15 Instrument Approach Procedure - a specified, published set of  
16 operating procedures issued by the FAA and used by a pilot to  
17 land an aircraft at an airport without visual reference to the  
18 ground.

19 Instrument Landing System (ILS) - a landing approach system that  
20 establishes a course and a descent path to align aircraft with a  
21 runway for final approach.

22 Minimum Descent Altitude (MDA) - the lowest altitude expressed in  
23 feet above mean sea level (AMSL), to which descent is authorized  
24 on final approach or during circling-to-land maneuvering in  
25 execution of a standard instrument approach procedure (SIAP)  
26 where electronic glide slope is not provided.

27 Minimum Obstruction Clearance Altitude (MOCA) - the lowest  
28 published altitude in effect between radio fixes on Federal VOR  
29 airways, off-airway routes, or route segments that meets  
30 obstruction clearance requirements for the entire route segment  
31 and assures acceptable navigational signal coverage only within  
32 twenty-two (22) miles to a VOR.

33 Minimum Vectoring Altitude (MVA) - the lowest altitude AMSL at  
34 which aircraft operating under IFR conditions will be vectored by  
35 a radar controller, except when otherwise authorized for radar  
36 approaches, departures or missed approaches.

37 Nautical Mile - a unit of length used in air navigation, based on  
38 the length of one minute of arc of a great circle, and equivalent  
39 to U.S. unit equal to 1,852 meters, or 6,076 feet.

40 Noise Level Reduction - a comparison of outdoor to indoor Noise  
41 levels, expressed in dB., i.e., a structure requiring a 30 dB NLR  
42 is one to which modifications must be made to achieve a 30 dB  
43 reduction in interior noise levels as compared to exterior noise  
44 levels.

45 No-Hazard - an advisory determination rendered by the FAA at the  
46 conclusion of an Aeronautical Study made under FAR Part 77  
47 indicating the proposed structure may be safely and/or  
48 efficiently accommodated in navigable airspace.

49 Non-precision Instrument Runway - a runway having a non-precision  
50 instrument approach procedure utilizing air navigation facilities  
51 with only horizontal guidance, or area type of navigation  
52 equipment, for which a straight-in non-precision instrument  
53 approach procedure has been approved or planned, and for which no  
54 precision instrument approach facilities are planned or indicated

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1 on an appropriate FAA civil or military service airport planning  
2 documents.

3 Obstruction to Air Navigation - any existing or proposed manmade  
4 object or object of natural growth or terrain that exceeds the  
5 standards contained in this Article, and contained in 14 CFR ss.  
6 77.21, 77.23, 77.25, 77.28, and 77.29

7 Other Than Utility Runway - a runway designed for and intended to  
8 be used by all types of aircraft including those having gross  
9 weights greater than 12,500 pounds.

10 Precision Instrument Runway - a runway having an instrument  
11 approach procedure utilizing horizontal and vertical guidance  
12 through an Instrument Landing System (ILS), Microwave Landing  
13 System (MLS), or a Precision Approach Radar (PAR) including a  
14 runway for which such a system is planned and is so indicated on  
15 an approved civil or military airport layout plan, other FAA  
16 planning documents, or comparable military service planning  
17 documents.

18 Primary Zone - an area longitudinally centered on a runway,  
19 extending 200 feet beyond each end of that runway with the width  
20 so specified for each runway for the most precise approach  
21 existing or planned for either end of the runway.

22 Runway - a defined area on an airport prepared, used or intended  
23 to be used for the taking-off and landing of aircraft along its  
24 length.

25 Runway Protection Zone (RPZ) - an area off the runway end  
26 established to enhance the protection of people and property on  
27 the ground. Specifically, the RPZ is an area off the runway end  
28 extending outward and upward, parallel to the extended runway  
29 centerline, in the dimensions shown in Table 1.

30 Structure - any object, temporarily or permanently constructed or  
31 installed by man, including but not limited to: buildings,  
32 towers, smoke stacks, utility poles, antennas, construction  
33 cranes and overhead transmission lines.

34 Terminal Navigational Aid - any visual or electronic device on  
35 the surface which provides point-to-point guidance information or  
36 position data to aircraft in flight and is located on a public  
37 use airport in Palm Beach County.

38 Transitional Zone - the area extending outward from the sides of  
39 the Primary Zones and Approach Zones connecting them to the  
40 Horizontal zone.

41 Utility Runway - a runway that is constructed for and intended to  
42 be used by propeller driven aircraft of 12,500 pounds maximum  
43 gross weight and less.

44 Visual Hazard - any source which emits occasional or permanent  
45 smoke, glare, dust, or any other perceptible emission that could  
46 be a risk to safe aircraft operations.

47 Visual Runway - a Runway intended solely for the operation of  
48 aircraft using visual approach procedures with no straight-in  
49 instrument approach procedure and no instrument designation  
50 planned or indicated on the FAA-approved civil or military  
51 airport layout plan, or by any other planning document submitted  
52 to the FAA by competent authority.

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1 Section V. Acronyms. For the purpose of this Ordinance, the  
2 abbreviations and acronyms shall have the meaning as presented in  
3 this section.

4 ALUNZ - Airport Land Use Noise Zone.

5 AMSL - Above Mean Sea Level.

6 ASR - Airport Surveillance Radar.

7 CFR - Code of Federal Regulations.

8 DOA - Palm Beach County Department of Airports.

9 FAA - Federal Aviation Administration.

10 FDOT - Florida Department of Transportation.

11 IFR - Instrument Flight Rules.

12 ILS - Instrument Landing System.

13 Ldn - Day-Night Average Sound Level.

14 MDA - Minimum Descent Altitude.

15 MLS - Microwave Landing System.

16 MOCA - Minimum Obstruction Clearance Altitude.

17 MVA - Minimum Vectoring Altitude.

18 NLR - Noise Level Reduction.

19 PAR - Precision Approach Radar.

20 PZB - the Palm Beach County Department of Planning Zoning and  
21 Building.

22 RPZ - Runway Protection Zone.

23 SIAP - Standard Instrument Approach Procedure.

24 VOR - Very-high frequency Omni-range.

25 VFR - Visual Flight Rules.

26 Section VI. Airspace Height Regulations.

27 A. General. In order to carry out the provisions of this  
28 Ordinance, there are hereby created and established certain zones  
29 which include all of the applicable land lying beneath the  
30 primary, horizontal, conical, approach, and transitional surfaces  
31 as they apply to a particular airport. To regulate height, an  
32 Airspace Notification Map (attached as Appendix 1) and a  
33 procedure to review the permitting of tall structures has been  
34 established. Airport height limitations and the notification  
35 procedures established in this Section conform to the standards  
36 for determining obstructions to air navigation of F.A.R. Part 77,  
37 ss. 77.23.

38 B. Regulated Construction. For purposes of this Section,  
39 construction includes but is not limited to creating new  
40 structures or adding height to any existing structure and shall

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1 include the location of derricks, draglines, cranes and other  
2 boom-equipped machinery. Construction does not include any  
3 development which does not have the effect of adding height to  
4 the land or other structure, such as paving, draining or roofing.

5 C. Regulated Areas. The various surfaces displayed as Zone 1 and  
6 Zone 2 on the Palm Beach County "Airspace Notification Map" are  
7 defined below. Penetration of one of these zones shall require a  
8 technical analysis by FAA and a review of the analysis by the  
9 Palm Beach County DOA, PZB Department, and other applicable  
10 governmental agencies in accordance with this article.

11 a. Publicly-Owned, Public Use Palm Beach County Airports:

12 (1) Zone 1 - All construction within 3,500 feet from the airport  
13 reference point in all directions.

14 (2) Zone 2 - Any construction of a height exceeding the  
15 limitations of any zone established in this Section within a 4  
16 nautical mile radius of the airport reference point.

17 (3) any construction or alteration of a height greater than an  
18 imaginary surface extending outward and upward for a distance of  
19 20,000 feet from the reference point of any terminal navigational  
20 aid facility up to a height of 200 feet above ground level.

21 b. All Palm Beach County Heliports: Any construction or  
22 alteration of a height greater than an imaginary surface  
23 extending outward and upward from any point of any public or  
24 private State licensed Palm Beach County Heliport for a distance  
25 of 5,000 feet up to a height of 200 feet above ground level.

26 c. Terminal Navigational Aid Notification Areas: Any  
27 construction or alteration within 5,000 feet of any navigational  
28 aid facility; and

29 d. Other Areas: any construction or alteration of a height  
30 greater than 200 feet above ground level.

31 D. Airport Zones Established. Primary, Horizontal, Conical,  
32 Approach and Transitional Airport Zones are shown on maps  
33 described below. These maps are on file at the DOA and PZB and  
34 are incorporated herein. These maps are included by reference and  
35 attached as Appendices 2-7.

36 Map A - Palm Beach International Airport (Appendix 2)

37 Map B - Palm Beach County Park Airport (Lantana) (Appendix 3)

38 Map C - Palm Beach County Glades Airport (Pahokee) (Appendix 4)

39 Map D - Belle Glade Municipal Airport (Appendix 5)

40 Map E - Palm Beach North County Airport (Appendix 6)

41 Map F - Boca Raton Airport (Appendix 7)

42 E. Airport Runway Categories Defined. The size and dimensions of  
43 each zone created and established as part of this section is  
44 based upon the category of each runway, according to the type of  
45 approach available or planned for that runway. The category of  
46 each runway for airports included in this Article are listed in  
47 Table 1.

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**Table 1. Runway Category and Runway Protection Zone (RPZ) Defined, by Airport.**

AIRPORT/RUNWAY	RUNWAY	RUNWAY PROTECTION ZONE DIMENSIONS				
		LENGTH	INNER WIDTH	OUTER WIDTH	RPZ ACRES	
Palm Beach International	Runway <u>09L/27R</u>	Precision	1,700	1,000	1,510	48.978
	Runway <u>13/31</u>	Non-precision	1,700	500	1,010	29.465
	Runway <u>09R/27L</u>	Visual	1,000	500	700	13.770
Palm Beach County Park (Lantana)	Runway <u>09/27</u>	Non-precision	1,700	500	1,010	29.465
	Runway <u>15/33</u>	Non-precision	1,700	500	1,010	29.465
	Runway <u>03/21</u>	Visual	1,000	500	700	13.770
Palm Beach County Glades (Pahokee)	Runway <u>17/35</u>	Non-precision	1,700	500	1,010	29.465
Delle Glade Municipal	Runway <u>09/27</u>	Visual	1,000	500	700	13.770
Palm Beach North County	Runway <u>08R/26L</u>	Precision	1,700	1,000	1,510	48.978
	Runway <u>13/31</u>	Non-precision	1,700	500	1,010	29.465
	Runway <u>08L/26R</u>	Visual	1,000	500	700	13.770
Boca Raton	Runway <u>05/23</u>	Non-precision	1,700	500	1,010	29.465

**F. Airport Height Limitations.**

1. General. Where any two limitations in this ordinance are in conflict, the more stringent applies. Except as otherwise provided in this Section, no structure, or object of natural growth shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstruction to air navigation, as defined in this Article, or of a height greater than:  
(1) 500 feet above ground level at the site of the object; or  
(2) 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500

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1 feet, at a slope of 1 foot vertically for every 100 feet  
 2 horizontally, for a distance of 50,000 feet; or  
 3 (3) Any object within the approach segment, departure area, or  
 4 any missed approach or circling approach area which is determined  
 5 by the Airports Director to be a hazard to the safe and efficient  
 6 use of airspace around an airport.

7 **G. Airport Height Zone Definitions and Limitations.** A property  
 8 located in more than one of the described zones is considered to  
 9 be only in the zone with the more restrictive height limitation.  
 10 The various zones are hereby established and defined below. These  
 11 zones are depicted in plan view in Appendix 2 through 7 and in  
 12 isometric view in Appendix 15. The specific definitions of each  
 13 airport height zone (horizontal distance, width, arc radius,  
 14 etc.) are listed on Table 2. General definition and height  
 15 limitations are described in the subsections to follow.

16 **TABLE 2.**  
 17 **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
<b>PALM BEACH INTERNATIONAL AIRPORT</b>						
Rwy 09L/27R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 13/31	500'			10,000'	500'	3,500'/1,500'
Rwy 09R/27L	250'	5,000'		5,000'	250'	1,250'
<b>PALM BEACH COUNTY PARK AIRPORT (LANTANA)</b>						
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'
<b>PALM BEACH COUNTY GLADES AIRPORT (PAHOKEE)</b>						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
<b>BELLE GLADE MUNICIPAL</b>						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
<b>PALM BEACH NORTH COUNTY AIRPORT</b>						
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'
<b>BOCA RATON AIRPORT</b>						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'

38 **1. Primary Zone Definition** - An area longitudinally centered on  
 39 a runway, extending 200 feet beyond each end of that runway with  
 40 the width so specified for each runway for the most precise  
 41 approach existing or planned for either end of the runway.

42 **a. Primary Zone Height Limitations:** No structure or obstruction  
 43 will be permitted within the Primary Zone that is not part of the  
 44 landing, maneuvering and taking-off facilities and is of a  
 45 greater height than the nearest point of the runway centerline.

46 **b. Primary Zone Width for each Specific Airport:** The specific  
 47 width of each Primary Zone for each airport is listed in Table 2.

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1 2. Horizontal Zone Definition - The area around each airport  
2 with an outer boundary the perimeter of which is constructed by  
3 swinging arcs of specified radii from the center of each end of  
4 the Primary Zone of each airport's runways and connecting  
5 adjacent area by lines tangent to those arcs. The radius of the  
6 arc specified for each end of a value will be the highest  
7 composite value determined for either end of the runway. When a  
8 5,000-foot arc is encompassed by tangents connecting two adjacent  
9 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the  
10 construction of the perimeter of the Horizontal Zone.

11 a. Horizontal Zone Height Limitations: No structure or  
12 obstruction that has a height greater than 150 feet above the  
13 airport elevation, will be permitted in the Horizontal Zone.

14 b. Horizontal Arc Radius for each Specific Airport: The specific  
15 horizontal arc Radius of each airport is listed above in Table 2.

16 3. Conical Zone Definition - The area extending outward from the  
17 periphery of the Horizontal Zone for a distance of 4,000 feet.  
18 The specific Conical Zone distance for each airport is listed  
19 above in Table 2.

20 a. Conical Zone Height Limitation: No structure or obstruction  
21 will be permitted in the Conical Zone that has a height greater  
22 than 150 feet above the airport elevation at the inner boundary  
23 (connecting the Horizontal Zone) with permitted height increasing  
24 at a slope of 1 foot vertically for every 20 feet of horizontal  
25 distance, measured outward from the inner boundary to a height  
26 350 feet above the airport elevation at the outer boundary.

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

32 a. Approach Zone Height Limitations: The permitted height  
33 limitation within an outer or inner Approach Zone is the same as  
34 the runway end height at the inner edge and increases with  
35 horizontal distance outward from the inner edge based upon the  
36 calculation method listed in Table 3.

37 b. Approach Zone Horizontal Distance for each Specific Airport:  
38 The specific Approach Zone dimensions for each airport is listed  
39 above on Table 2.

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1 5. Transitional Zone Definition - The area extending outward  
2 from the sides of the Primary Zones and Approach Zones connecting  
3 them to the Horizontal Zone. Height limits within the  
4 Transitional Zone are the same as the Primary Zone or Approach  
5 Zone at the boundary line where these Zones meet (i.e., level  
6 with the nearest point on the runway centerline) and increase at  
7 a rate of 1 foot vertically for every 7 feet horizontally, with  
8 the horizontal distance measured at right angles to the runway  
9 centerline and extended centerline, until the height matches the  
10 height of the Horizontal Zone, the Conical Zone or for a  
11 horizontal distance of 5,000 feet from the side of the part of  
12 the Precision Approach Zone that extends beyond the Conical Zone.

13 a. Transitional Zone Height Limitation: No object or structure  
14 will be permitted within the Transitional Zone greater in height  
15 than the Primary Zone or Approach Zone at their adjoining  
16 boundary lines increasing at a rate of 1 foot vertically for  
17 every 7 feet horizontally, with the horizontal distance measured  
18 at right angles to the runway centerline and extended centerline,  
19 until the height of the slope matches the height of the  
20 Horizontal Zone or the height of the Conical Zone and for a  
21 horizontal distance of 5,000 feet from each side of that part of  
22 the Approach Zone for a Precision Instrument Runway extending  
23 beyond the Conical Zone.

24 6. Terminal Navigational Aid Obstruction Zone Definition -  
25 Operation of a Navigational Aid Facility is electromagnetic in  
26 nature therefore, objects constructed off of airport property may  
27 have an adverse affect on the safe and efficient operation of  
28 navigational facilities. An Airport Surveillance Radar (ASR)  
29 facility Navigational Aid Obstruction Zone has been established  
30 extending in all directions to a radius of 3,500 feet from the  
31 navigation aid. This zone is shown on the Airspace Notification  
32 Map, Appendix 1.

33 a. Terminal Navigational Aid Obstruction Zone Limitation: No  
34 construction or alteration or installation of any electromagnetic  
35 device shall be permitted within this Navigation Aid Obstruction  
36 Zone without prior technical review by the FAA. If deemed  
37 necessary by the results of the FAA review, approval must be  
38 obtained from DOA and PZB.

### 39 7. Helicopter/Vertiports.

40 a. Primary Zone Definition: The Primary Zone coincides in size  
41 and shape with the designated take-off and landing area of a  
42 Helicopter/Vertiport.

43 (1) Primary Zone Limitation: This primary zone height  
44 limitation is described by a horizontal plane at the elevation of  
45 the established elevation.

46 b. Approach Zone Definition: The Approach Zone begins at each  
47 end of the Helicopter/Vertiport Primary Zone with the same width as  
48 the Primary Zone and extends outward and upward for a horizontal  
49 distance of 4,000 feet where its width is 500 feet.

50 (1) Approach Zone Height Limitation: The Approach Zone height  
51 limitation is a slope of 1 foot vertically for every 8 feet  
52 horizontally.

53 c. Transitional Zone Definition: The Transitional Zone extends  
54 outward and upward from the lateral boundaries of the Primary  
55 Zone and from the Approach Zone for a distance of 250 feet

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1 measured horizontally from the centerline of the Primary and  
2 Approach Zones.

3 (1) Transitional Zone Height Limitation: The Transitional Zone  
4 has a height limitation at a slope of 1 foot vertically for every  
5 2 feet horizontally.

6 H. Airspace Height Review Procedures. All new construction or  
7 reconstruction which adds height to any land or building within  
8 areas shown on the on "Airspace Notification Map" (incorporated  
9 by reference and attached as Appendix 1) shall be reviewed for  
10 compliance with the standards of this section.

11 1. General: No Tall Structure Permit will be issued if all FAA  
12 and DOA comments are not addressed to the satisfaction of DOA,  
13 PZB and County Attorney. No development permit application shall  
14 be issued if the proposed construction or alteration is found to  
15 violate the provisions of this Article, or exceed an obstruction  
16 standard of F.A.R. Part 77 or any other applicable Federal or  
17 State rules or regulations.

18 2. Tall Structure Review Required - DOA shall make a  
19 determination if FAA notification is required, prior to  
20 certification of an application by DRC or issuance of a building  
21 permit for a permanent or temporary structure located within  
22 Regulated Areas.

23 a. FAA Review. The DOA shall inform the applicant that prior  
24 review by the FAA is required if DOA determines that the proposed  
25 construction or alteration represented in the application may  
26 exceed:

27 (1) The standards of Federal Aviation Regulations (F.A.R.) Part  
28 77;  
29 (2) The provisions of Section VI. F or G of this Article;  
30 (3) Any other Federal or State rules and regulations; or  
31 (4) Adversely affects the airspace surrounding any Airport  
32 defined herein.

33 The FAA must review and issue a determination of the proposal's  
34 effect on navigable airspace where such prior notification under  
35 Title 14, CFR, Part 77 is required. PZB shall suspend any review  
36 of any development permit application process until FAA findings  
37 of aeronautical affect are approved.

38 b. Responsibility of the Applicant. The Applicant shall:

39 (1) Obtain FAA Form 7460-1 from the DOA and mail the completed  
40 form to Federal Aviation Administration Southern Regional Office,  
41 Attn: ASO-532, Systems Management Branch, P. O. Box 20636,  
42 Atlanta, GA 30320.

43 (2) Bring in person or forward by Certified Mail (Return  
44 Receipt Requested) to the DOA, the FAA's findings of aeronautical  
45 affect, along with a copy of the completed original FAA Form  
46 7460-1.

47 (3) Structure(s) Not Exceeding Obstruction Standards or Other  
48 Provisions: DOA shall review the FAA's determination issued in  
49 response to the applicant's FAA Form 7460-1. If DOA determines  
50 that the proposed construction or alteration does not exceed the  
51 height limitations in this section, the DOA shall notify the  
52 applicant in writing that the proposed structure may be erected  
53 in accordance with permitting requirements of PZ&B. PZB may  
54 certify the development application or issue a building permit.

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1 as applicable.

2 (4) Structure(s) Exceeding Obstruction Standards or Other  
3 Provisions. DOA shall review the FAA's determination issued in  
4 response to the applicant's FAA Form 7460-1. If DOA determines  
5 the proposed construction exceeds the height limitations outlined  
6 in this section, then the DOA shall notice the applicant. The  
7 notice shall state the reasons for denial and inform the  
8 applicant that they may apply for a variance pursuant to Section  
9 VIII of this Article and Section 5.7 of this Code, to allow  
10 deviations from the standards of this Section.

11 If an application for a variance is submitted, DOA shall review  
12 the application and provide a recommendation with or without  
13 conditions to the Board of Adjustment, pursuant to Sec. 5.7.

14 If a variance is granted, DOA shall issue a Tall Structure Permit  
15 prior to issuance of a subsequent development order.

16 (5) Zoning and Building Permit Requirement. If the Tall Structure  
17 permit is approved, the applicant shall present a copy of the  
18 Tall Structure Permit with all development order conditions to  
19 PZ&B with an application for the next applicable development  
20 order.

21 (6) Obstruction Marking and Lighting. The owner shall mark and  
22 light the structure in accordance with the provisions of Chapter  
23 333, Florida Statute; Rules of Florida Department of  
24 Transportation, Chapter 14-60 and the FAA Advisory Circular  
25 70/7460H., Obstruction Marking or Lighting, as may be amended  
26 from time to time. The permit may be conditioned to require the  
27 applicant to mark and light the structure, at applicant's own  
28 expense, or to allow DOA to install, operate and maintain at its  
29 own expense, such markers and lights as may be necessary to  
30 indicate to pilots the presence of an airspace obstruction if  
31 warranted.

32 (7) Building Permit Requirement. The applicant shall present a  
33 copy of the Tall Structure Permit Application, along with all  
34 Development Order comments and conditions, to the Building  
35 Director in order that any conditions are adequately addressed  
36 prior to the issuance of a building permit, including obstruction  
37 lighting and marking conditions.

38 Section VII. Airport Land Use Regulations.

39 A. General. In order to carry out the provisions of this  
40 Ordinance, there are hereby created and established certain zones  
41 which include all the land lying beneath the Runway Protection  
42 Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as  
43 they apply to a particular airport. All areas defined as the RPZ  
44 and areas displayed as ALUNZ are subject to review and technical  
45 analysis by DOA, PZ&B, and other applicable governmental agencies  
46 in accordance with this article.

47 To regulate land uses within these zones, an Off-Airport Land Use  
48 Compatibility Schedule (Appendix 8), maps and review procedures  
49 have been established. The RPZ dimensions are defined in Table 1,  
50 Sec. VI.E. The noise zones are depicted on the Airport Land Use  
51 Noise Maps (Appendices 9 through 14).

52 B. Regulated Land Use. Notwithstanding any other provisions of  
53 this Article, no use may be made of land or water within the RPZ  
54 in such manner as to interfere with the operation of an airborne

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1 aircraft. The Off-Airport Land Use Compatibility Schedule  
2 (Appendix 8) shall be used to determine additional land  
3 development requirements for uses identified in Article 6.4.  
4 Those activities and land uses not specifically listed in the  
5 Airport Land Use Compatibility Schedule are permitted or  
6 restricted based on their similarity to noise tolerance and  
7 compatibility with normal airport operations as exhibited by the  
8 activities and land uses which are listed in the Schedule.

9 1. Construction, defined. For purposes of this section,  
10 construction includes but is not limited to creating new  
11 structures, making alterations or repairs and additions to any  
12 existing building or structure, or moving or relocating a  
13 building(s) or structure(s) within a Regulated Area. Construction  
14 does not include paving, drainage or similar types of  
15 construction.

16 C. Regulated Areas. To regulate land uses within the RPZ and  
17 ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and  
18 review procedures have been established. Only the portion of the  
19 lot falling within the RPZ or ALUNZ shall be subject to the  
20 provisions of this Article. The Off-Airport Land Use  
21 Compatibility Schedule shall be used to determine compatibility  
22 of land use with airport operations within these zones.

23 1. Runway Protection Zone (RPZ): The RPZ includes all land lying  
24 beneath the defined RPZ, as shown on the applicable Airport  
25 Zoning Maps, in Appendices 2 through 7, for all airports in Palm  
26 Beach County.

27 2. Airport Land Use Noise Zones (ALUNZ). The ALUNZ include all  
28 land area lying within the defined ALUNZ as shown on the  
29 applicable Airport Land Use Zone Maps, in Appendices 9 through  
30 14, for all airports in Palm Beach County

31 D. Airport Land Use Noise Zone(s) Established. All land uses  
32 shall be permitted within ALUNZ as provided in the Off-Airport  
33 Land Use Compatibility Schedule, Appendix 8.

34 1. Airport Land Use Noise Zones for Airports which have  
35 Completed FAR Part 150 Noise and Land Use Compatibility Studies.  
36 Several Palm Beach County airports have completed a noise study  
37 in accordance with 14 CFR Part 150. Land uses within the area  
38 contiguous to these airports, within an area defined as the outer  
39 noise contour, or equivalent thereof shall be consistent with the  
40 type of use listed in Airport Land Use Compatibility Schedule.

41 a. Palm Beach International Airport (PBIA). The Palm Beach  
42 International ALUNZ has been established and is incorporated  
43 herein as Appendix 9. This Zone is created based on yearly  
44 averaged, 24-hour day/night average noise level projections  
45 arising from aircraft flight operations at PBIA.

46 (1) Palm Beach International Airport Land Use Noise Zone  
47 (ALUNZ) Defined. That area commencing at the outermost boundary  
48 of the airport and extending outward therefrom to a boundary  
49 indicated on the Palm Beach International Airport Land Use Noise  
50 Zone Map. The boundary of the zone extends approximately ½  
51 nautical mile beyond the projected yearly averaged, 24-hour  
52 day/night average noise level contour of 65 L<sub>dn</sub>.

53 b. Boca Raton Airport - The Boca Raton ALUNZ has been  
54 established and is incorporated herein as Appendix 10. This Zone  
55 is created based on projections of aircraft flight operations at

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- 1 Boca Raton Airport.
- 2 (1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined.  
3 That area commencing at the outermost boundary of the airport and  
4 extending outward therefrom to a boundary indicated on the Boca  
5 Raton Airport Land Use Noise Zone Map. The outer boundary of the  
6 zone approximates a projected yearly averaged, 24-hour day/night  
7 average noise level contour of 60 L<sub>dn</sub> or greater.
- 8 2. ALUNZs for Airports which have not Completed an FAR Part 150  
9 Noise and Land Use Compatibility Study - An overlay Land Use  
10 Noise Zone has been established for the civil airports which have  
11 not completed an FAR Part 150 Noise and Land Use Compatibility  
12 Study. This Zone is created as an area beneath the standard VFR  
13 traffic pattern and buffer airspace established in FAA Order  
14 7400.2D, "Procedures for Handling Airspace Matters", which  
15 underlies the majority of recurring aircraft flight paths. Land  
16 Uses within this zone may be subject to aircraft noise that may  
17 be considered objectionable.
- 18 a. Land Use Noise Zone(s) Defined for Palm Beach County Park  
19 Airport (Lantana), Palm Beach County Glades Airport (Pahokee),  
20 Belle Glade Municipal Airport, and Palm Beach North County  
21 Airport. Land Use Noise Zones for these airports is established  
22 as the land lying within parallel lines nine thousand (9,108)  
23 feet in both directions from the approach and departure end of  
24 each runway, the runway centerline, and all airspace in between.  
25 These zones are established and attached as Appendices 11 through  
26 14.
- 27 E. General Land Use Regulations - Off-Airport Land Use  
28 Compatibility Schedule (Appendix 8).
- 29 1. The Off-Airport Land Use Compatibility Schedule, Appendix 8:  
30 lists land uses as defined below:
- 31 a. Land Uses Compatible Without Restriction: Uses noted with a  
32 "P" may develop pursuant to the development review procedures  
33 in the Use Regulation Schedule in Section 6.4. and Article 5  
34 and are not required to comply with the conditional  
35 requirements set forth in Appendix 8.
- 36 b. Land Uses Qualified As Compatible Only If In Compliance With  
37 Conditional Requirements: Uses noted with a "O" may develop  
38 pursuant to the development review procedures in the Use  
39 Regulation Schedule in Section 6.4 and Article 5, if  
40 regulated and constructed in accordance with the conditional  
41 notes in Appendix 8. Application for a variance from the  
42 conditional requirements may be made to the Board of  
43 Adjustment in accordance with the requirements in Sec. 5.7.
- 44 c. Incompatible Land Uses: Uses notes as an "N" are considered  
45 to be incompatible in the Airport Zone. These uses shall not  
46 be allowed in the Runway Protect Zone (RPZ) . Uses within the  
47 Airport Noise Land Use Zone shall require variance approval  
48 pursuant Section VIII herein and Section 5.7 and shall be  
49 subject to the development review procedures in the Use  
50 Regulation Schedule in Section 6.4 and Article 5 prior to  
51 establishment of the use.
- 52 2. Prohibited Land Uses.
- 53 a. In no case shall an educational facility or a public or  
54 private school be permitted at either end of a runway within

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- 1 an area that extends 5 statute miles in a direct line along  
2 the centerline of the runway and which has a width of ¼ the  
3 length of the runway.
- 4 b. In no case shall new residential construction be permitted  
5 within an area contiguous to the airport measuring ¼ the  
6 length of the longest runway on either side of and at the end  
7 of each runway centerline unless it meets the conditional  
8 notes in the Airport Land Use Compatibility Schedule -  
9 Appendix 8. This area is shown as the "New Residential  
10 Construction Limit" on Appendices 10-14.
- 11 (1) Exemption. Land uses within regulated areas defined in  
12 Section VII, D.1.a.&b., (Airports which have completed FAR  
13 Part 150 Noise and Land Use Compatibility Studies), "Palm  
14 Beach International Airport and Boca Raton Airport Land Use  
15 Noise Zone Defined" and which meet the standards set forth  
16 herein.
- 17 3. Additional Regulations - In addition to the requirements  
18 contained in the Schedule (Appendix 8), all uses within  
19 regulated areas shall comply with the following provisions.
- 20 a. Lights and Illuminations: All lights or illumination used in  
21 conjunction with streets, parking, signs or use of land and  
22 structures shall be arranged and operated in such manner that  
23 is not misleading or dangerous to aircraft operating from or  
24 to a public airport or in vicinity thereof.
- 25 b. Electronic Devices: No application, use, or operations of any  
26 type shall produce electronic interference with navigation  
27 signals or radio communication between aircraft; the airport  
28 tower, or other air traffic control facility.
- 29 c. Obscuration: No operations of any type shall produce smoke,  
30 glare or other obscuration within three (3) statute miles of  
31 any usable runway of a public airport.
- 32 d. Bird Concentrations: No use of any type shall be permitted  
33 that attract or sustain hazardous bird movements, feeding,  
34 water, or roosting areas into or across an airport's runways'  
35 approach and departure pattern.
- 36 e. Noise Level Reduction (NLR) Requirements: If a proposed land  
37 use within an Airport Land Use Noise Zone is designated  
38 generally compatible (G), or incompatible (N), then measures  
39 to achieve 30 dB NLR shall be incorporated into the regulated  
40 use.
- 41 (1) Exemptions. Land Uses within regulated areas defined in  
42 Section VII, D.2.(a), "Airport Land Use Noise Zones for  
43 Airports Which Have Not Completed an FAR Part 150 Noise and  
44 Land Use Compatibility Study".
- 45 (2) Use and Occupancy. Buildings or structures supporting a  
46 legal use(s) which existed prior to (the effective date of  
47 this Article), may continue to support the existing use or  
48 occupancy provided such continued use does not jeopardize  
49 life or health.
- 50 (3) Relocated Buildings - Buildings or structures moved into a  
51 RPZ or ALUNZ shall comply with the height and noise level  
52 reduction provisions of this Article, as applicable.

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1 (4) Proposed or Newly Constructed Buildings - Valid permits to  
2 construct a building, submitted to the Building Division of  
3 PZ&B prior to (the effective date of this Article), shall  
4 not be required to comply with the provisions of Article  
5 18, as long as the building permit has not been amended or  
6 expired.

7 (5) Design Requirements - The NLR requirements of the Off-  
8 Airport Land Use Compatibility Schedule at Appendix 8, may  
9 be achieved by any suitable combination of building design,  
10 choice of building materials and construction techniques in  
11 accordance with established architectural and acoustical  
12 principles as contained in DOT document DOT/FAA/PP-92-5,  
13 Guidelines for the Sound Insulation of Residences Exposed  
14 to Aircraft Operations. This document is on file at the  
15 offices of the DOA and PZB. The reduction requirements  
16 shall apply to all occupied rooms having one or more  
17 exterior walls or ceilings, when furnished in accordance  
18 with the intended final usage of the room.

19 f. Disclosure. The owner of any new building or structure or any  
20 existing building or structure which is substantially  
21 repaired, reconstructed or altered, as provided in Sec.  
22 1.12.D. proposed to be located within regulated areas shall  
23 provide disclosure to all prospective purchasers or tenants  
24 of such building or structure that the building or structure  
25 is located within the Land Use Compatibility Noise Zone and  
26 that aircraft noise may be objectional.

27 F. Review Procedure for Airport Land Use Noise Zones. All new  
28 construction or reconstruction for temporary or permanent  
29 structures within ALUNZ shall be reviewed for compliance with  
30 the standards of this Section. Prior to acceptance of a  
31 development order or issuance of a building permit, the DOA  
32 and PZ&B shall review the application for compliance with  
33 this Article.

34 Section VIII. Variances. Application for a variance may be  
35 submitted to erect or increase the height of any structures, or  
36 to use property which does not comply with the regulations  
37 prescribed in this Article, to the Palm Beach County Board of  
38 Adjustment pursuant to the procedures and standards set forth in  
39 Section 5.7.

40 Section IX. Nonconforming Uses. Uses nonconforming to the Airport  
41 Zoning Regulations shall be administered in accordance with  
42 Section 1.12.

43 Section X. Administration

44 A. PZB, in consultation with the DOA, shall administer the  
45 review of development applications for compliance with this  
46 Article within the territorial limits over which Palm Beach  
47 County has jurisdiction. DOA by Interlocal Agreement with any  
48 jurisdiction which has permitting authority shall administer  
49 the review of development applications for compliance with  
50 this Article within the territorial limits of the  
51 municipality. If a Tall Structure Permit is required, then  
52 the DOA shall administer review with the FAA. Fees shall be  
53 established by the DOA and PZB to administer this Ordinance.

54 B. In the event that any violation of the requirements of  
55 Article 18 are found, the Director Code Enforcement shall  
56 give written notice to the property owner. Such notice shall  
57 indicate the nature of the violation and the necessary action

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1           to correct or abate the violation. A copy of said notice  
2           shall be sent to the Code Enforcement Board and Palm Beach  
3           County DOA. PZB shall require work to stop and may take any  
4           or all other action necessary to correct violations and  
5           obtain compliance with all the provisions of this Section.

6           C. The DOA shall notify the Executive Director of PZB of all  
7           amendments to the airport master plan(s), or other  
8           regulations that effect the definitions or height limitations  
9           of the zones established herein.

10           **Section XI. Enforcement.**

11           **A. Non-compliance.** Failure to comply with the requirements of  
12           this Section or any permit or approval granted or authorized  
13           hereunder shall constitute a violation of this code. PZB or  
14           DOA may issue a Cease and Desist Order or withhold a  
15           Certificate of Occupancy until the provisions of this Section  
16           have been met. Palm Beach County may subject the owner of the  
17           premises to the violation and enforcement provisions in  
18           Chapter 333.07, Fla. Stat., 1995, as amended, seek injunctive  
19           relief, pursuant to Chapter 333.13, (2) Florida Statutes, as  
20           may be amended from time to time, in order to fully  
21           effectuate the purposes of this Ordinance. Each violation of  
22           this Ordinance or of any regulation, order or ruling  
23           promulgated herein shall be considered a separate offense and  
24           enforced in accordance with the provisions of Article 14 of  
25           this code.

26           **Section XII. Appeals.**

27           Any person aggrieved by the decision of PZB or the DOA made in  
28           the administration of this Article may appeal the decision to the  
29           Board of Adjustment in accordance with the provisions of Article  
30           5.7 of this Code.

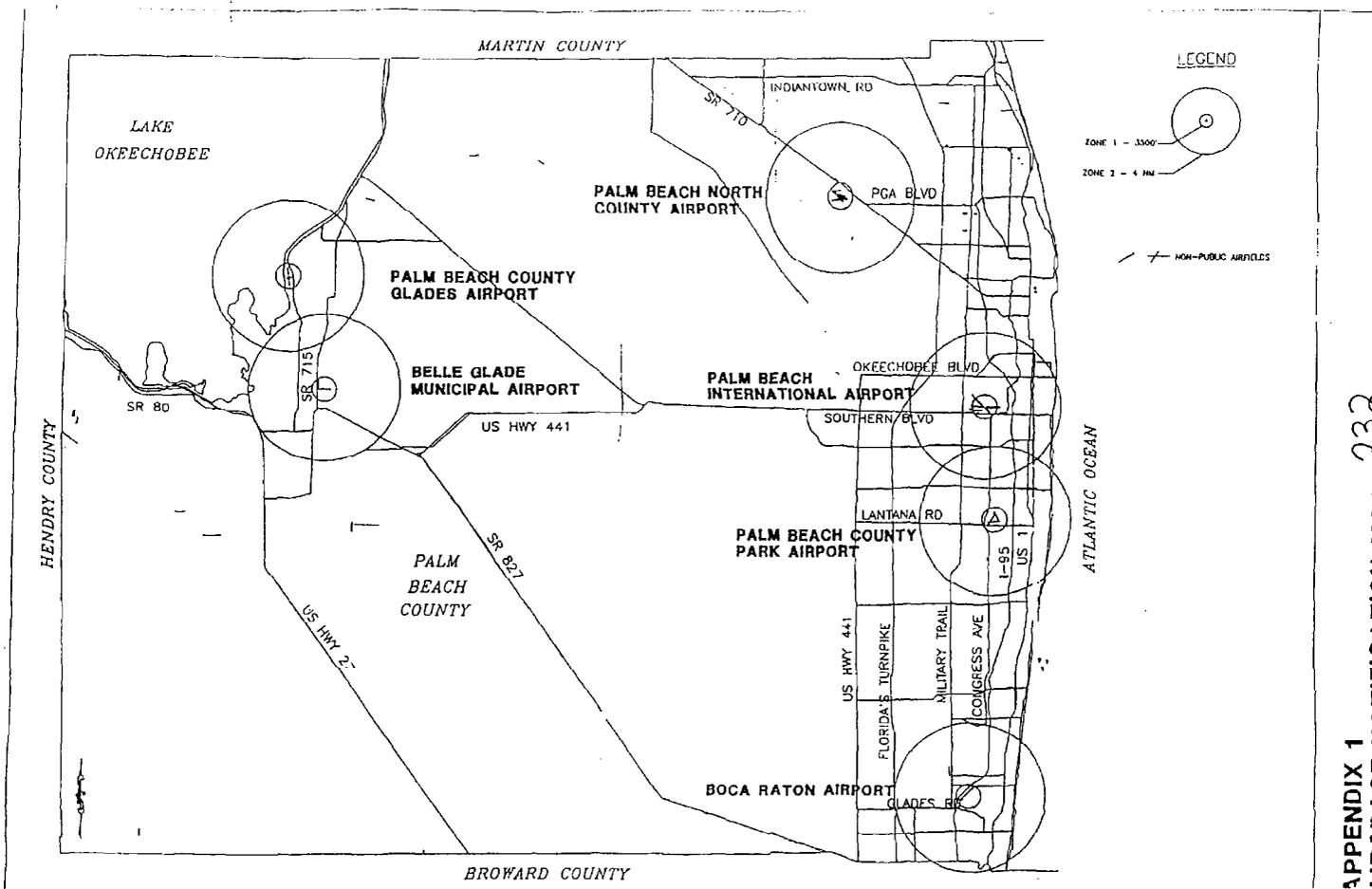
31           **PART 2. Repeal of Palm Beach County Ordinance 78-2.**

32           Palm Beach County Ordinance 78-2 of this Code is hereby repealed.

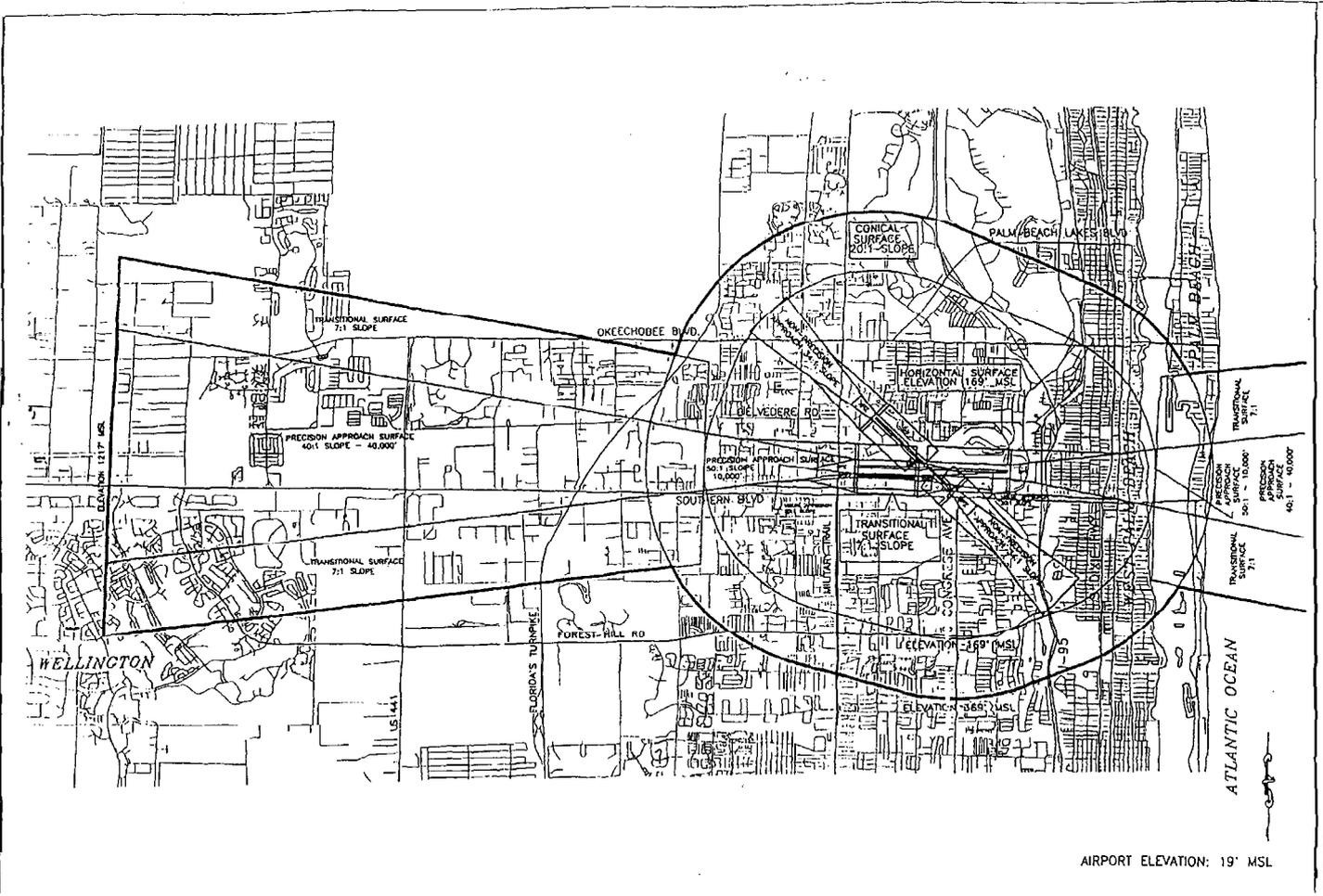
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1	<u>AIRPORT ZONING REGULATIONS</u>
2	<u>APPENDIX 1 THROUGH 15</u>
3	<u>Appendix 1 AIRSPACE NOTIFICATION MAP</u>
4	<u>Appendix 2 MAP A - PALM BEACH INTERNATIONAL AIRPORT</u>
5	<u>Appendix 3 MAP B - PALM BEACH COUNTY PARK AIRPORT</u>
6	<u>Appendix 4 MAP C - PALM BEACH COUNTY GLADES AIRPORT</u>
7	<u>Appendix 5 MAP D - BELLE GLADE MUNICIPAL AIRPORT</u>
8	<u>Appendix 6 MAP E - PALM BEACH NORTH COUNTY AIRPORT</u>
9	<u>Appendix 7 MAP F - BOCA RATON AIRPORT</u>
10	<u>Appendix 8 THE OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE</u>
11	<u>Appendix 9 AIRPORT LAND USE NOISE ZONE - PALM BEACH</u>
12	<u>INTERNATIONAL AIRPORT</u>
13	<u>Appendix 10 AIRPORT LAND USE NOISE ZONE - BOCA RATON AIRPORT</u>
14	<u>Appendix 11 AIRPORT LAND USE NOISE ZONE - PALM BEACH COUNTY PARK</u>
15	<u>Appendix 12 AIRPORT LAND USE NOISE ZONE - PALM BEACH COUNTY</u>
16	<u>GLADES AIRPORT</u>
17	<u>Appendix 13 AIRPORT LAND USE NOISE ZONE - BELLE GLADE MUNICIPAL</u>
18	<u>AIRPORT</u>
19	<u>Appendix 14 AIRPORT LAND USE NOISE ZONE - PALM BEACH NORTH</u>
20	<u>COUNTY AIRPORT</u>
21	<u>Appendix 15 ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY</u>
22	<u>SURFACES</u>



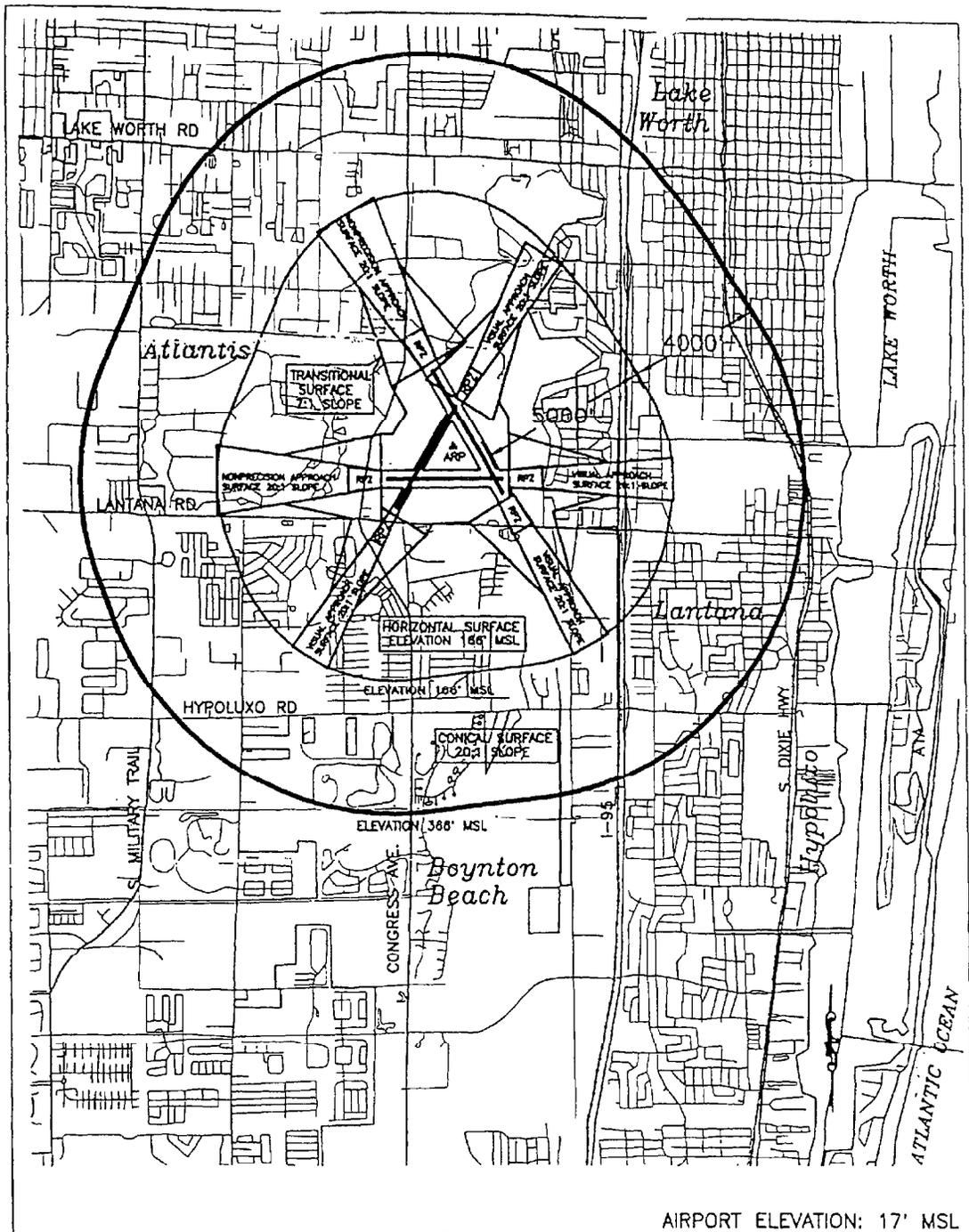
APPENDIX 1  
AIRSPACE NOTIFICATION MAP 232



AIRPORT ELEVATION: 19' MSL

233

APPENDIX 2  
AP A



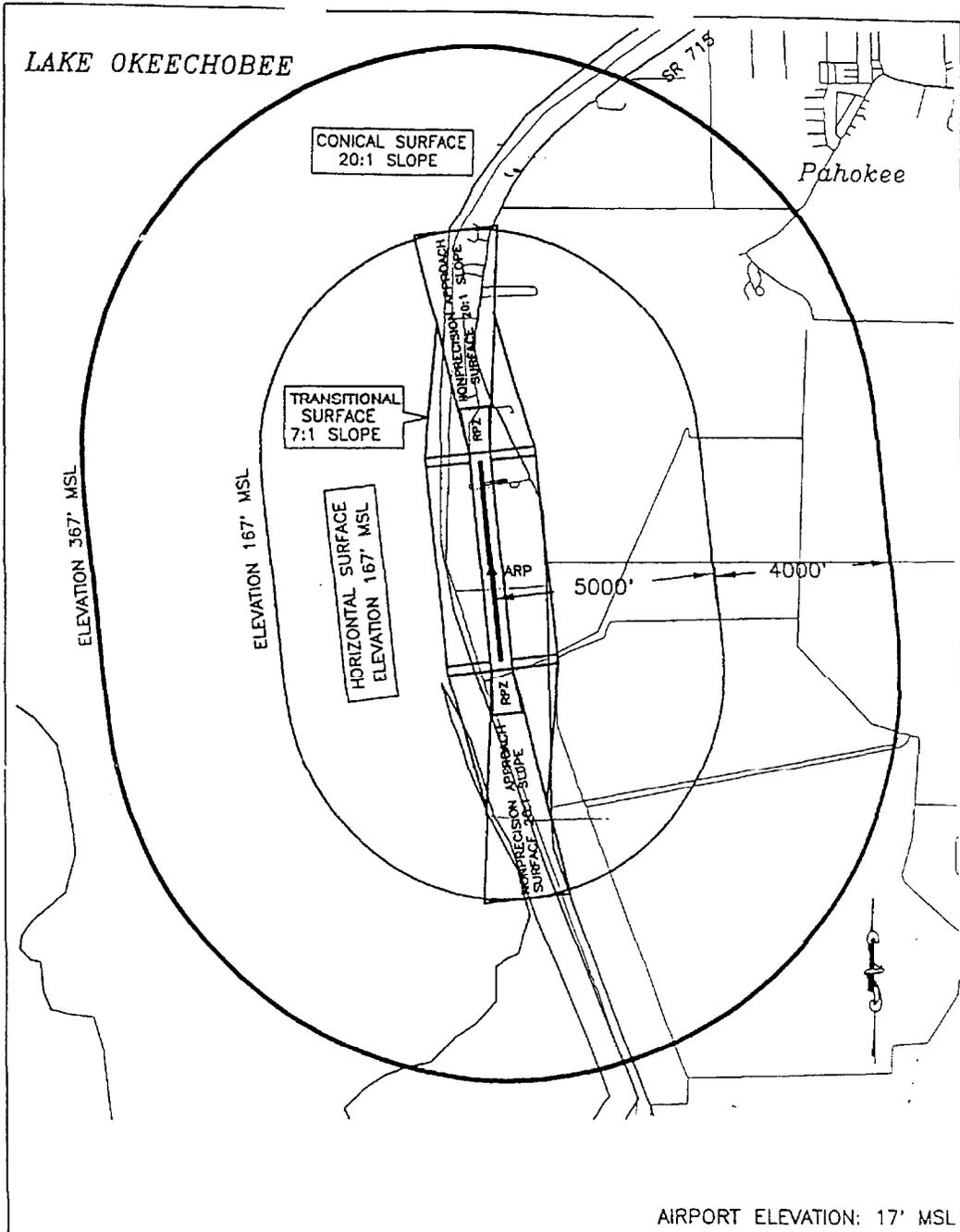
AIRPORT ELEVATION: 17' MSL

**APPENDIX 3  
MAP B**

SCALE: 1"=4000'

FEBRUARY 1996

PALM BEACH COUNTY  
PARK AIRPORT  
LANTANA, FLORIDA



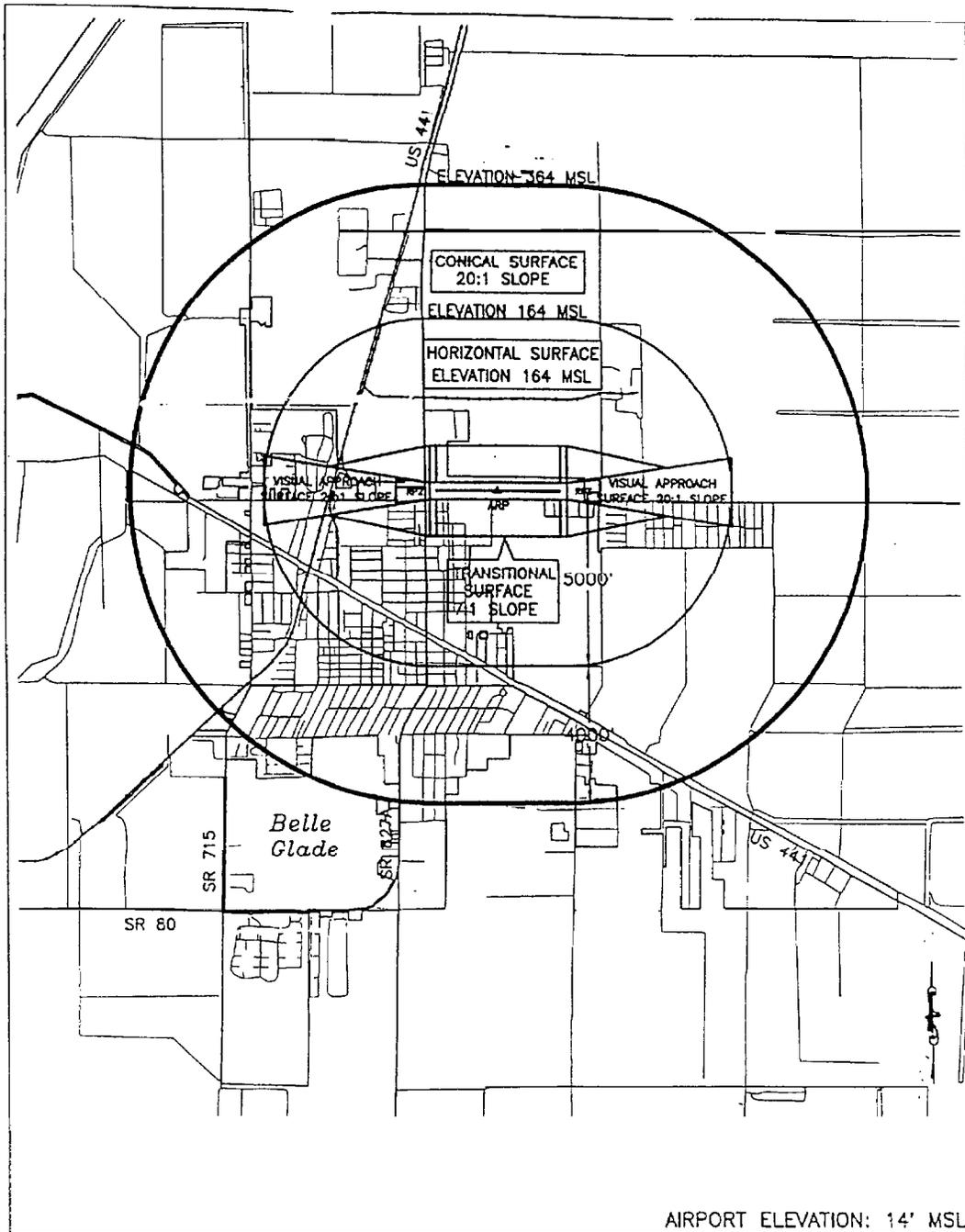
**APPENDIX 4**

**MAP C**

SCALE: 1" = 3000'

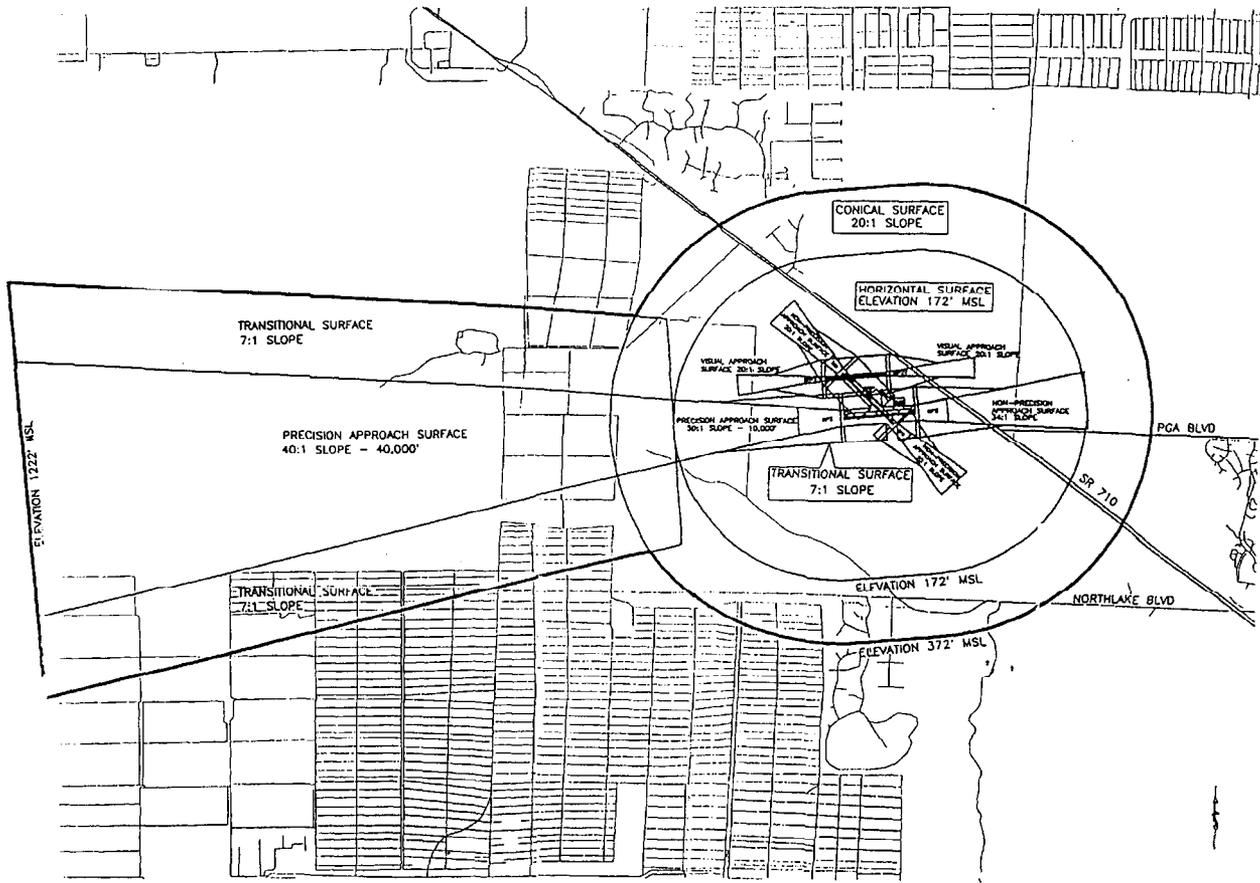
FEBRUARY 1996

PALM BEACH COUNTY  
GLADES AIRPORT  
PAHOKEE, FLORIDA



**APPENDIX 5**  
**MAP D**  
 SCALE: 1" = 4000'  
 FEBRUARY 1996

BELLE GLADE  
 MUNICIPAL AIRPORT  
 BELLE GLADE, FLORIDA

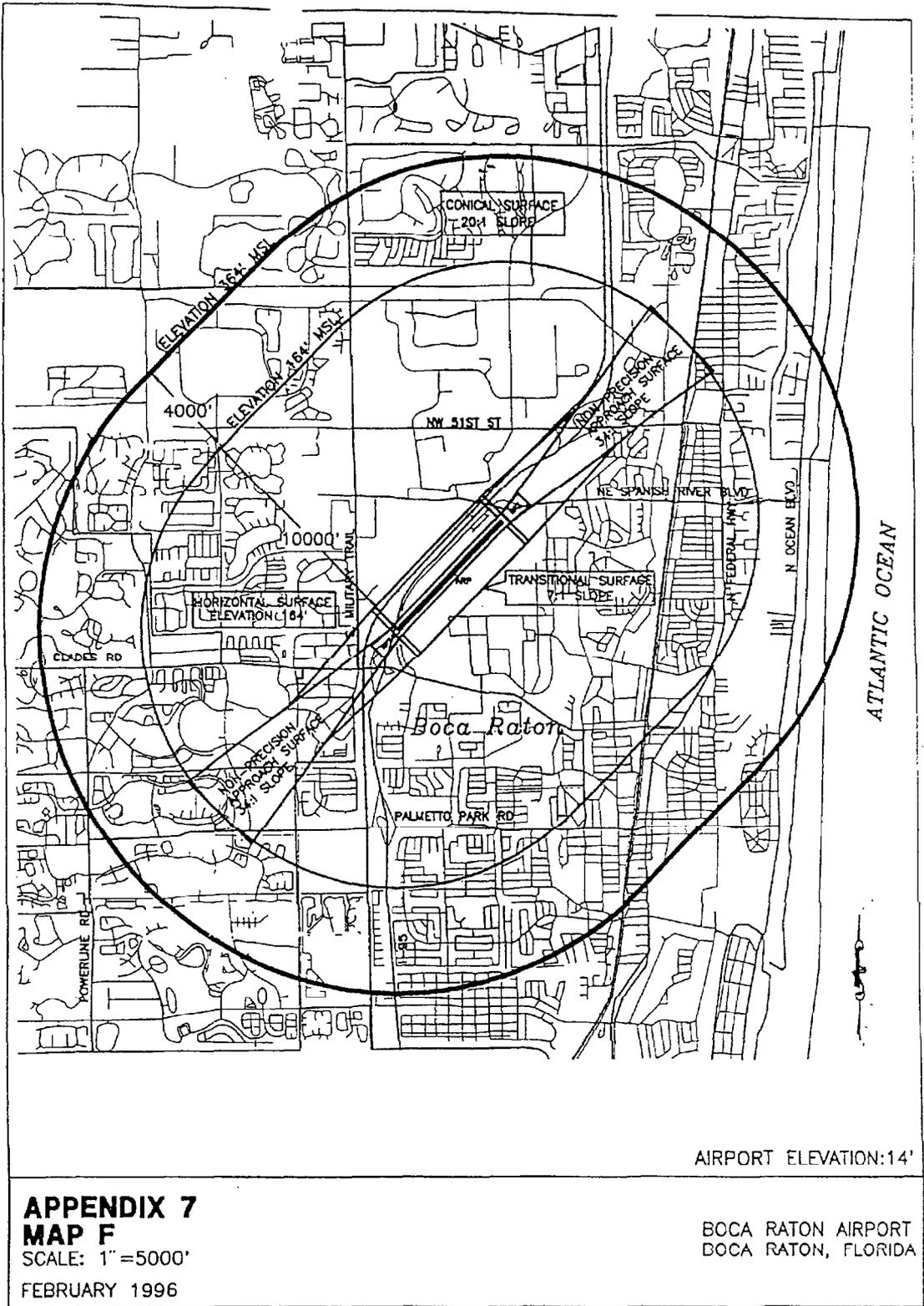


AIRPORT ELEVATION: 22' MSL

PALM BEACH NORTH COUNTY AIRPORT  
PALM BEACH GARDENS FLO-01

237

APPENDIX 6  
MAP E  
SCALE: 1" = 6000'



AIRPORT ELEVATION: 14'

**APPENDIX 7**  
**MAP F**  
 SCALE: 1" = 5000'  
 FEBRUARY 1996

BOCA RATON AIRPORT  
 BOCA RATON, FLORIDA

1 **THE OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE APPENDIX 8**  
 2  
 3  
 4

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	RESIDENTIAL USES	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)
6 Single-family	Q	15	N	1,4
7 Zero lot line home	Q	15	N	1,4
8 Townhouse	Q	15	N	1,4
9 Multi-family	Q	15	N	1,4
10 Mobile home dwelling	Q	15	N	1,4
11 Accessory dwelling	Q	15	N	1,4
12 Congregate living facility, Type 1	Q	15	N	1,4
13 Congregate living facility, Type 2	Q	15	N	2,4
14 Congregate living facility, Type 3	Q	15	N	2,4
15 Estate kitchen				
16 Farm residence	Q	15	N	1,4
17 Farm tenant quarters	Q	15	N	1,4
18 Garage sale	P		Q	2,4
19 Grooms quarters				
20 Guest cottage				
21 Home occupation	Q	15	N	1,3,4,6
22 Migrant farm labor quarters	Q	15	N	2,4
23 Nursing or convalescent facility	Q	15	N	2,3,4,6
24 Security or caretaker quarters	Q	15	N	1,3,4,6

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)	CONDITIONAL NOTES
Agricultural research/development	P		Q	2, 3, 4, 5, 6
Agricultural sales and service	P		Q	2, 3, 4, 6
Agricultural transshipment	P		Q	2, 4, 8
Agriculture, bona fide	P		Q	5, 6
Aviculture				
Community vegetable garden				
Equestrian arena, commercial	P		N	2, 4, 7
Groves/ row crops				
Kennel, commercial	Q	15	Q	2, 4
Kennel, private	Q	15	Q	2, 4
Livestock raising				
Nursery, retail				
Nursery, wholesale				
Packing plant				
Potting soil manufacturing	P		Q	2, 3, 4, 5, 6
Shadehouse, accessory				
Stable, commercial	P		Q	2, 3, 4, 7
Stable, private	P		Q	4, 7
Stand for the sale of agricultural products	P		Q	2, 4, 5
Storage, indoor agricultural				
Storage, outdoor agricultural				
Sugar mill or refinery	P		Q	2, 3, 4, 6

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)	CONDITIONAL NOTES
Airplane landing strip, accessory	P		N	3
Airport	P		N	2, 4, 8
Assembly, nonprofit institutional	Q	15	N	2, 4
Assembly, nonprofit membership	Q	15	N	2, 4
Cemetery	P		P	
Church or place of worship	Q	15	N	2, 4
College or university	Q	15	N	2, 4, 14
Day care center, general	Q	15	N	2, 4, 14
Day care center, limited	Q	15	N	2, 4, 14
Government services	Q	15	Q	2, 3, 4, 5, 6
Heliport or helipad	P		N	2, 3, 4, 6
Hospital or medical center	Q	15	N	2, 3, 4, 6, 9
Park, public	Q	15	N	2, 3, 4, 5, 7
School, elementary or secondary	Q	14, 15	N	2, 4, 14
Transportation facility	P		Q	2, 3, 4, 8

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)	CONDITIONAL NOTES
Air curtain incinerator, permanent	P		N	2, 3, 4, 5, 6
Air curtain incinerator, temporary	P		N	2, 3, 4, 5, 6
Chipping and mulching	P		Q	2, 3, 4, 6
Communication tower, commercial	P		Q	2, 3, 4, 9
Composting facility	P		Q	2, 3, 4, 5, 6, 13
Electrical power facility	P		Q	2, 3, 4, 6, 9
Incinerator	P		N	2, 3, 4, 5, 6
Recycling center	P		Q	2, 3, 4, 5, 6, 13
Recycling collection station	P		Q	2, 4, 5
Recycling drop off bin	P		Q	2, 3, 4, 6
Recycling plant	P		N	2, 4, 5, 6, 13
Sanitary landfill	P		N	2, 3, 4, 13
Solid waste transfer station	P		N	2, 3, 4, 5, 6, 13
Utility, minor	P		Q	2, 3, 4, 6, 9
Water or wastewater treatment plant	P		N	2, 4, 10, 11

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)	CONDITIONAL NOTES
Amusements, temporary or Special events	P		N	2, 3, 4, 6, 7
Arena, auditorium or stadium	Q	15	N	2, 4, 7
Campground	P		N	2, 4, 5, 6
Entertainment, indoor	Q	15	N	2, 3, 4, 6, 7
Entertainment, outdoor	N		N	2, 3, 4, 6, 7
Fitness center	P		Q	2, 3, 4, 7
Golf course	Q	15	Q	2, 3, 4, 5, 7
Gun club, enclosed	P		Q	2, 3, 4, 6, 7
Gun club, open	P		Q	2, 3, 4, 6, 7
Gun range, private	P		Q	2, 3, 4
Marine facility	P		Q	2, 3, 4, 7
Park, passive	P		Q	2, 3, 4, 5, 6
Zoo	P		N	2, 3, 4, 5, 7

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMMERCIAL USES	COMPATIBILITY	CONDITIONAL NOTES	RFZ (RUNWAY PROTECTION ZONE)
Adult entertainment	P		N	2, 4
Auction, enclosed	Q	15	N	2, 4
Auction, outdoor	Q	16	Q	2, 4
Automotive paint or body shop	P		Q	2, 3, 4, 6
Automotive service station	P		N	2, 4, 5
Bed and Breakfast	N		N	2, 3, 4, 6
Broadcasting studio	Q	15	Q	2, 4, 9
Building supplies, retail	P		N	2, 3, 4
Building supplies, wholesale	P		Q	2, 3, 4
Car wash and auto detailing	P		Q	2, 3, 4, 6
Contractor's storage yard	P		Q	2, 3, 4, 6
Convenience store, no gas sales	Q	15	Q	2, 4
Convenience store with gas sales	Q	15	N	2, 4
Day labor employment service	Q	15	N	2, 4
Dispatching office	Q	15	N	2, 4, 6, 9
Financial institution	Q	15	N	2, 4
Flea market, enclosed	P		N	2, 4
Flea market, open	P		Q	2, 3, 4
Fruit and vegetable market	P		Q	2, 4
Funeral home or crematory	Q	15	Q	2, 4, 6
Gas and fuel, wholesale	P		Q	2, 3, 4
Hotel, motel, SRO, Boarding & Rooming House	Q	15	N	2, 4, 6, 9
Landscape maintenance services	P		Q	2, 3, 4, 6
Laundry services	Q	15	Q	2, 4, 6
Lounge, cocktail	Q	15	Q	2, 4
Medical office or dental clinic	Q	15	N	2, 4
Medical or dental laboratory	Q		N	2, 4
Monument sales, retail	P		Q	2, 4
Newsstand or gift shop	Q	15	Q	2, 4
Office, business or professional	Q	15	Q	2, 9
Parking garage, commercial	P		N	2, 4, 9, 12
Parking lot, commercial	P		Q	2, 4
Personal services	Q	15	Q	2, 4, 6
Printing and copying services	P		Q	2, 4
Repair and maintenance, general	P		Q	2, 4, 6
Repair services, limited	P		Q	2, 4, 6
Restaurant, fast food	P		N	2, 4, 5, 6
Restaurant, general	P		N	2, 4, 5, 6

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)	CONDITIONAL NOTES
Restaurant, specialty	P		N	2, 4, 5, 6
Retail sales, general	P		N	2, 4
Retail sales, mobile, temporary or transient	P		Q	2, 4
Self service storage	P		Q	2, 3, 4, 6
Theater, drive-in	N		N	2, 4, 5, 6
Towing service and storage	P		N	2, 3, 4, 6
Upholstery shop	P		Q	2, 4
Vehicle inspection center	P		N	2, 3, 4, 6
Vehicle repair & related services, mobile minor				
Vehicle sales and rental	P		N	2, 3, 4
Veterinary clinic	P		Q	2, 4, 5, 6
Vocational school			N	2, 4, 5, 6
Wholesaling, general	P		Q	2, 3, 4

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TYPE OF USE	AIRPORT NOISE LAND USE ZONE		AIRPORT HAZARD AREA	
	INDUSTRIAL USES	COMPATIBILITY	CONDITIONAL NOTES	RPZ (RUNWAY PROTECTION ZONE)
Asphalt or concrete plant	P		N	2, 3, 4, 6
Data information processing	Q	15	Q	2, 4
Excavation, Type III	P		Q	4, 5, 6
Grain milling or processing	P		Q	2, 4, 5, 6
Heavy industry	P		N	2, 3, 4, 5, 6
Laboratory, industrial research	Q	15	N	2, 3, 4, 6
Machine or welding shop	P		N	2, 3, 4, 6
Manufacturing and processing	P		N	2, 3, 4, 6
Motion picture production studio	Q	15	Q	2, 6, 7
Pottery shop, custom	Q	15	Q	2, 4, 6
Salvage or junk yard	P		Q	2, 3, 4, 5, 6
Warehousing	P		Q	2, 3, 4, 6
Woodworking or cabinetmaking	P		Q	2, 4, 6

**CONDITIONAL NOTES/RESTRICTIONS FOR USES LOCATED IN THE RPZ**

1. Density limited to 1-2 units per acre or 20% less lot coverage for Planned Unit Developments (PUDs).
2. Population density limited to 40 people or less per acre at any time.
3. No storage of hazardous or flammable materials on-site.
4. No structures allowed to be located in the runway object free area of the RPZ.
5. No bird attractions (certain crops, water bodies, garbage, etc).
6. No emissions which would obstruct vision (light, dust, heat, burning, etc.)
7. No spectator facilities, clubhouses, or locker rooms.
8. Cargo freight only, no passenger terminals, transfer stations, etc.
9. Height limits/communication interference subject to FAA rules.
10. No above-ground transmission pipes.
11. No outdoor sludge/settling ponds/land applications.
12. Must be a freestanding structure.
13. Sanitary landfills shall not be located within the following areas: (1) Within 10,000 feet from the nearest point of any runway used or planned to be used by turbojet or turboprop aircraft; (2) Within 5,000 feet from the nearest point of any runway used only by piston-type aircraft; (3) Outside the perimeters defined in (1) and (2) but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. part 77.25.
14. An educational facility of a public or private school shall be

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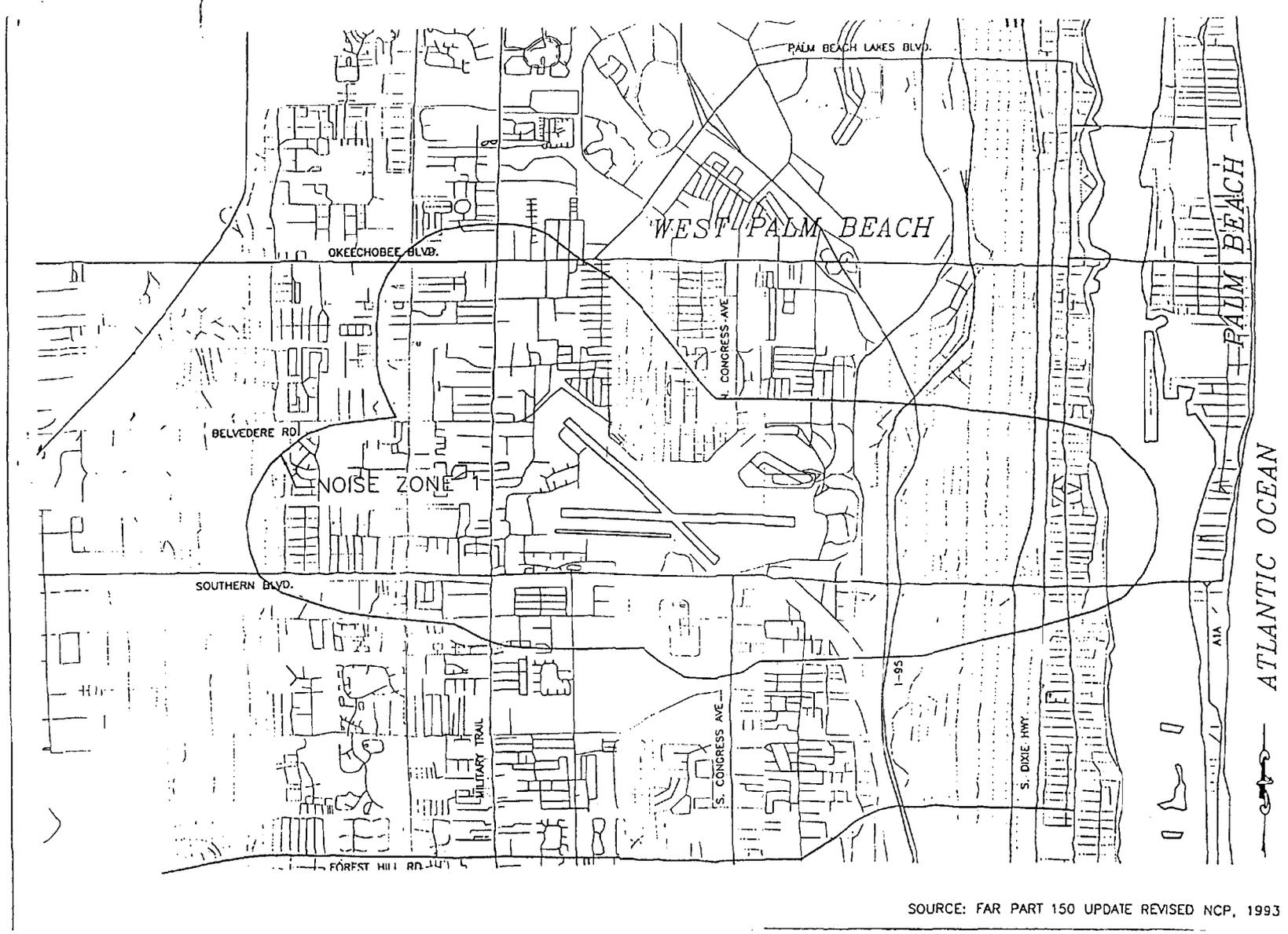
prohibited in the following areas: At either end of a runway of a publicly owned, public-use airport within an area which extends 5 miles in a direct lines along the centerline of the runway, and which has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the political subdivision administering the zoning regulations makes specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

- 15. Design Requirements - The NLR requirements shall 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*.
- 16. Land use is compatible provided special sound reinforcement systems are installed.

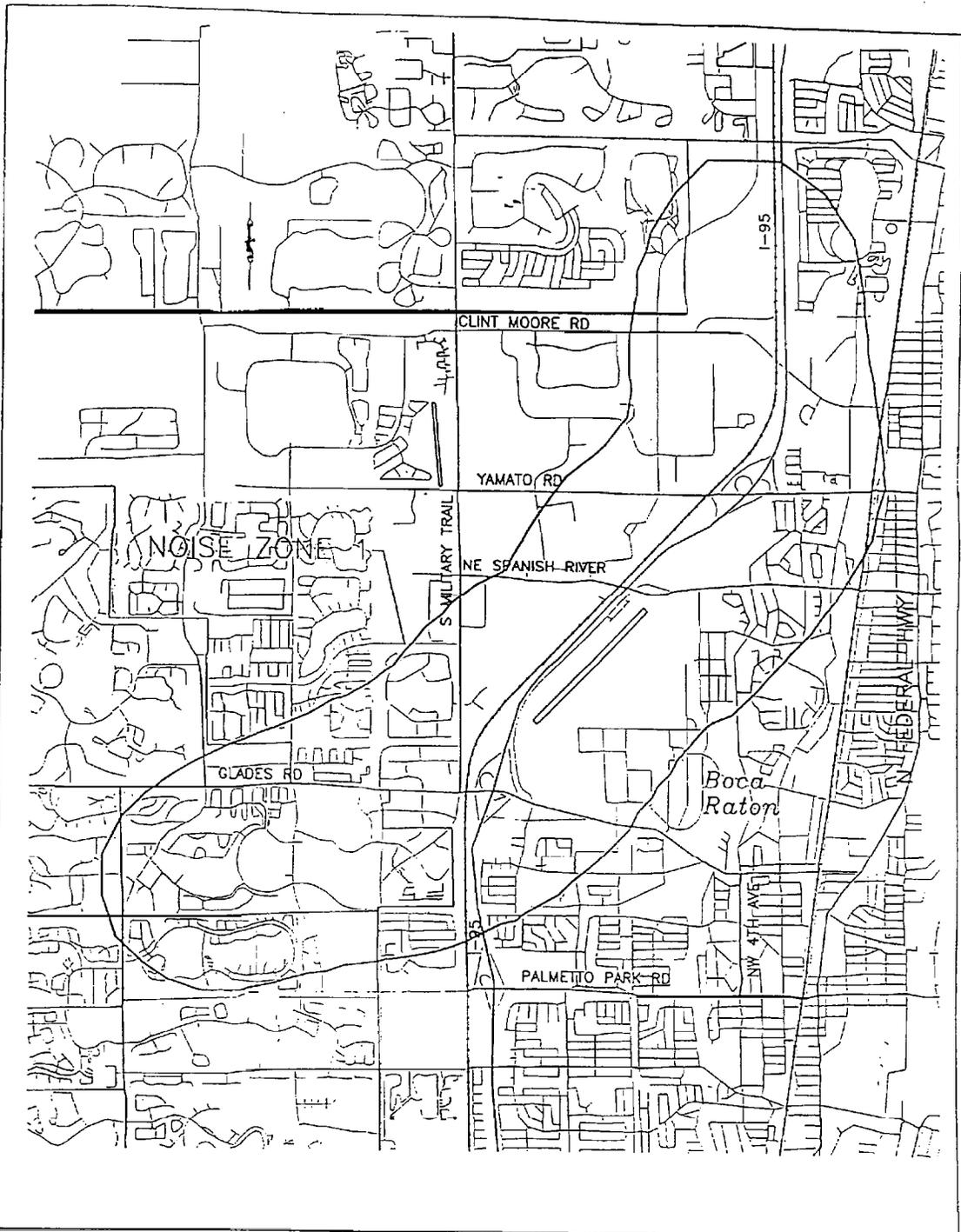
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SOURCE: FAR PART 150 UPDATE REVISED NCP, 1993

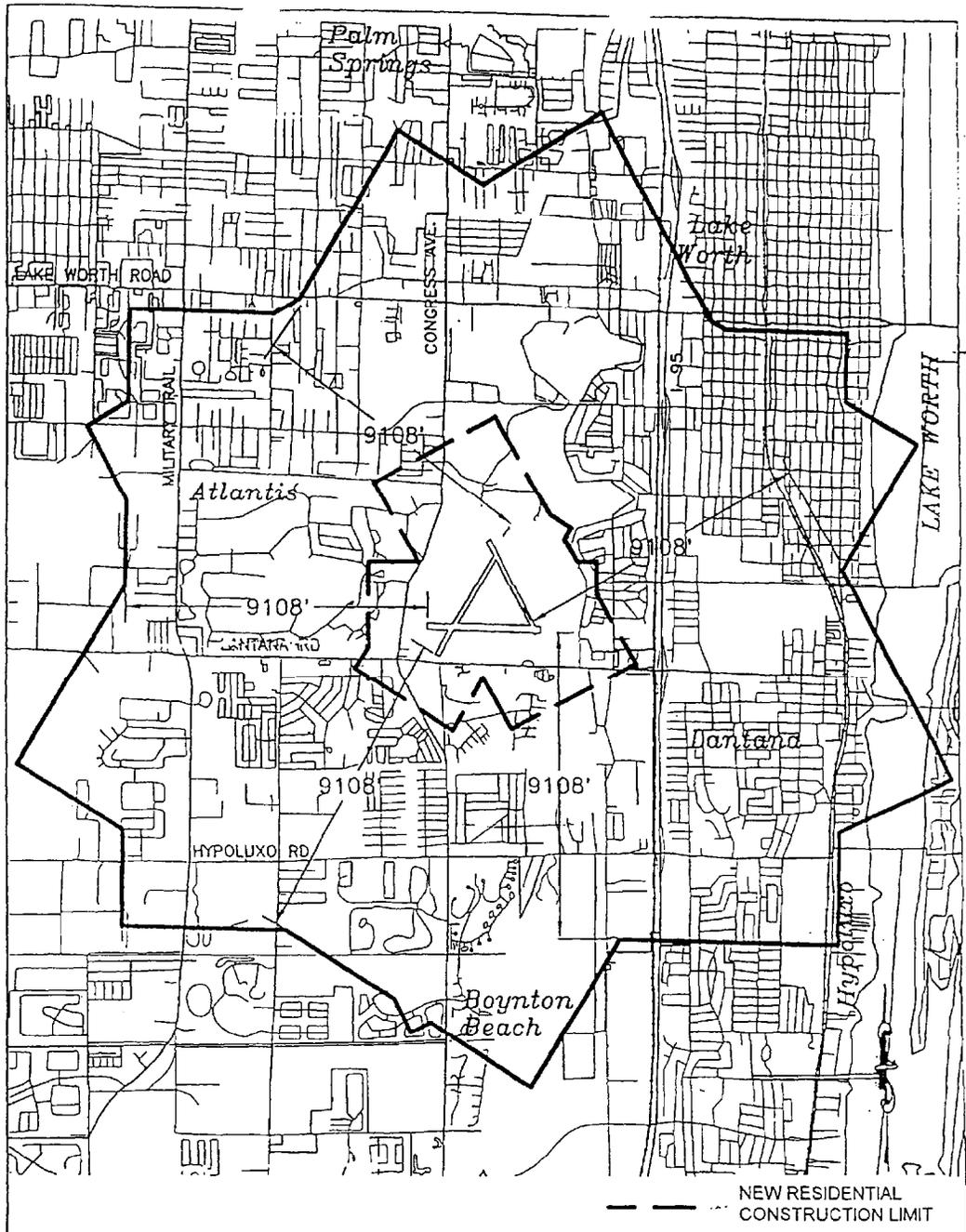


**APPENDIX 10**  
**AIRPORT LAND USE NOISE ZONE**

SCALE: 1" = 1500'

BOCA RATON AIRPORT  
 BOCA RATON, FLORIDA

FEBRUARY 1996

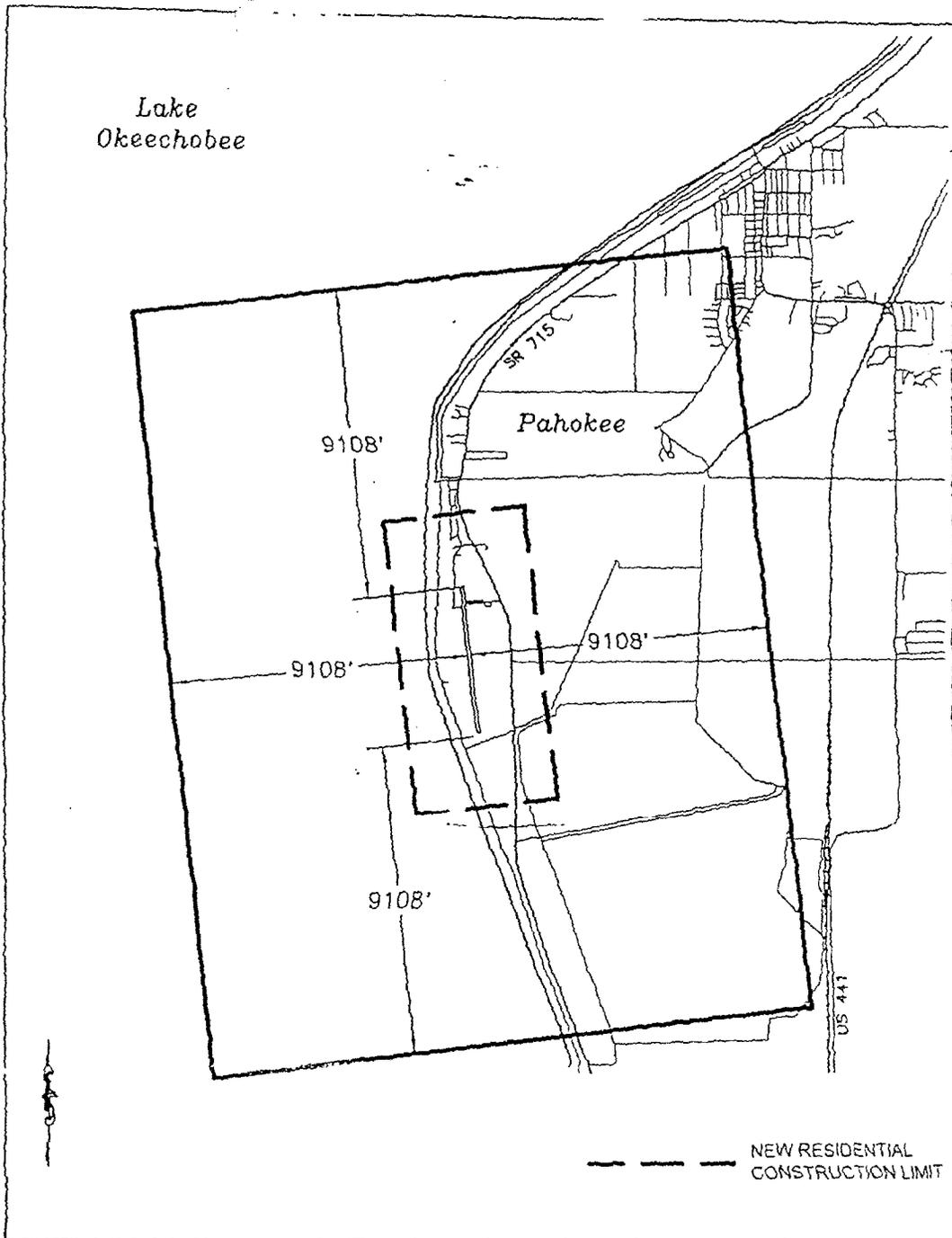


**APPENDIX 11  
AIRPORT LAND USE NOISE ZONE**

SCALE: 1"=4000'

FEBRUARY 1996

PALM BEACH COUNTY  
PARK AIRPORT  
LANTANA, FLORIDA

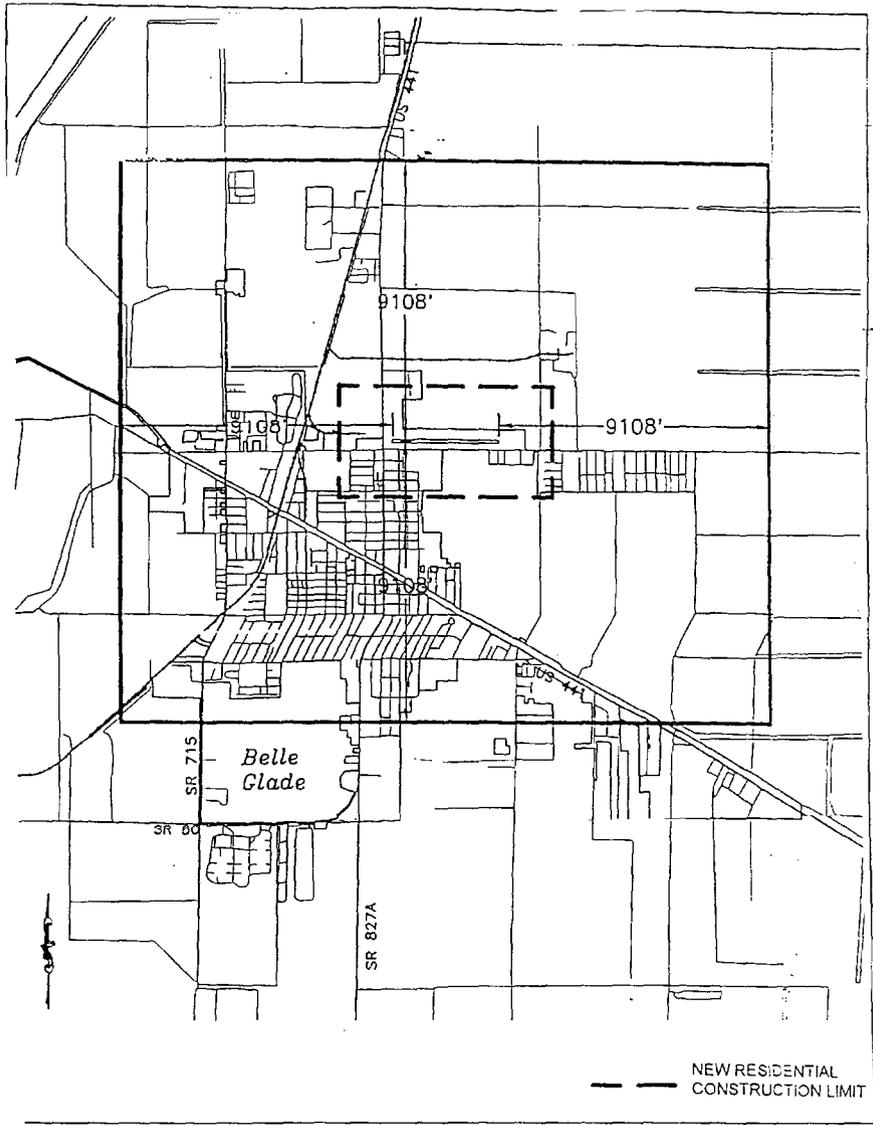


**APPENDIX 12  
AIRPORT LAND USE NOISE ZONE**

SCALE: 1" = 4000'

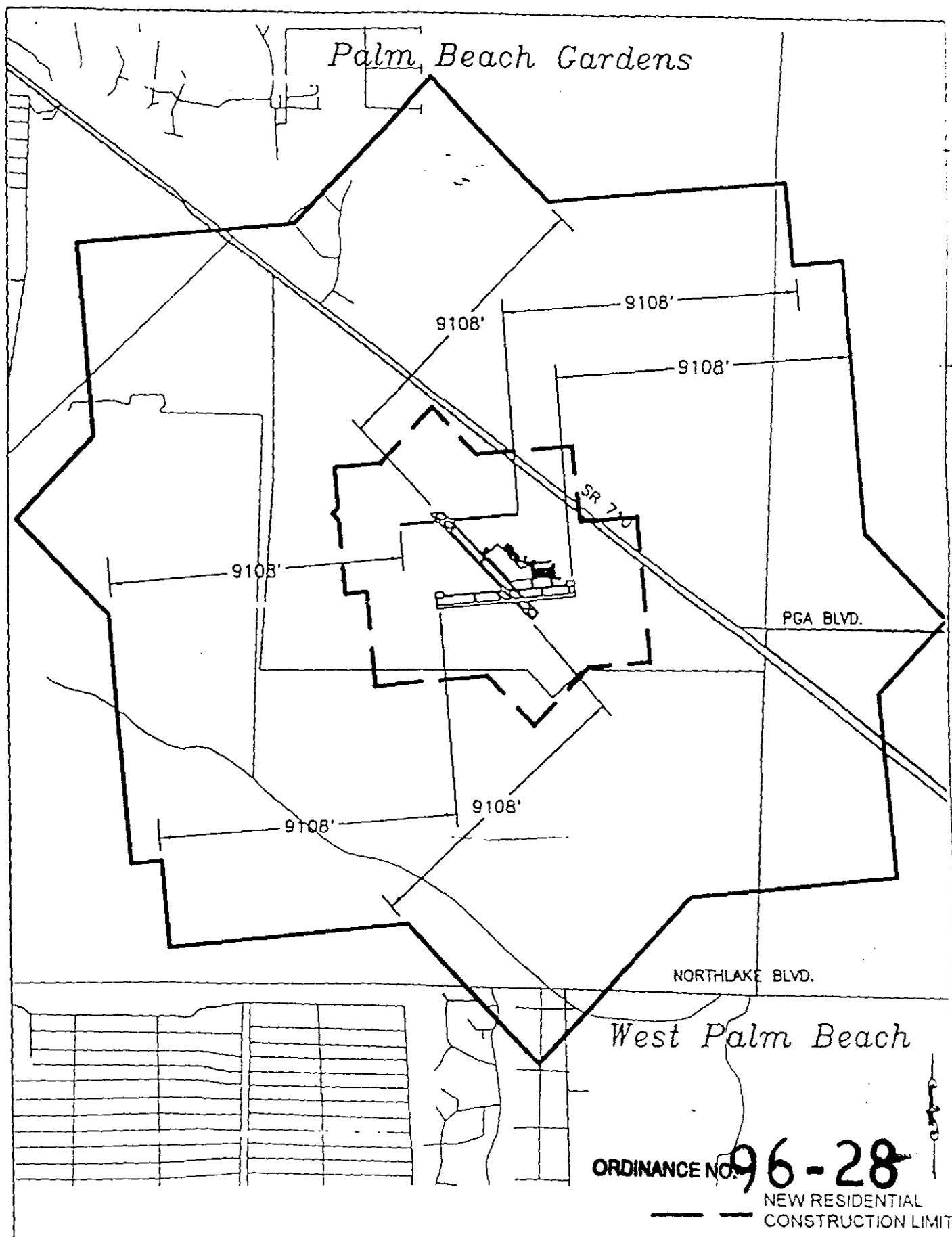
FEBRUARY 1996

PALM BEACH COUNTY  
GLADES AIRPORT  
PAHOKEE, FLORIDA



**APPENDIX 13**  
**AIRPORT LAND USE NOISE ZONE**  
 SCALE: 1"=4000'  
 FEBRUARY 1996

BELLE GLADE  
 MUNICIPAL AIRPORT  
 BELLE GLADE, FLORIDA



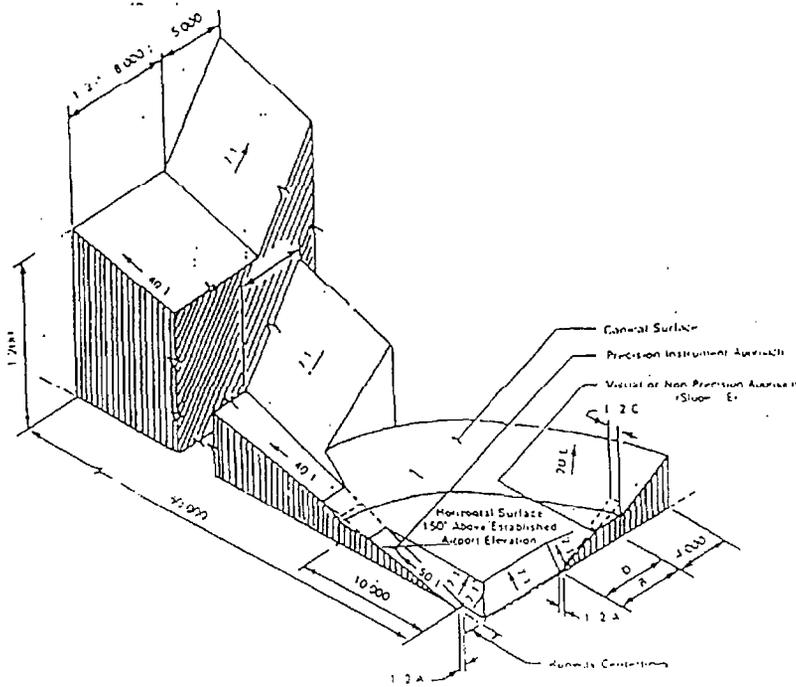
**APPENDIX 14**  
**AIRPORT LAND USE NOISE ZONE**

SCALE: 1" = 4000'

FEBRUARY 1996

p. 253

PALM BEACH NORTH  
 COUNTY AIRPORT  
 PALM BEACH GARDENS, FLORIDA



SOURCE: FEDERAL AVIATION REGULATIONS  
PART 77 - OBJECTS AFFECTING NAVIGABLE AIRSPACE

AIRPORT ZONING ORDINANCE  
APPENDIX 15  
DECEMBER 1995

**ISOMETRIC VIEW OF  
AIRPORT HEIGHT ZONES  
AND IMAGINARY SURFACES**

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**PART 3. CAPTIONS:**

The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

**PART 4. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

**PART 5. SEVERABILITY:**

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

**PART 6. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE.**

The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

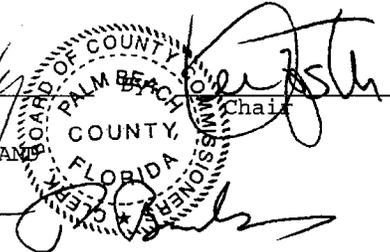
**PART 7. EFFECTIVE DATE.**

The provisions of this ordinance shall become effective upon filing with the Department of State, except for Article 18 (Airport Zoning) which will become effective on November 1, 1996.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 16 day of September, 1996.

ATTEST: PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS  
DOROTHY H. WILKEN

By: [Signature]  
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 25 day of September, 1996, at N/A m.

Underlined language indicates proposed new language.  
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**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

78-2

COUNTY: ( Duval Beach ) COUNTY ORDINANCE # ( 92-20 )  
(e.g., 82 - 001)

PRIMARY KEYFIELD  
DESCRIPTOR: ( ZONING )

SECONDARY KEYFIELD  
DESCRIPTOR: ( Planning )

OTHER KEYFIELD  
DESCRIPTOR: ( \_\_\_\_\_ )

ORDINANCE DESCRIPTION: ( WLDG )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: ( 95-24 ); AMENDMENT # 2: ( 95-13 ).

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( \_\_\_\_\_ ); REPEAL # 3: ( \_\_\_\_\_ );  
REPEAL # 2: ( \_\_\_\_\_ ); REPEAL # 4: ( \_\_\_\_\_ );

(Others repealed: list all that apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: ( \_ \_ )

KEYFIELD 1 CODE: ( \_\_\_\_\_ ) KEYFIELD 2 CODE: ( \_\_\_\_\_ )

KEYFIELD 3 CODE: ( \_\_\_\_\_ ) Rev. 1/25/88