

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER A - GENERAL; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER B - OVERLAYS; CHAPTER C - STANDARD DISTRICTS; CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES; CHAPTER D - PARKS & RECREATION - RULES AND RECREATION STANDARDS; CHAPTER G - DENSITY BONUS PROGRAM; **ARTICLE 7** - LANDSCAPING; CHAPTER D - GENERAL STANDARDS; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8** - SIGNAGE; CHAPTER B - EXEMPTIONS; CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER G - STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER I - ADMINISTRATION AND ENFORCEMENT; **ARTICLE 12** - TRAFFIC PERFORMANCE STANDARDS; CHAPTER B - STANDARD; **ARTICLE 14** - ENVIRONMENTAL STANDARDS; CHAPTER C - VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 16** - AIRPORT REGULATIONS; CHAPTER C - AIRPORT LAND USE REGULATIONS; **ARTICLE 17** - DECISION MAKING BODIES; CHAPTER C - APPOINTED BODIES; **ARTICLE 18** - FLOOD DAMAGE PREVENTION; CHAPTER A - FLOOD DAMAGE PREVENTION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

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

WHEREAS, the Land Development Regulation Commission has found the amendments to the ULDC in Exhibits A through M and O to be consistent with the Palm Beach County Comprehensive Plan; and the amendments to the ULDC in Exhibit N to be consistent with the Plan pending the adoption of related amendments to the Plan; and

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

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

6
7 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
8 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

9
10 **Section 1. Adoption**

11 The amendments set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O
12 attached hereto and made a part hereof, are hereby adopted.

13 **Section 2. Interpretation of Captions**

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

17 **Section 3. Providing for Repeal of Laws in Conflict**

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

20 **Section 4. Severability**

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

25 **Section 5. Providing for a Savings Clause**

26 All development orders, permits, enforcement orders, ongoing enforcement actions,
27 and all other actions of the Board of County Commissioners, the Zoning Commission,
28 the Development Review Committee, Enforcement Boards, all other County decision-
29 making and advisory boards, Special Masters, Hearing Officers, and all other County
30 officials, issued pursuant to the regulations and procedures established prior to the
31 effective date of this Ordinance shall remain in full force and effect.

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

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

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


5 The provisions of this Ordinance listed in Exhibits A through M and O shall become
6 effective upon filing with the Department of State. The provisions of this Ordinance
7 listed in Exhibit N shall become effective upon the effective date of amendments to the
8 Plan to delete the Scientific Community Overlay and related provisions.

9
10 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
11 Beach County, Florida, on this the 24th day of January, 2008.


SHARON R. BOCK, CLERK &
COMPTROLLER

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

By:


Deputy Clerk

By:


Addie L. Greene, Chairperson
John F. Koons, Vice Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:


County Attorney

12
13
14
15 **EFFECTIVE DATE** for Exhibits A through M and O: Filed with the Department of
16 State on the 30 day of January, 2008.

17
18
19 **EFFECTIVE DATE** for Exhibit N: Effective date of amendments to the Palm
20 Beach County Comprehensive Plan to delete the Scientific Community Overlay and
21 related provisions.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 10/09/07)

Part 1. ULDC Art. 1.1.2, Definitions (Pages 40, of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

46. **Commercial Vehicle** - a vehicle principally used in commerce or trade or any vehicle that is not a recreational vehicle that exceeds the following limits: rated capacity of one ton; gross vehicle weight rating (GVWR) does not exceed 12,500 ~~of 40,000~~ pounds, including load; height exceeds nine feet, including any load, bed or box; and total vehicle length of 26 feet. Such vehicles shall include tow trucks, transport vehicles, construction vehicles, semi-trucks and step-vans.

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

44. **Sign** - any character, letter, figure, symbol, design or device or combination of these used to attract attention or convey a message and which is visible to any area outside of a building. The term includes banners, pennants, streamers, moving mechanisms and lights.

a. **Sign Types** -

17) **Equipment** – for the purposes of Art. 8, signs incorporated into displays, machinery, or equipment by a manufacturer, distributor, or vendor that identifies or advertises only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards, and umbrellas. [Ord. 2006-036]

31) **Marquee** - for the purposes of Art. 8, a projecting sign that is part of a permanent entryway or canopy and traditionally associated with theaters. A marquee may include a projecting vertical sign extending above the cornice line of a building.

35) **Moving** - for the purposes of Art. 8, the signs that are moved by mechanical or natural means such as wind. These signs including moving, revolving, rotating, and twirling signs.

57) **Vehicular** - for the purposes of Art. 8, a sign affixed to or painted onto a transportation vehicle or trailer, for the purposes of business advertising; however a ~~or~~ vehicular sign shall not include signs affixed to vehicles or trailers for identification purposes or signs required by licensing ordinances.

58) **Wall** - for the purposes of Art. 8, any sign affixed to the building which shall not extend beyond the peak of the roof at the location of the sign. Wall graphics, murals and art work are considered as signs and shall be included when calculating the total ~~and art work are considered as signs and shall be included when calculating the total~~ permitted square footage.

Part 2. ULDC Art. 1.1.3, Abbreviations and Acronyms (Page 101 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

GVWR Gross Vehicle Weight Rating

Notes:

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/02/07)

Part 1. ULDC, Art. 2.A.1, Applicability, [Related to Development Review Procedures], (page 7 of 51), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall be limited to the development order applications specified below. [Ord. 2006-036]

a. Board of County Commissioners (BCC)

The BCC, in accordance with the procedures, standards and limitations of this Article shall consider the following types of development order applications:

- 1) Official Zoning Map Amendment (Rezoning);
- 2) Class A conditional use;
- 3) Requested use;
- 4) Development Order Amendment (DOA);
- 5) Abandonment; and
- 6) Status Report;
- 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting government facilities within the PO Zoning District;
- 8) Waivers; and
- 9) Unique Structures.

b. Zoning Commission (ZC)

The ZC shall consider the following types of development order applications:

- 1) Class B conditional use;
- 2) DOA;
- 3) Abandonment, [Ord. 2006-036]
- 4) Status Reports; and [Ord. 2006-036]
- 5) The ZC is also granted the authority to consider, take action, and make decisions on applications for Type II variances. The ZC is not authorized to grant variances from the following Articles of the ULDC: [Ord. 2006-036]
 - a) Art. 1, General Provisions (excluding Article 1.F.3.B.1);
 - b) Art. 2, Development Review Procedures;
 - c) Art. 3.B.3, COZ, Conditional Overlay Zone;
 - d) Art. 4, Use Regulations (excluding provisions in Art. 4.D.5.C, Type IA Excavation, and Art. 4.D.5.D, Type IB Excavation);
 - e) Art. 5.D, Park and Recreation – Rules and Recreation Standards;
 - f) Art. 5.F, Legal Documents (excluding provisions in Art. 5.F.2, Easements);
 - g) Art. 5.G, Density Bonus Programs;
 - h) Art. 13, Impact Fees;
 - i) Art. 14, Environmental Standards;
 - j) Art. 15, Health Regulations;
 - k) Art. 17, Decision Making Bodies; and
 - l) Art. 1.I, Definitions and Acronyms; and [Ord. 2005-002] [2006-036]
- 6) Unique Structures.

Part 2. ULDC, Art. 2.A.1, Applicability, [Related to Development Review Procedures], (page 9 of 51), is hereby amended as follows:

CHAPTER A GENERAL

Section 1 Applicability

I. Review and Certification

3. Non-certification

If the application is not certified, the DRO applicant shall ~~receive a letter outlining~~ prepare a list of outstanding certification issues and comments. The ~~letter list~~ shall be made available no less than ~~five~~ seven days after review by the DRO. ~~If the issues are not satisfied within that time period, the application will be rescheduled for the next scheduled DRO review date.~~

a. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues and comments in a manner and form acceptable to the Zoning Division. The

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 11/02/07)

revised documents shall be submitted to all DRO agencies for review and comment on the resubmittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on the agenda a minimum of two days prior to the DRO meeting a minimum of 15 calendar days prior to the next scheduled DRO review date. [Ord. 2005-041]

J. Notification

2. Courtesy Mailing

- a. A notice shall be mailed to all property owners within 300 feet for Type IB and Type II variance applications, and appeals being heard before the Hearing Officer₁ and₁ within 500 feet or greater for all other public hearings, as required by the Zoning Director. This distance shall be measured from the property line of the affected area and shall include: [Ord. 2006-036]
- b. An extended 300-500 foot notice notification boundary shall be required to include future annexation areas, identified on the PBC Future Annexation Map in the Planning Division, areas that a municipality has identified as a future annexation area that are located within one mile of the request.

K. Public Hearing Procedures

3. Board Action

a. Action by ZC

The ZC shall conduct a public hearing on the application pursuant to the procedures in Article 2.B, PUBLIC HEARING PROCEDURES.

2) Rezoning₁, Class A Conditional Use₁, Requested Use₁, DOA

The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, and Requested Uses₁, Rezoning₁, and DOA's.

3) Class B Conditional Use, DOA, and Type II Variance

The ZC shall consider the₁ application, staff report₁, the relevant support materials, the DRO certification, and the public testimony, and evidence for the public record and given at the hearing. An application for a development permit for a Class B conditional use, which does not receive the required rezoning, shall be decertified. At the close of the public hearing, the ZC shall by not less than a majority of a quorum present approve, approve with conditions, modify, postpone, or deny the application. The actions shall be based on upon standards in Art. Article 2.B.1.B and Art. Article 2.B.3.E, Standards, applicable to all Conditional and Requested Uses, and Type II Variances, and any standards specifically applicable to the use as required in Art. 4.B, Supplementary Use Standards₁, thereby adopting a resolution approving, approving with conditions, or denying the proposed request use or Type II variance. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2006-036]

b. Action by BCC

3) Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based on the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, and Requested Uses₁, Rezoning₁, and DOA's, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court.

L. Actions by Decision Making Bodies or Persons

4. Findings / Results

All decisions shall be in writing and shall include the following elements:

- a. A statement of specific findings of fact; and
- b. A statement of approval, approval with conditions, or denial with or without prejudice. If there is a decision for denial, it shall be with prejudice unless determined otherwise by the decision making body or person.

6. Notification of Decision

Notification to the applicant of the final action by a decision making body or person shall be provided by the PBC official responsible for reviewing the application within five 10 days of the final decision. A copy of the decision shall be made available to the public.

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/02/07)

Part 3. ULDC, Art. 2.B.3, Type II Variance, [Related to Zoning and Subdivision Variance], (page 19 of 51), is hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCEDURES

Section 3 Type II Variance

B. Application Procedure

3. Sequence of Submittal

An application for a variance shall comply with the following:

- a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs first.
- b. If an application for a development order is contingent upon approval of a variance, then the variance shall be obtained prior to certification by the DRO.
- c. Application for a variance from the Airport Zoning regulations shall comply with the review procedures in Article 16, AIRPORT REGULATIONS.
- d. A pre-application meeting with staff shall be required prior to application submittal.

....

D. Review and Recommendation

1. Zoning and Subdivision Variances

The applicable PBC Departments shall review the application and forward ~~a report recommendations or comments~~ to the Zoning Director within 15 working days after the application is determined sufficient. The staff report shall contain recommended findings of fact and conclusions of law, and a recommendation of approval, approval with conditions, or denial with or without prejudice based on the standards in Art. 2.A.1.L, Actions by Decision Making Bodies or Persons.

Part 4. ULDC, Art. 2.D.1.C, Review Procedures, (page 25 of 51), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

C. Review Procedures

1. Staff Review

At least five days prior to the DRO review date, each applicant shall be provided a written list of issues, if any, which must be addressed prior to approval of the application. [Ord. 2007-001]

....

2. Action by the DRO

On the review date established by the DRO, the DRO shall inform each applicant of the revisions necessary for the application to receive approval. Each applicant shall be provided a maximum of three working days to revise minor outstanding issues ~~the application or a plan of development~~. Within seven ~~five~~ working days after the review date the DRO shall approve, approve with conditions, not approve, deny, withdraw or postpone each application on the agenda after reviewing the recommendations and comments provided by the agency officers. The DRO shall not approve a plan of development until the plan meets all applicable Code requirements, standards, policies, and conditions of approval.

3. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues for applications which were not approved in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted ~~a minimum of seven working days prior to the next scheduled review date~~ on the submittal date as established on the Annual Zoning Calendar. The applicant shall request to be placed on an agenda a minimum of two days prior to the meeting date.

Part 5. ULDC, Art. 2.D.1.G, Plan Amendments and Approval of Certain Site Plans, [Related to Administrative Approval Process] (page 27 of 51), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/02/07)

G. ~~Administrative Review Plan Amendments and Approval of Certain Site Plans~~

The DRO may approve minor amendments to site plans and subdivision plans, and approve new site plans, in accordance with the following procedures. [Ord. 2007-001]

1. ~~Amendments to BCC/ZC Approvals~~

~~The DRO shall have the authority to approve minor modifications to a plan of development order approved by the BCC or ZC. An application for a modification an amendment shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. , and the additional standards below. Applications must be submitted on deadlines established on the Annual Zoning Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the following:~~

- a. ~~The relocation of no more than 25 percent of the total approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.~~
 - 1) Relocated square footage shall not be used to create additional freestanding buildings or structures; and
 - 2) Buildings and structures shall not be relocated closer to perimeter property lines than shown on the plan approved by the BCC or ZC.
- b. ~~An increase of no more than five percent in the total floor area of any building or structure,~~
~~provided that no the increase shall does not exceed 1,000 square feet whichever is less;~~
- c. ~~An overall increase of not more than ten percent of the height of any structure;~~
- d. ~~Relocation of access points, and addition or deletion of internal access points;~~
- e. ~~Relocation of open space or recreation areas, provided that the request does such changes do not result in a substantial change in the amount, configuration, or character of open space or recreation approved by the BCC or ZC;~~
- f. ~~The redesignation of phasing provided the request redesignation meets the intent of the development order;~~
- g. ~~The modification shall not substantially change or increase the impacts reviewed in the originally anticipated impacts of the development order originally anticipated;~~
- h. ~~The modification shall not result in any substantial increase in traffic or access, as determined by the PBC; and~~
- i. ~~Requested uses in a PDD shall remain in the location approved by the BCC, unless a condition of approval allows relocation. [Text Relocated from Art. 2.D.1.G.2]~~

2. ~~Agency Review Expedited DRO Applications (EDA – Signature Only)~~

~~Type I EDA~~

~~Agency Review The Type I EDA is utilized for projects applications that may require the submittal of a new site plan, or amendment(s) to an existing approved site or subdivision plan. This type of application requires review, comment, and conditions by five or fewer DRO agencies as necessary to authorize the amendment. The Zoning Division will determine which agencies are required to review the amendment based upon the request and compliance with county ordinances. Typical amendments are, but not limited to, the following provided Section Art. 2.D.1.G.1 requirements are not exceeded:~~

- a. ~~Increases in building square footage;~~
- b. ~~Relocation of building square footage;~~
- c. ~~Transfer of building square footage;~~
- d. ~~Alternate Landscape Plans (ALPs);~~
- e. ~~Palm Beach County School Board Projects; and,~~
- f. ~~Type IB excavation.~~

~~Type I EDA's shall only be used for the approval of Type IB excavations and public schools. Applications must shall be submitted in accordance with the Annual Zoning Calendar, and placed on the next available DRO agenda, subject to approval by the Zoning Director. The EDA shall be submitted in accordance with and pursuant to the provisions in Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. The applicant shall be responsible for obtaining the recommendations of approval and any comments from the affected PBC departments or other agencies, DRO agencies, in a form and manner acceptable to establish by the Zoning Division Director. , a minimum of two working days before the scheduled DRO review date. [Ord. 2007-001]~~

~~Type II EDA~~

~~The Type II EDA is for amendments to an existing approved site plan or subdivision plan that requires recommendation and comment by five or fewer agencies as determined by the DRO. The EDA shall be submitted by appointment only, in accordance with Art. 2.A.1, Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review Procedures. The applicant shall be responsible for obtaining the~~

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/02/07)

recommendations from the affected PBC departments or other agencies, in a form and manner acceptable to the Zoning Division. [Ord. 2007-001]

3. Zoning Review

Zoning review is utilized for applications that require only Zoning Division approval of: minor corrections to tabular, additions and amendments to an existing approved site or subdivision plan. Typical amendments may include, but not be limited to the following:

- a. Change in sign location;
- b. Minor modifications to parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements);
- c. Relocation of terminal islands to accommodate trees or utility lines;
- d. Proposed phase lines;
- e. Reduction in building size;
- f. Proposed canopies;
- g. Minor revisions to lot lines to be consistent with plat;
- h. Temporary sales trailers (must first have been issued a Special Permit); and,
- i. Other minor structures.

The Zoning Director shall maintain PPM Z0-0-29, outlining a list of minor amendments, subject to periodical update, indicating which items are exempt from the Zoning administrative review process.

Applications shall be submitted in accordance with the intake dates established on the Annual Zoning Calendar, and pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures.

Part 6. ULDC, Art. 2.D.3.C, Type IA and Type IB Administrative Variances, (page 29 of 51), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

C. Type IB Administrative Variances

A pre-application meeting with staff shall be required prior to application submittal. Type IB variances may be considered for the following: [Ord. 2006-036]

1. ~~Single or Multi-Family Residential Projects~~ Lots of Three Units or Less

A variance may be requested for the following: [Ord. 2006-036]

- a. Setback reduction greater than five percent but not exceeding ~~fifteen~~ 15 percent of the minimum requirement. [Ord. 2006-036] [Text relocated from Art. 2.D.3.C.1]
- b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators.
- c. Relief from Excavation Standards (Art. 4.D.5.C, Type 1A Excavation, and 4.D.5.C, Type 1B Excavations).

2. Non Residential Projects

A variance may be requested for a the following:

- a. Setback reduction greater than five percent but not exceeding ~~fifteen~~ 15 percent of the minimum requirement,
- b. Reductions in the number of parking spaces not exceeding ~~fifteen~~ 15 percent of the minimum requirement; [Ord. 2006-036]
- c. Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Recreation Facility; Swimming Pools and Spas; Screen Enclosures; and Permanent Generators.
- d. Easement encroachment into a required landscape that exceeds five feet.

F. Time Limitation

Unless otherwise specified in the development order or a condition of approval, failure to utilize an administrative variance within one year of issuance, or by date specified in a condition of approval, shall result in the variance becoming null and void. If more than one variance was granted in the application, the use of one variance shall vest all other variances. Permitted time frames do not change with successive owners. Applications for extensions shall be submitted a minimum of 30 days prior to expiration. No request for an extension shall be considered unless submitted 30 days prior to expiration.

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/02/07)

Part 7. ULDC Art. 2.E.2.D.8, Decision of the BCC or ZC for Failure to Comply with the following: (page 37 of 51) is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

....

8. Decision of the BCC or ZC for Failure to Comply with the Following:

Time requirements to commence development, utilize a conditional or requested use or record a plat; or Non-performance security conditions (required by Article 12.C.2, Conditions). [Ord. 2005-002] [Ord. 2007-001]

a. The BCC or ZC shall consider the factors enumerated in Art. 2.E.2.D.2, Status Report, Review Criteria above, and the recommendation of PZB. [Ord. 2005-002]

b. After deliberation, the BCC or ZC shall take one or more of the following actions:

1) Grant a time extension:

a) To commence development, utilize a conditional or requested use, or record a plat for a period not to exceed 24 thirty-six months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency and the amendment of Conditions of Approval. [Ord. 2005-002]

Part 8. ULDC Table 2.E.3.B.1, Time Limitation of Development Order for Each Phase (Page 40 of 51) is hereby amended as follows:

CHAPTER E MONITORING

Section 3 Supplementary Regulations for Classes of Development Order

Notes:

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/02/07)

1

Table 2.E.3.B-1 - Time Limitation 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 ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
REZONING - RESIDENTIAL- NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) (Including any associated variance(s))		2	Record plat or affidavit of plat or waiver or commence development ¹	Three years ^{2,7}	no extensions permitted <u>Twelve months</u>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
REZONING - NONRESIDENTIAL- Non-PDD or TDD (Including any associated variance(s))		2	Commence development ¹	Three years ^{2,7}	12 months <u>Twenty-four months</u>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
CONDITIONAL USES CLASS A AND CLASS B, REQUESTED USES INCLUDING THOSE IN PDDs, and TDDs (Including any associated variance(s))		2 ⁵	Commence development or utilize Conditional Use or Requested Use if no construction is required ¹	Three years ^{2,7}	12 months <u>Twenty-four months</u>	Pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein: Class A - BCC review; Class B - Zoning Commission review
PDD: NON PLANNED UNIT DEV. (PUD) (Including any associated variance(s))		4	Commence development ¹	Three years ^{2,7}	12 months <u>Twenty-four months</u>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Art.2.E.2.D herein
PDD: PUD; TDD:TRADITIONAL NEIGHBORHOOD DEV. (TND) (Including any associated variance(s))		No maximum	Record plat ⁶	Three years ^{2,7}	no extensions permitted <u>Twelve months</u>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
TDD (Including any associated variance(s))	TMD IN THE AGR TIER	1	Commence development ¹	Three years ^{2,7} Or, for a TTD, as may be recommended by DRI or local government conditions of approval	12 months <u>Twenty-four months</u>	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
	TMD IN THE U/S TIER	4				
	TMD IN ALL OTHER TIERS AND TDD	No maximum				

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Notes:
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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/02/07)

1

Table 2.E.3.B-1 - Time Limitation of Development Order for Each Phase Con't

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 ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
PDD: PUD; TDD: TRADITIONAL NEIGHBORHOOD DEV. (TND) (Including any associated variance(s))	No maximum	Record plat ^{6, 8}	Three years ^{2, 7}	no extensions permitted	BCC review pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein
....					
[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-001]					
Notes:					
....					
8.	For projects with less than 1,500 residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 10 percent of the total number of residential units. For projects of 1,500 or more residential units, record one or more plats such that the total number of dwelling units in the recorded plat(s) is at least 150 residential units. This requirement shall apply to all complete applications for plat approval filed on or after (the date to be added being six months after the adoption date of the ULDC amendment). Plat applications filed prior to (the date to be added being six months after the adoption date of the ULDC amendment) shall 1) result in the plat(s) being recorded by (the date to be added being seven months after the adoption date of the ULDC amendment), or comply with this footnote; and 2) provide for residential dwelling units.				

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/25/07)

Part 1. ULDC, Table 3.B.2.A-1 – Airport Use Regulations (page 15 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 2 AZO, Airport Zoning Overlay

B. Applicability

2. Uses on Airport Properties

a. Use Regulations

1) Airport-Related Uses

Airport-related uses are directly related to general airport operations and maintenance including, but not limited to, maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, airport administrative offices, and communication facilities, as well as uses found within the terminals, including, but not limited to, restaurants, general retail sales and personal services. [Ord. 2006-036]

4) Specific Use Regulations

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

Table 3.B.2.A-1 – Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Residential Uses					
....					
Commercial Uses					
....					
Repair and Maintenance, General	P	A	CG or IG	107	All
Repair Services, Limited	P	D	CG or IG	108	All
....					
Recreation Uses					
....					
Entertainment, Outdoor	P		PO	46	All
....					
[Ord. 2006-036]					

Part 2. ULDC, Art. 3.C.1, Districts [Related to Standard Districts] (pages 48–52 of 148), is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 Districts

Section 1-A. Future Land Use (FLU) Designation and Corresponding Districts

Existing development having a zoning district corresponding to the FLU designation indicated in Table 3.C.1.A-15, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, shall be considered consistent with the Plan.

A. Purpose and Intent

The purpose of this section is to ensure that all development (land uses) is consistent with the Future Land Use Atlas of the Plan. Standard, PDD and TDD zoning districts have been adopted to be in compliance with the Plan. Unless exempted otherwise, all new development or subdivision of property shall be in a zoning district corresponding to the FLU designations indicated in the following tables:

- Standard Districts: Table 3.C.1.A, Future Land Use Designations and Corresponding Standard Zoning Districts; or
- Planned Development Districts: Table 3.E.1.B, PDD Corresponding Land Use; or
- Traditional Development Districts: Table 3.F.1.E, TDD Corresponding Land Use.

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS SUMMARY OF AMENDMENTS (Updated 10/25/07)

Table 3.C.1.A.-15 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

FLU Designation		Zoning District ⁽¹⁾				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP ⁵		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM ⁶	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE ⁷			
EDC	IL	IG				
Institutional/Civic						
INST	AR /PF	RE	RT	RS	RM	IPF
PARK	IPF	PO				
U/T	PO					

[Ord. 2006-004]

Notes:

Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.

1 The PO District is consistent with all FLU designations.

2 The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.

3 The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]

4 The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan

5 The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002] [Ord. 207-013]

6 The RM District is consistent with the MR-5 designation only for those areas already zoned RM.

7 Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

[Ord. 2006-004]

Notes:

- Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.
- The PO District is consistent with all FLU designations.
 - The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
 - The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]
 - The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan
 - The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002] [Ord. 207-013]
 - The RM District is consistent with the MR-5 designation only for those areas already zoned RM.
 - Certain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

B. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

- A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.C.1.A, Future Land Use Designation and Corresponding Standard Zoning Districts.
- The PO District is consistent with all FLU designations.
- The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- The AGR District is consistent with the SA FLU designation in the AGR Tier only.
- The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan.
- The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point.
- The RM District is consistent with the MR-5 designation only for those areas already zoned RM, prior to the Plan's August 31, 1989 adoption.
- Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.
- Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority.

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS

(Updated 10/25/07)

10. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district.

Section 2 B. Previous Zoning Districts

....
[ReNUMBER Accordingly.]

Section 3 C. Agricultural Districts

....
[ReNUMBER Accordingly.]

Table 3.C.3. 1.C-16 – AGR Contiguous Developments PDRs

....

Section 4 D. Conservation District

....
[ReNUMBER Accordingly.]

Section 5 -E-. Residential Districts

....
[ReNUMBER Accordingly.]

Section 6 -F-. Commercial Districts

....
[ReNUMBER Accordingly.]

Section 7 -G-. Industrial Districts

....
[ReNUMBER Accordingly.]

Section 8 -H. Public and Institutional Districts

....
[ReNUMBER Accordingly.]

Part 3. ULDC, Table 3.E.1.B-22, PDD Use Matrix, (page 73 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

B. Future Land Uses and Density

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/25/07)

Table 3.E.1.B-22 - PDD Use Matrix (cont'd)

Use Type	PUD					MUPD							MXPD				PIPD					
	Pods					Land Use Designations							Land Use Designations				Use Zone					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C	I			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	H	V	O	
S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	E	
				/							T					/		/	D	D		
				P												L	G					
Industrial Uses																						
....																						
Warehouse						<u>R</u>				P						P		P			138	
....																						
[Ord. 2005-002] [Ord. 2004-040] Notes: P Permitted by rights D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

Part 4. ULDC, Art. 3.E.2.F.4.d, Landscape Buffer [Related to AGR PUD] (page 92 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

4. Development Area

d. Landscape Buffer

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7, LANDSCAPING, except that a wall shall not be required. [Ord. 2006-004]

1) Reduction

A buffer required along the perimeter of a Development Area may be reduced by 50 percent if:

- a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
- b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or
- c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.

Part 5. ULDC, Table 3.F.2.A-46 – TDD Street Design Standards by Tier [Related to General Standards for TDDs]] (pages 116-118 of 148), is hereby amended as follows:

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/25/07)

Table 3.F.2.A-46 – TDD Street Design Standards by Tier¹

Type of Street	Street R-O-W Width	Travel Lanes		Curb & Gutter	Parking Lane (2 4)	Bicycle Lane	Utility Corridor	Sidewalk Pathway	Private Utility Easement (3 2)
		Number	Width						
All Tiers									
Commercial Street	42 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	No	27 ft.	15 ft. (4 3)	No
U/S Tier									
Collector: without on-street parking	64 ft.	2	11 ft.	2 ft.	No	5 ft. (both sides)	24 ft.	6 ft.	10 ft.
Collector: with on-street parking	74 ft.	2	11 ft.	2 ft.	8 ft. (both sides)	5 ft. (both sides)	27 ft.	6 ft.	10 ft.
Local Residential Street	62-66 ft.	2	10 ft.	2 ft.	8 ft.	No	25 ft.	5 ft. (multi-purpose pathway)	10 ft.
Exurban/Rural/Agricultural Reserve Tier									
Plan Roadway Collector	104 ft.	2	11 ft.	4 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.
Non-Plan Roadway Collector	100 ft.	2	11 ft.	2 ft. shoulder. No Curb & Gutter	No	No	27 ft.	8 ft. (multi-purpose pathway)	10 ft.
[Ord. 2005 – 002]									
Notes:									
1. Unless otherwise stated herein, exceptions to dimensions shall only be permitted to accommodate turn lanes at the perimeter of a TMD, TND or TTD for turn lanes required by the PBC Engineering Department, or for roundabouts or other traffic calming measures typically associated with a TDD. This exception shall not be permitted for divider medians.									
2 1. Parking lane dimensions include the curb and gutter dimensions.									
3 2. Easements may be collocated with alleys.									
4 3. Includes a minimum ten-foot wide pedestrian sidewalk that may be reduced for arcades, and a minimum five foot wide strip for street trees and street lights. This dimension may be increased by up to ten feet in width (for a total of 20 feet) to accommodate outdoor dining areas, or larger street tree and street light areas.									

Part 6. ULDC, Art. 3.F.4.D.4.a.4), Arcaded Sidewalk [Related to Standards for Primary Frontage for TMDs] (page 141 of 148), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

4. Frontages and Residential PDRs

a. Standards for Primary Frontage

4) Arcaded Sidewalk

At least 50 percent of the Primary Frontages shall have arcaded sidewalks. Arcades shall be a minimum of ten feet in width, including any support column intrusions, and have a minimum height clearance of 12 feet from ground to ceiling. Building floor area is allowed above an arcade. The arcade shall provide for a pedestrian walkway a minimum of eight feet in width with no encumbrances such as support columns, but may be reduced to six feet in width to provide for outdoor dining areas, as illustrated in Figure 3.B.15.G, WCRAO Arcade and Gallery Standards. [Ord. 2005 – 002]

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 9/13/07)

Part 1. ULDC, Art. 4.B.1.A.34.b, Congregate Living Facility [Related to the RM District] (page 40 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

34. Congregate Living Facility

b. Separation

2) Location of Type 2 and Type 3

a) RM District

A Type 2 CLF shall be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF, ~~and 500 feet from a single-family dwelling unit.~~

Part 2. ULDC, Art. 4.B.1.A.70.h.4), Insurance [Related to Instructional Services] (page 53 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

70. Home Occupation

A business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public, such as gun dealers.

h. Instructional Services

Instructional services shall meet the following additional regulations:

4) Insurance

Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Business Tax Receipt Special Permit.

....

Part 3. ULDC, Art. 4.B.1.A.115.d, Retail Sales, Mobile or Temporary (page 77 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

115. Retail Sales, Mobile or Temporary

d. Mobile Sales

6) Duration Hours of Operation

Mobile sales may operate between the hours of 6:00 a.m. and 8:00 11:00 p.m. daily

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 10/25/07)

Part 1. ULDC, Art. 5.B.1.B.3, Temporary Structures [Related to Right of Way (R-O-W) Construction Staging Areas] (page 25 of 68), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

3. Temporary Structures and Uses During Development Activity

Temporary structures and uses may be allowed as follows:

....
e. Right of Way (R-O-W) Construction Staging Areas

This section shall only apply to staging areas located on or adjacent to residentially zoned parcels.

1) Use

A R-O-W construction staging area shall be utilized for the temporary overnight storage of materials used during infrastructure improvement.

2) Special Permit

A Special Permit shall be obtained from the Zoning Division prior to utilizing a site for staging. A site plan may be submitted in lieu of the survey.

3) Hours of Operation / Use

Activity on the site shall not commence prior to 7:00 a.m. and must be completed prior to 10:00 p.m. A Type IB Administrative Variance may be applied for to request deviation from this provision.

4) Setbacks / Separations

Stored materials shall not be located within the required minimum district setback.

5) Screening

Temporary screening material, a minimum of five feet in height and 85 percent opacity, shall be provided around the perimeter of the staging area, adjacent to residential uses, to mitigate visual impact.

6) Dust Control

Appropriate measures shall be taken, pursuant to Health Department requirements, to control dust or other airborne particulate matter.

7) Exceptions

Projects with a duration of 30 days or less shall be exempt from the requirements of this section.

f. Modular and Manufactured Structures

1) Use

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

2) Approval Process

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

3) Time Limitations

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

Part 2. ULDC, Art. 5.B.3.d.1).c), Temporary Dwelling During Home Construction [Related to Special Permit] (page 27 of 68), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

3. Temporary Structures During Development Activity

Temporary structures may be allowed as follows:

d. Mobile Home While Constructing SFD

Notes:

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS (Updated 10/25/07)

1) Temporary Dwelling During Home Construction

In the AR-Rural district, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:

....

c) ~~Special Permit~~

~~A special permit valid for two years shall be obtained. In no case shall the total time exceed the permitted maximum of two years; and~~

....

Part 3. ULDC, Art. 5.D.2.G, County Park Landscape Standards (page 40 of 68), is hereby amended as follows:

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

G. County Park Landscape Standards

This section recognizes that public parks require landscaping flexibility in landscape design to address unique natural and manmade resources circumstances and design requirements that serve the public. County park landscape standards are applicable in all development Tiers and promote open views and vistas into natural landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the public. Deviations for PBC owned and operated public parks from the landscaping requirements of Art. 7, Landscaping, are as follows: [Ord. 2006-004]

1. General Standards

a. Minimum Tree Quantities

A minimum of one tree is required per ~~1,000~~ 1200 sq. ft. overall area, excluding lakes, natural areas and organized recreation areas. [Ord. 2006-004]

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 sq. ft. ~~overall~~ of impervious area, excluding lakes and wetlands organized recreation areas. [Ord. 2006-004]

....

Part 4. ULDC, Art. 5.G, Density Bonus Programs (page 53 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

The WHP or the TDR Program are the required methods for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific FLUA Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments.

Part 5. ULDC, Art. 5.G.2.A, Purpose and Intent [Related to TDR Program] (page 59 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

A. Purpose and Intent

The purpose of this Chapter is to provide for a TDR Program, including the establishment of a TDR Bank, to facilitate both the protection of environmentally sensitive lands, the preservation of agriculture on lands designated as AGR on the FLUA, and to promote orderly growth in PBC. This is accomplished by allowing development rights to be severed from environmentally sensitive lands and lands designated as AGR and transferred to sites where additional development can be accommodated. The TDR program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services and facilities.

Further, it is the purpose and intent of this Chapter to provide an alternative to the development of environmentally sensitive lands and lands designated as AGR on the FLUA by establishing a mechanism to seek economic relief from the limitation of development imposed on these lands. TDR can mitigate inequities in the valuation of land by providing a means of compensating landowners whose property is restricted, by permitting the sale of development rights, and

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS

(Updated 10/25/07)

making landowners in more intensively developed areas pay for the right to develop beyond the existing density, by purchasing development rights.

The TDR Program allows a property owner to achieve a density bonus by purchasing the increase in density from the PBC TDR Bank, or from a property owner with land in a designated sending area, without going through the land use amendment process. In order to increase density, the site must meet the requirements to become a designated receiving area and follow the procedures as described in this Chapter. After development rights have been transferred from the sending area to the receiving area, an appropriate conservation easement or an agricultural conservation easement shall be attached to the sending area and recorded in the public records of PBC, restricting future development potential.

~~The TDR Program is the required method for increasing density above the maximum density permitted by a property's FLUA designation within unincorporated PBC, unless an applicant can both justify and demonstrate a need for a Site Specific Plan Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in Art. 2.C, FLU Amendments, or the applicant is using the WHP as outlined in Art. 5.G, Density Bonus Programs.~~ **[Text Relocated to Article 5.G, Density Bonus Programs.] [Ord. 2005 – 002]**

Part 6. ULDC, Art. 5.G.2, Transfer of Development Rights (TDR) – Special Density Bonus Programs (page 65 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

I. TDR Density Bonus Limitations

1. WHP 50 Percent Requirement

~~In accordance with FLUE Policy 2.6-a.5 of the Plan, 50 percent of all TDR density bonus units shall be provided as WHP units. These units shall be constructed on site; comply with the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and Art. 5.G.1.G, Affordability Requirements; and, Art. 5.G.1.C, Design Requirements. The project shall only be eligible to apply for the following WHP incentives: Art. 5.G.1.D.2, TPS Mitigation; Art. 5.G.1.D.3, Expedited Review; and, Art. 5.G.1.D.4, Density Bonus Development Options.~~

2. Permitted Density Ranges

~~The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Article 5.G.2.H, Receiving Areas, Article 5.G.2.J, TDR: Receiving Area Procedure, and the following:~~

~~a. Approved receiving areas may receive a bonus density as follows:~~

- ~~1) Receiving areas in the U/S Tier west of Florida's Turnpike: up to two du/acre; or,~~
- ~~2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three du/acre; or,~~
- ~~3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre.~~

~~b. Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the aforementioned density bonus ranges.~~

- ~~1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the U/S Tier; and~~
- ~~2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier.~~

~~In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.~~

[Text relocated from deleted Art. 5.G.2.H.5, Residential Density Bonus.]

[Renumber Accordingly]

Part 7. ULDC, Art. 5.G.2.E.2, Responsibilities [Related to Administration of TDR Program] (page 61 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

E. Administration

2. Responsibilities

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS (Updated 10/25/07)

- The Executive Director of PZB shall be responsible for:
- Establishing, administering and promoting PBCs TDR Program;
 - Establishing and administering the TDR Bank;
 - Ensuring the orderly and expeditious processing of TDR applications under this Chapter;
 - Ensuring the contracts for sale and purchase of development rights are executed and all deeds and conservation easements are filed in the public records of PBC;
 - Ensuring that the Property Appraisers Office is notified of all TDRs;
 - Ensuring that the densities approved through the TDR Program are placed on the FLUA as notations following approval of the TDR receiving area; and,
 - ~~Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate FLU designation for the sending areas following recordation of the deed of transfer;~~
 - gh. Ensuring that the FLUA is amended by a staff initiated Site Specific Plan amendment to reflect an appropriate land use designation for land acquired by PBC whose units are placed in the TDR bank; ; and
 - ~~i. Coordination with municipalities in the administration of the TDR provisions.~~

Part 8. ULDC, Art. 5.G.2.H, Receiving Areas [Related to Transfer of Development Rights (TDR) Program – Special Density Program] (page 63 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

H. TDR Receiving Areas

Part 9. ULDC, Art. 5.G.2.H.5, Residential Density Bonus [Related to Transfer of Development of Rights (TDRs) – Special Density Program] (pages 64-65 of 68), is hereby deleted as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

H. Receiving Areas

5. ~~Residential Density Bonus~~

~~The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Article 5.G.2.H, Receiving Areas, and Article 5.G.2.J, TDR: Receiving Area Procedure. The following density increases may apply to properties which meet the receiving area criteria:~~

- ~~Approved receiving areas may receive a bonus density as follows:~~
 - ~~1) Receiving areas in the U/S Tier west of the Florida Turnpike: up to two du/acre additional; and~~
 - ~~2) Receiving areas in the U/S Tier east of the Florida Turnpike, but not in a Countywide Community Revitalization Team (CCRT) revitalization and redevelopment area: up to three du/acre additional; and~~
 - ~~3) Receiving areas in the Revitalization and Redevelopment Overlay: up to four du/acre additional.~~
- ~~Receiving areas meeting one or both of the following criteria shall be eligible for an additional one du/acre density bonus above the density bonus described in Article 5.G.2.H.5, Residential Density Bonus.~~
 - ~~1) Receiving areas within ¼ mile radius of a public park, community commercial facility or mass transit facility within the U/S Tier; and~~
 - ~~2) Receiving areas within ¼ mile radius of a regional commercial facility or a major industrial facility within the U/S Tier.~~

~~In order to be eligible for the additional one du/acre density bonus, at least 25 percent of the receiving area must be located within the required radius. The density bonus shall apply to the entire receiving area.~~

[Renumber Accordingly]

Part 10. ULDC, Art. 5.G.2.H.6, Prohibitions [Related to TDR Receiving Areas] (page 65 of 68), is hereby amended as follows:

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS SUMMARY OF AMENDMENTS

(Updated 10/25/07)

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

H. Receiving Areas

6. Prohibitions

Under no circumstances shall a receiving area contain a sending area as defined in Article 5.G.2.F.2, Eligible Sending Areas. This shall not apply if the project is providing all of the units at prices attainable by persons making between 30%-120% of AML. The County shall establish the actual prices for each unit and each unit shall be deed restricted consistent with Art. 5.G.1.G, Affordability Requirements.

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EXHIBIT F

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 8/16/07)

Part 1. ULDC, Table 7.F.9.B.7, Incompatibility Buffer Standards (page 40 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 9 Incompatibility Buffer

An incompatibility buffer shall be required between all incompatible use types or incompatible pods in a Planned Development, in accordance with the requirements of Table 7.F.9.A-7, Incompatibility Buffer Standards, shall provide a minimum six foot high continuous solid opaque visual screen composed of hedges or shrubs, either alone or in combination with a wall, fence, or berm.

A. Type

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B-8 Required Incompatibility Buffer Types.

Table 7.F.9.A.B.—7, Incompatibility Buffer Standards

Buffer Type	Width (in feet)	Walls Required	Minimum Screen Height (in feet)	Maximum Tree Spacing (in feet, on center)
Type 1	10	No	6	20
Type 2	15	No	6	20
Type 3	20	Yes ¹	6	20
Note: 1. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer.				

Part 2. ULDC, Table 7.F.9.B-8, Required Incompatibility Buffer Types, (page 40 of 50), is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 9 Incompatibility Buffer

B. Determining Incompatibility Buffer Type

The type of incompatibility buffer required shall be the highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 7.F.9.B-8, Required Incompatibility Buffer Types. In the case of a conflict, the most restrictive buffer type shall be required.

Table 7.F.9.B-8 - Required Incompatibility Buffer Types

Building Height Difference Between Adjacent Uses		Required Buffer Type
14 to 28 ft.		Type 1
28 to 35 ft.		Type 2
Greater than 35 ft.		Type 3
Existing Use Type Difference Between Adjacent Uses	Proposed Use Type	Required Buffer Type
Single-Family	Multi-Family, Type II CLF	Type 1
Residential	Commercial	Type 2
Residential	Recreational	Type 2
Residential	Civic	Type 2
Residential	Agricultural	Type 3
Residential	Industrial	Type 3
Residential	Utility	Type 3

Notes:

1. Buffer for minor utilities shall be determined by the DRO.
2. If the height and use differences in Table 7.F.7.B-6 are not applicable, then a compatibility buffer shall be required. (See Art. 7.F.8, Compatibility Buffer)
3. Determination of use types subject to Art. 4.A.3.A-1, Use Matrix.

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EXHIBIT G

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 10/16/07)

Part 1. ULDC, Art. 8.B.2, Small Signs [Related to Exemptions for Signage] (page 8-9 of 38), is hereby amended as follows:

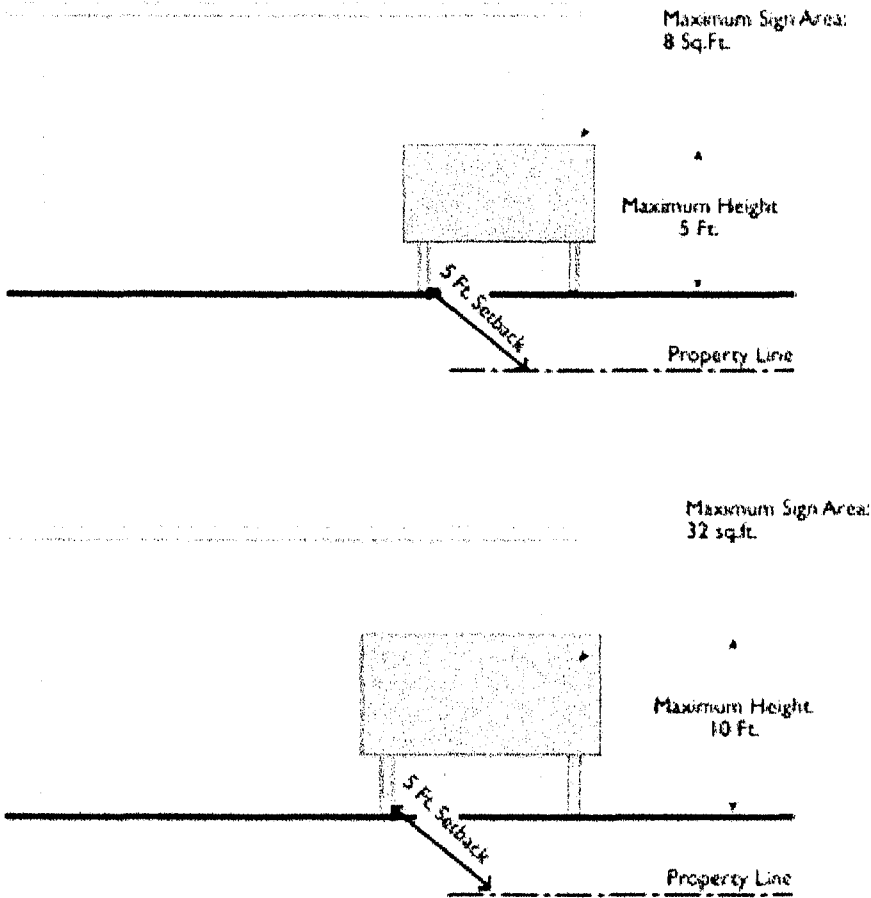
CHAPTER B EXEMPTIONS

Section 2 Small Signs

Small signs shall include but not be limited to the following types of signage and corresponding limitation on sign face area:

- A. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum of eight square feet in sign face area and five feet in height.
- B. Other small signs shall include but not be limited to temporary signs such as real estate for sale and for rent signs; construction signs which typically include names of the project, contractors, architects and other entities associated with the project; freedom of speech signs; campaign signs, provided such signs are removed within ten days after the election date; permanent signs such as public warning signs; official government signs and commemorative plaques. ~~These~~ Other small signs shall be limited to a maximum of eight square feet of sign face area and five feet in height on residential properties less than five acres in size, and a maximum of 32 square feet of sign face area and ten feet in height for all non-residential properties and residential properties greater than five acres in size. [Ord. 2006-036]

Figure 8.B.2 – Typical Example of Small Construction Signs



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EXHIBIT G

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 10/16/07)

Figure 8.B.2 – Typical Example of Small Equipment Signs

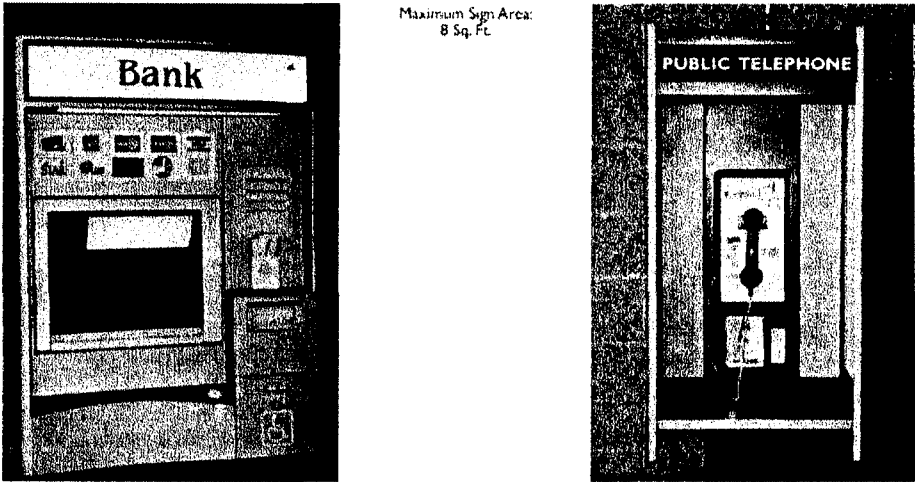


Figure 3.B.2 – Typical Example of Small Mobile Vendor Sign

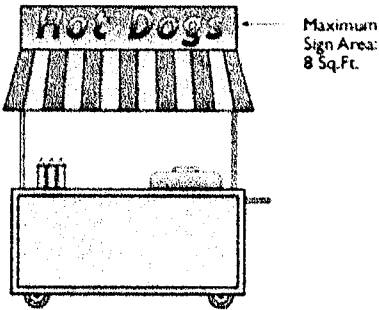


Figure 8.B.2 – Typical Example of Small On-Site Directional Sign

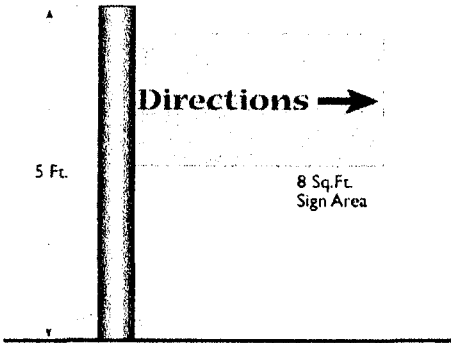
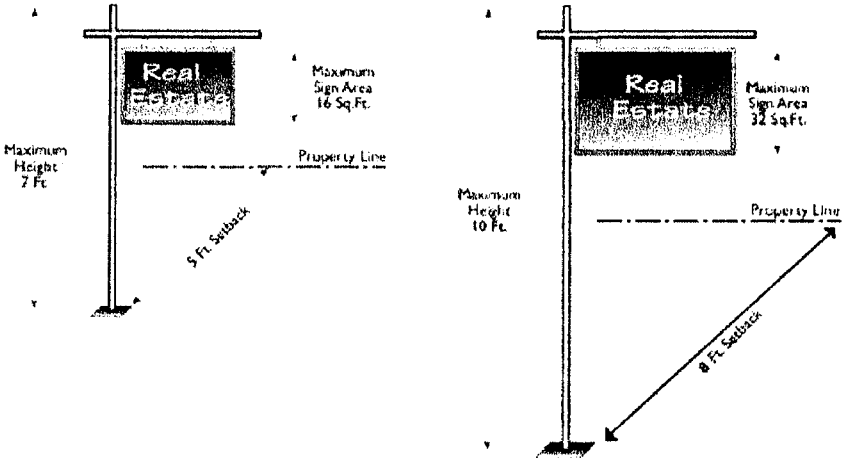


Figure 8.B.2 – Typical Example of Small Real Estate Signs



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EXHIBIT G

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 10/16/07)

Part 2. ULDC, Art. 8.C, Prohibitions [Related to Sign Prohibitions] (page 10 of 38), is hereby amended as follows:

CHAPTER C PROHIBITIONS

Section 1 Banners, Streamers, ~~or Pennants~~, or Balloons

Banners, streamers, pennants, balloons and other signs made of lightweight fabric, plastic or similar material, ~~except any sign grand opening banners~~ with a valid special permit or where otherwise stated in this Article Section. [Ord. 2007-001]

Section 4 Mobile Signs

Any sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, "A-frame" or sandwich type, sidewalk or curb signs, blank copy signs, and unanchored signs, except where otherwise stated in this Article Section.

Part 3. ULDC, Table 8.D.4-3, Temporary Sale Sign Standards [Related to Temporary Signs Requiring Special Permit] (page 14 of 38), is hereby amended as follows:

Table 8.D.4-3 – Temporary Sale Sign Standards

Maximum Sign Area	32 20 sq. ft.
Maximum Height	10 8 ft.

Part 4. ULDC Art. 8.D.6, Temporary Non-Residential Development Signs [Related to Temporary Signs Requiring Special Permits] (page 14 of 38), is hereby amended as follows:

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

Section 6 Temporary Non-Residential Development Signs

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO.

- A. Maximum height: ten eight feet;
B. Maximum sign area Area: 32 square feet.

Part 5. ULDC Art. 8.G.3.C, Flags and Freestanding Poles (page 30 of 38), is hereby amended as follows:

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 3 Other Sign Types

C. Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C-12, Flag and Flagpole Standards. Flag poles and related structures designed to display a flag require a building permit.

Part 6. ULDC Art. 8.I.4.F, Illegal Signs in Public R-O-W (page 38 of 38), is hereby amended as follows:

CHAPTER I ADMINISTRATION AND ENFORCEMENT

Section 4 Removal of Signs in Violation of this Article

F. Illegal Signs in Public R-O-W

Illegal signs in the public R-O-W may be immediately removed by the PBC. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by PBC. However, if the approximate value of the sign or other structure is determined to be greater than \$500.00 ~~300.00~~ and the sign bears the name of the owner, the sign owner shall be notified and

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EXHIBIT G

ARTICLE 8 - SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 10/16/07)

the sign shall be removed, stored, or returned, as the case may be, in accordance with the procedures in this Section.

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EXHIBIT H

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS SUMMARY OF AMENDMENTS

(Updated 10/16/07)

Part 1. ULDC, Art. 12.B.2.D, Radius of Development/Project Significance (page 17 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

D. Radius of Development Influence/Project Significance

-
3. Pursuant to section 163.3180(6), Florida Statutes, any Project which is below the Significance level identified in Tables 12.B.2.D-9 3C on a Link within its Radius of Development Influence that has been identified as ineligible for de minimis exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test One for that Link. This subsection shall not apply to a Project that consists of one single family home on an existing lot.
4. Transportation Element Policy 1.2-f.41, of the Palm Beach County Comprehensive Plan establishes a temporary CRALLS on certain roadway links for the exclusive use of Projects with insignificant impact on the identified links. In order to meet this Policy, all Projects seeking to use this temporary CRALLS must implement one of the mitigation requirements set forth below:
- a. Prior to issuance of the first building permit, Developer shall pay a one-time mitigation fee of \$ 36 per net Project peak hour trip on the affected temporary General CRALLS link or links. If more than one temporary General CRALLS link is impacted by Project traffic, then the cumulative number of Project peak hour trips on all affected links shall be used to calculate the mitigation fee. The mitigation fee rate per net Project peak hour trip is calculated as follows (assuming that the majority of peak hour trips on the roadway are commuter trips to and from work):
- 1) Annual cost of traffic congestion in South Florida (from 2007 Annual Urban Mobility Report, Texas Transportation Institute) = \$900 per motorist per year.
 - 2) Estimated average length of temporary General CRALLS roadway link = One mile (based upon 2006 year General CRALLS list).
 - 3) Estimated average length of Palm Beach County work trip = 12.5 miles (based upon U.S. Census Journey to Work average time of approximately 25 minutes for Palm Beach County and an average peak hour speed from 2001 National Household Travel Survey of approximately 30 MPH).
 - 4) Project trip length on the affected temporary General CRALLS link is approximately one mile/12.5 miles = 0.08 of the total work trip length.
 - 5) Annual congestion cost of Project peak hour trips on affected temporary General CRALLS link (since these links are identified once every year) = 0.08 x \$900 / year = \$72/ year.
 - 6) Annual congestion cost of Project peak hour trips attributable to each trip end (either production or attraction) = \$72 / year / two = \$36/ year
- These fees shall be deposited in a separate Fee Account for the roadway Link and shall be used to improve mobility on the affected temporary General CRALLS roadway Link. If PalmTran or Tri-Rail mass transit service is available within 0.25 mile walking distance of the main on-site building entrance (for non-residential developments) or within an average 0.25 mile walking distance of all housing units (for residential developments), then these fees shall be dispersed to either Palm-Tran or Tri-Rail for free transit passes for Project employees or residents. If no mass transit service is available within the 0.25 mile walking distance, then the fees shall be dispersed to South Florida Commuter Services to fund an ongoing on-site ridesharing program (for non-residential projects) or other affected General CRALLS link-related transportation demand management improvements (for residential projects), subject to the approval of the County Engineer.
- b. Develop at a density or intensity which is fifty percent or less of the allowable maximum under the future land use designation.
- c. Develop a low generation traffic sensitive Project, which will generate fifty percent or less of the 2-way PM peak hour traffic expected under the general land use category permitted by right for the applicable zoning district (assuming the maximum FAR for non-residential land uses or maximum density for residential land uses).
- d. Prepay fair share road impact fees in full within six months of the approval of the Project's initial development order or prior to the issuance of the first building permit, whichever shall first occur.
- e. Provide inter-connectivity between complementary neighboring land uses for both vehicular and pedestrian cross-access. Such interconnectivity shall consist of an access easement on the parcel's plat, or recorded as a restrictive covenant, to ensure the access will remain should redevelopment of the site occur. Prior to final master or site plan

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EXHIBIT H

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 10/16/07)

approval, the Developer shall obtain a reciprocal access easement or restrictive covenant from the adjacent property owner to complete the inter-connectivity. The development orders of the properties involved shall require the construction of the cross-access. These mitigation measures for the General CRALLS shall no longer be available for use by new developments approved after December 31, 2012.

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EXHIBIT I

ARTICLE 14 – ENVIRONMENTAL STANDARDS SUMMARY OF AMENDMENTS

(Updated 11/2/07)

Part 1. ULDC, Art. 14.C.7.A.4, Requirements and Processes [Related to Standard Permit Applications] (page 33 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 7 Application, Process, and General Standards

A. Requirements and Process

4. Standard Permit applications shall be deemed inactive until such time that written notice is received by ERM that application has been made for a building permit, land development permit, request for review of technical compliance for parcels for which a land development permit is not required or noticed completeness of requested information is received. The permit shall be issued at the time of the issuance of one of the foregoing, as applicable, or within 30 working days of determination by ERM that the application is complete and there are no outstanding violations of Article 14.C, VEGETATION PRESERVATION AND PROTECTION, on the parcel. ERM shall make a parcel inspection within 15 working days of a request by a parcel owner.

....

Part 2. ULDC, Art. 14.C.11.B.2, Incorporation or Relocation of Existing Native Vegetation (page 37 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. Technical Requirements for a Standard Permit

2. Incorporation or Relocation of Existing Native Vegetation

Existing native vegetation shall be incorporated into the site plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. *There is no requirement to provide vegetation for surplus.* [Relocated from below] Non-relocatable native vegetation that cannot be maintained on the parcel shall be mitigated for in accordance with the Tree Replacement Table 14.C.16-1, Tree Replacement, and accepted by ERM prior to the receipt of the CO. ~~There is no requirement to provide vegetation for surplus.~~ ERM shall also consider: [Ord. 2005-002]

....

Part 3. ULDC, Art. 14.C.11.C.1, Option For Permit in Advance Of Approval By Other Agencies (page 40 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

C. Standard Permit Options

The following options are available on a voluntary basis to applicants seeking a standard permit:

1. Option For Permit in Advance Of Approval By Other Agencies.

The speculative removal or elimination of native vegetation in advance of parcel improvement is not consistent with the goals of this Chapter. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A standard permit may be issued by ERM in advance of issuance of the Land Development Permit, building permit or ~~written notification of technical compliance~~ if, in addition to the application requirements contained in Article 14.C.11.B, Technical Requirements for a Standard Permit, the following additional information is provided:

- Evidence of submittal of an application for a Land Development Permit and fee payment; or
- If no Land Development Permit is required, evidence of issuance of a Letter of Technical Compliance ~~submittal of an application for a Technical Compliance Review~~ and fee payment, and a copy of the SFWMD early works permit for the parcel; and

....

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EXHIBIT I

ARTICLE 14 – ENVIRONMENTAL STANDARDS SUMMARY OF AMENDMENTS

(Updated 11/2/07)

Part 4. ULDC, Art. 14.C.15.B.1, Enforcement (page 43 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 15 Violations

B. Enforcement

1. To enforce compliance with this Chapter, ERM may issue a cease and desist order or require that a building permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following:
 - a. Quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;
 - b. Quadruple permit modification fees for activities conducted with a valid permit that are inconsistent with the stated permit conditions and result in a need to modify the existing permit.
 - b.c. Remedies outlined in Article 10, CODE ENFORCEMENT, of the Code;
 - e.d. Any applicable remedies under F.S. Chapters 125 and 162, as amended;
 - e.e. PBC may take any other appropriate legal action, including but not limited to, administration action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and
 - e.f. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of single-family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution R89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

Part 5. ULDC, Art. 14.C.16, Mitigation or Restoration (page 37 of 56), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 16 Mitigation or Restoration

When native trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate shown in the Table 14.C.16-1, Tree Replacement and Art 14.C.16.B, below. For replacement vegetation which dies other than by damage or destruction, the replacement value shall be that in Table 14.C.16-1, Tree Replacement. Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. Table 14.C.16-1, Tree Replacement, shall apply to mitigation or restoration as follows: [Ord. 2005 - 002] [Ord. 2006 - 036]

-
- i. All replacement plants specified in the Standard Permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by ERM.

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Notes:

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT J

ARTICLE 16 – AIRPORT REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/16/07)

Part 1. ULDC, Art. 16.C.4), Administration [Related to] (page 13 of 14), is hereby amended as follows:

CHAPTER C AIRPORT LAND USE REGULATIONS

Section 4 Administration

- A. This section of the ULDC shall be interpreted by the Director of Airports. PZB, in consultation with the DOA, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority shall administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a Tall Structure Permit is required, then the DOA shall administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article.
- B. In the event that any violation of the requirements of this Article are found, the Director Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Section.
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that effect the definitions or height limitations of the zones established herein.
- D. Airport signage shall not be subject to the requirements of Article 8 of the ULDC. Proposed signage shall be subject to review by the Aviation and Airports Advisory Board and approved or amended in conjunction with the master plan.

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EXHIBIT K

LAND USE ADVISORY BOARD SUMMARY OF AMENDMENTS (Updated 1/24/08)

Part 1. ULDC, Art. 1.1.3, Abbreviations and Acronyms, Land Use Advisory Board (page 102-103 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

....
LUAB Land Use Advisory Board

....
PLC Planning Commission

....

Part 2. ULDC, Art. 17.C.11, Land Use Advisory Board (pages 17 and 18 of 25), is hereby amended as follows:

CHAPTER C APPOINTED BODIES

Section 11 ~~Land Use Advisory Board~~ Planning Commission

A. Establishment

There is hereby established a ~~Land Use Advisory Board (LUAB)~~ Planning Commission (PLC).

B. Powers and Duties

The ~~LUAB~~ PLC shall have the following powers and duties under the provisions of this Code:

1. to serve as the Local Planning Agency (LPA) per F.S. § 163.3174, and to provide recommendations on the preparation of the Plan, or any element or portion thereof, and any text amendments thereto to the BCC;
2. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications to amend the Plan, including Site Specific (Future Land Use Map) amendments to the Plan;
3. to initiate, review, hear, consider and make recommendations to the BCC to approve, approve with conditions, or deny applications for the VDB Program;
4. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments;
5. to make additional or amended rules of procedure not inconsistent with this Section to govern the ~~LUAB~~ PLC's proceedings;
6. to make studies of the resources, possibilities and needs of PBC and to report its findings and recommendations, with reference thereto, from time to time, to the BCC;
7. to submit an Annual Report to the BCC summarizing its annual activities; and
8. to review and make recommendations to the BCC on Transportation Concurrency Management Area (TCMA) and Constrained Road at Lower Levels of Service (CRALLS) or a major thoroughfare on which a lower LOS is set pursuant to Art. 12, Traffic Performance Standards.

C. Board Membership

1. BCC Appointed Members

The ~~LUAB~~ PLC shall be comprised of 16 members; 15 BCC appointed members and one representative of the School District of PBC.

a. Qualifications

Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

b. Appointment

Each member of the BCC shall appoint two members to the LUAB. One member of the LUAB shall be appointed at large by a majority vote of the BCC.

c. Terms of Office

Members of the PLC LUAB shall hold office until the first Tuesday after the first Monday in June of the year their term expires.

2. School District Member

The School District of PBC shall appoint a representative to attend those meetings at which the ~~LUAB~~ PLC will consider a Plan amendment, which would, if approved, increase residential density of the property that is the subject of the application. The school member shall be a non-voting member and shall not count toward quorum.

D. Officers; Secretary; Staff

1. Chair and Vice-Chair

Notes:

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EXHIBIT K

LAND USE ADVISORY BOARD SUMMARY OF AMENDMENTS (Updated 1/24/08)

There shall be no limit on the number of consecutive terms that may be served by the Chair or Vice-chair. The Chair and Vice Chair positions shall rotate annually and shall only be held by regular members. No Board member shall serve consecutive terms as Chair or Vice-Chair.

2. **Secretary**

The Planning Director of PZB shall serve as Secretary of the PLC LUAB. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the PLC LUAB, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the PLC LUAB members voting. In addition, the Secretary shall maintain all records of PLC LUAB meetings, hearings, proceedings, and the correspondence of the PLC LUAB. The records of the PLC LUAB shall be stored with the agency serving as Secretary herein, and shall be available for inspection by the public, upon reasonable request, during normal business hours.

3. **Staff**

The Planning Division of PZB shall be the professional staff of the PLC LUAB. The Planning Division staff shall be responsible for, providing a recommendation to the PLC LUAB on all items scheduled for it's consideration. Plan amendments, including amendments to any maps included as part of the Plan.

E. **Rules Applicable to Local Planning Agency**

1. The agenda of the PLC LUAB sitting as the LPA shall be as prepared and presented by the PBC Planning Division and such agenda shall not be deviated from without a two-thirds vote of a quorum of the LPA.
2. Failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174, as may be amended from time to time.

F. **Meetings**

General meetings of the PLC LUAB shall be held as needed to dispense of matters properly before the PLC LUAB. Special meetings may be called by the Chair or in writing by a majority of the members of the PLC LUAB. Staff shall provide 24-hour written notice to each PLC LUAB member before a special meeting is convened.

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Notes:

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EXHIBIT L

ARTICLE 18 – FLOOD DAMAGE PREVENTION
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

Part 1. ULDC, Art. 18.A.1.A, Designation of Flood Damage Prevention Board and Administrator, [Related to Authority] (page 4 of 12), is hereby amended as follows:

CHAPTER A FLOOD DAMAGE PREVENTION

Section 1 General

A. Authority

Chapter 125, Florida Statutes, authorizes the legislative and governing body of PBC the power to establish and administer programs of flood control; and the BCC of PBC, Florida has the responsibility to adopt regulations designed to promote the public health, safety and general welfare of its citizens. The Palm Beach County Building Official shall interpret this section of the ULDC.

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EXHIBIT M

PALM TRAN RELATED SUMMARY OF AMENDMENTS

(Updated 11/2/07)

Part 1. ULDC, Art. 1.1.2, Definitions (various pages), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

70. Bus Bays (Turnouts or Pullouts) - For the purposes of Art. 5.H, Mass Transit Standards, A specifically constructed area off the normal roadway section for bus loading and unloading. Typically, they are used in areas of high bus and rider volumes with adequate right of way where the roadway speed limit is 40 MPH or greater. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum 12-foot travel lane adjacent to the curb side lane measured parallel to the adjacent roadway with adequate provisions for appropriate curb side Bus Stop infrastructure. Minimum length is dependent on distance to the adjacent curb/shoulder.

A. Urban (Curb and Gutter): A minimum 240-foot length is required (80-foot entrance taper, 100-foot stopping area for 2-buses, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously.

B. Rural (Shoulder): A minimum 190-foot length is required (80-foot entrance taper, 50-foot stopping area for 1-bus, 60-foot exit taper). Increase the stopping area by 50-feet for each additional bus expected to stop simultaneously.

71. Bus Bulb Outs (Nubs or Curb extensions) – For the purposes of Art. 5.H, Mass Transit Standards, A bus stop wherein the sidewalk is extended into the parking lane, thereby allowing the bus to pick up passengers without leaving the travel lane. Typically, they are used in areas of high pedestrian and vehicular activity with limited sidewalk space and where the roadway speed limit is less than 40 MPH. Located outside of the sight triangle, cross walk area and adjacent to the sidewalk, they require a minimum width of 30-foot measured parallel to the roadway. Adequate length measured perpendicular to the curb and transition to the curb are required.

72. Bus Rapid Transit (BRT) - For the purposes of Art. 5.H, Mass Transit Standards, Flexible, rubber-tired rapid transit mode integrating facilities, services, and infrastructure that collectively improves the speed, reliability, and identity of bus transit by combining stations, vehicles, services, running ways, and Intelligent Transportation System (ITS) elements into an integrated system.

A. Stations: Bus Stop Boarding & Alighting Areas widened to 50 feet typically spaced 2,000 to 7,000 feet apart enabling buses to operate at high speeds and located curbside or on the outside of bus-only roads or arterial median busways.

B. Vehicles: Conventional standard and articulated diesel buses but may include innovative and distinctive designs for dedicated BRT vehicles

C. Services: Service Patterns may include express, limited-stop, or all stop operation in addition to feeder bus services at selected stations and extending beyond the limits of busways and bus lanes.

D. Running Ways: Dedicated guideways and high occupancy vehicle lanes that can include mixed traffic lanes, curb bus lanes contra-flow freeway bus lanes, separated rights-of-way (busways), and median busways on urban streets; reserved lanes on freeways; and bus only roads, tunnels, and bridges.

E. Intelligent Transportation System (ITS): Automated Vehicle Locator (AVL) systems; passenger information systems; and transit preferential systems at signalized intersections, controlled tunnel or bridge approaches, toll plazas, and freeway ramps.

73. Bus Stop Boarding and Alighting Area - For the purposes of Art. 5.H, Mass Transit Standards, The Bus Stop Boarding and Alighting Area is the area at a Bus Stop consistent with the above Bus Stop standards with a minimum 30-foot length inside, parallel to, and along the property line; and a minimum 10-foot depth inside and perpendicular to the development site property line. It can be as much as 200-feet from any site triangle. It must agree with applicable portions of the Palm Tran Design Manual as well as other ADA, FDOT, PBC requirements

74. Bus Stop Zone - For the purposes of Art. 5.H, Mass Transit Standards, The length of roadway designated, marked, or signed as available for use by a bus loading or unloading passengers including ingress and egress from a bus stop

[Renumber accordingly.]

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

Notes:

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EXHIBIT M

PALM TRAN RELATED SUMMARY OF AMENDMENTS

(Updated 11/2/07)

117. Curb Side Mass Transit Factors - For the purposes of Art. 5.H, Mass Transit Standards, Mass Transit infrastructure located off the roadway that affects rider comfort, convenience, and safety.

[No renumbering required.]

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

26. Intermodal Transfer Center - For the purposes of Art. 5.H, Mass Transit Standards, A station area adjacent to or within 6 to 8 miles of Mass Transit serving two or more Palm Tran Bus Routes at a time with a covered waiting area providing any or all of the above Infrastructure/Facilities including commuter parking is considered an Intermodal Transfer Center/Terminal.

[Renumber accordingly.]

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

111. Street Side Mass Transit Factors - For the purposes of Art. 5.H, Mass Transit Standards, Mass Transit infrastructure associated with the roadway that influences bus operations.

[Renumber accordingly.]

Part 2. ULDC, Art. 5, Supplementary Standards (page 68 of 68), is hereby amended as follows:

CHAPTER H MASS TRANSIT STANDARDS

Section 1 General

A. Authority

The Executive Director of Palm Tran shall be responsible for implementing, applying, interpreting, and modifying the standards of this Chapter.

B. Purpose and Intent

The purpose and intent of this Chapter is to ensure adequate, and consistent mass transit infrastructure/facilities are available to accommodate development concurrent with their associated impacts. The specific objectives of this Chapter are as follows:

1. Establish Mass Transit infrastructure/facilities standards for unincorporated PBC.
2. Provide Mass Transit infrastructure/facilities in accordance with the objectives of the Mass Transit element of the Plan.
3. Ensure that necessary Mass Transit infrastructure/facilities will be provided concurrently with development.

Section 2 Applicability and Standards

The standards of this Chapter shall apply to all residential and non-residential development or redevelopment in unincorporated PBC, as follows:

A. Modifications to Previous Approvals

Modifications to previous approvals shall comply with this Chapter for un-built projects without an approved DRO plan, or to the greatest extent possible in the affected area without the loss of density, intensity or parking, for un-built projects with a DRO approved plan, built projects that have constructed less than eighty percent of approved density or intensity, structural renovations in excess of 75 percent or more of the current assessed value of the structure, and parking lot alternations or additions.

B. Thresholds and Standards

For the purposes of this Chapter, non-residential development shall be defined as all commercial, civic/public, recreation and industrial uses that are open to the public. Unmanned or minimal commuter generating facilities, such as commercial communication towers or electrical transmission facilities, or as determined by Palm Tran shall be excluded from this definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site Plans, Final Master Plans, Final Subdivision Plans and Final Site Plans, prior to DRO certification or approval. Palm Tran Transit Design Manual provides an understanding of transit operating criteria and, access requirements (www.pbcgov.com/palmtran/library). Section 810 of the ADA and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation Facilities (www.access-board.gov/ada-aba/final.htm). FDOT Transit Facilities Guidelines provides more detail requirements for the location transit infrastructure (www.dot.state.fl.us/transit/Pages/TRANSIT%20Facilities%20GUIDELINES.PDF).

Notes:

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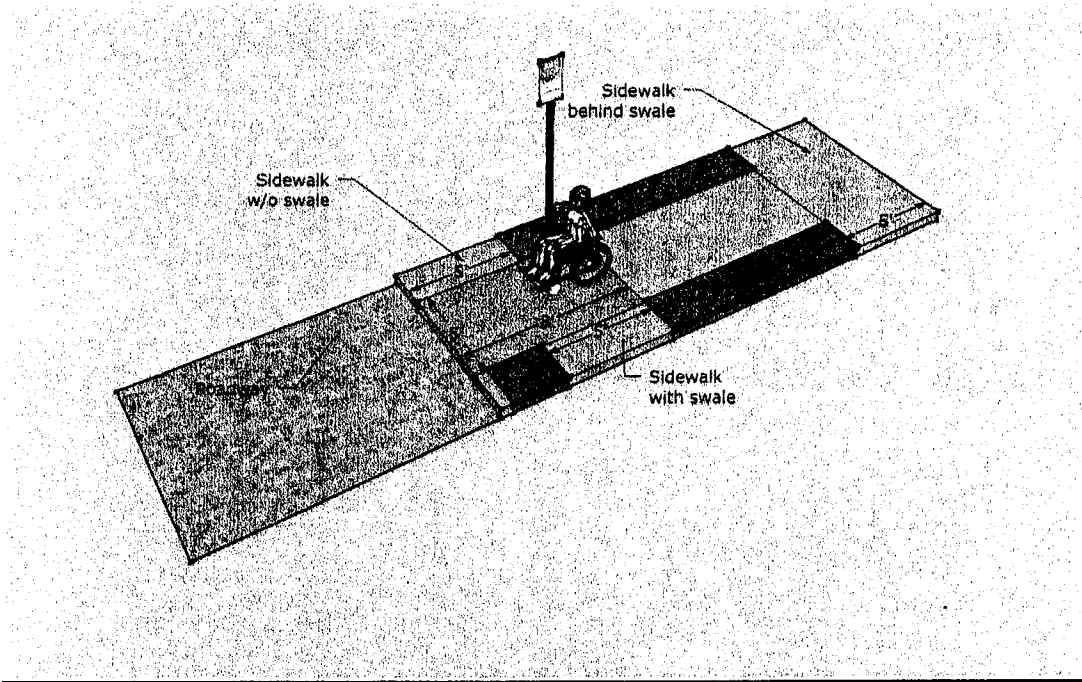
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EXHIBIT M

PALM TRAN RELATED SUMMARY OF AMENDMENTS
(Updated 11/2/07)

Figure 5.H.2.B – Minimum Typical ADA Bus Stop Requirements



1. All residential developments of at least 50-units and all non-residential-of at least 5-acres or 50,000 square feet

All development exceeding this threshold shall provide a minimum 10-foot by 30-foot easement for Bus Stop Boarding and Alighting Area(s) spaced no less than 0.1 miles along all public R-O-W, or at intersections or recognizable landmarks. Easements shall be dedicated by plat in accordance with Art. 5.H.2.

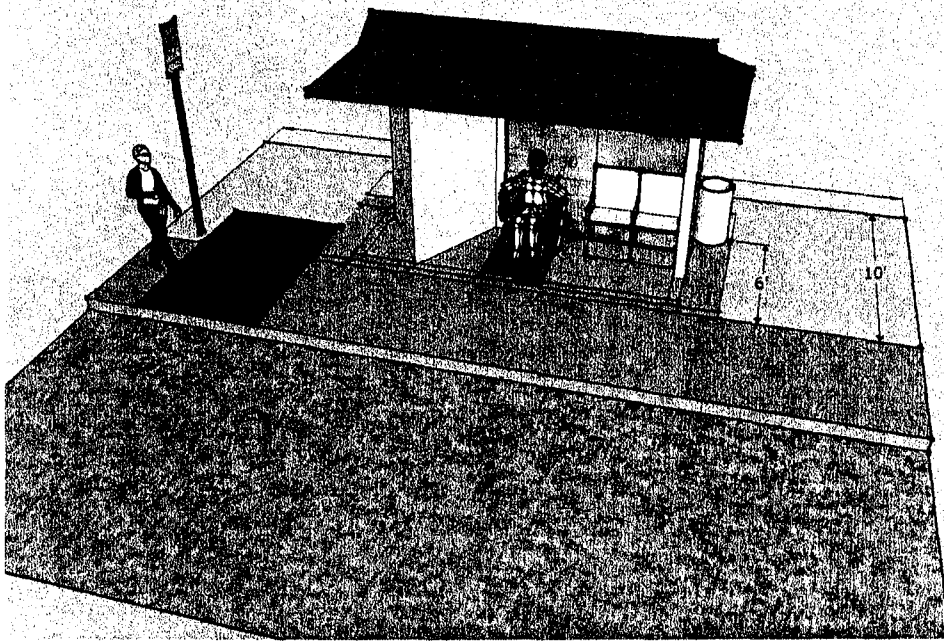
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EXHIBIT M

PALM TRAN RELATED SUMMARY OF AMENDMENTS

(Updated 11/2/07)

Figure 5.H.2.B – 10-foot by 30-foot Bus Stop Boarding and Alighting Area with Typical Bus Shelter Alignment



a. Standards

The following types of bus stop and alighting areas may be used to meet the requirements of this section.

1) Near Side

Near Side Bus Stops are located immediately before an intersection. Associated Bus Stop Boarding and Alighting Areas are located before the intersection, no closer than 5-feet from the corner clip. The bus stop zone requires a minimum 100-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously.

2) Far Side

Far Side Bus Stops are located immediately after an intersection. Associated Bus Stop Boarding and Alighting Areas are located after the intersection, no closer than 15-feet from the corner clip. The bus stop zone requires a minimum 90-foot no parking zone for a single bus. This is also applicable to far side bus stops after a turn. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously.

3. Mid-Block/Landmark

Mid-Block/Landmark Bus Stops are located between intersections where distance or other restrictions limit intersection placement. Associated Bus Stop Boarding and Alighting Areas are located at landmarks that take advantage of perpendicular Wheel Chair Accessible Routes into the development. The bus stop zone requires a minimum 150-foot no parking zone. The length of the Bus Stop Zone shall be increased by 50-feet in length for each additional bus expected to stop simultaneously.

b. Additional site specific requirements

Where applicable additional street side infrastructure (bus bays, bulb outs, exclusive transit treatments) and curbside infrastructure (to meet ADA and other requirements) shall be specified by Palm Tran and shall be required at major intersections and mass transit traffic generators.

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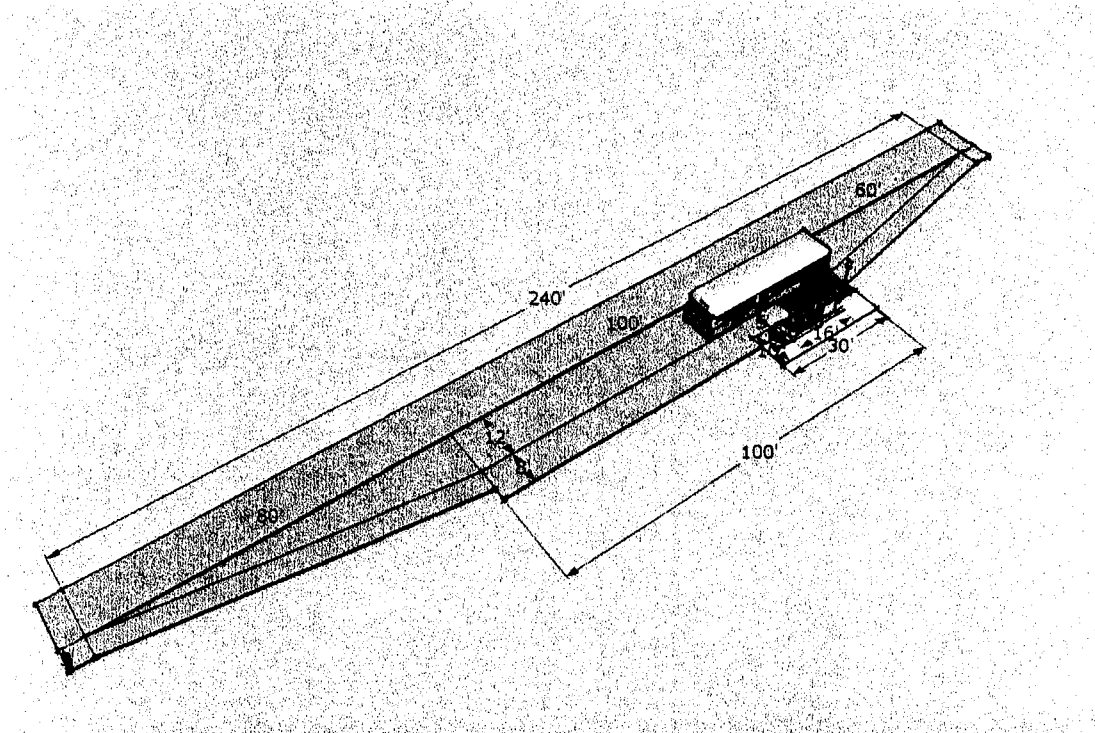
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PALM TRAN RELATED SUMMARY OF AMENDMENTS
(Updated 11/2/07)

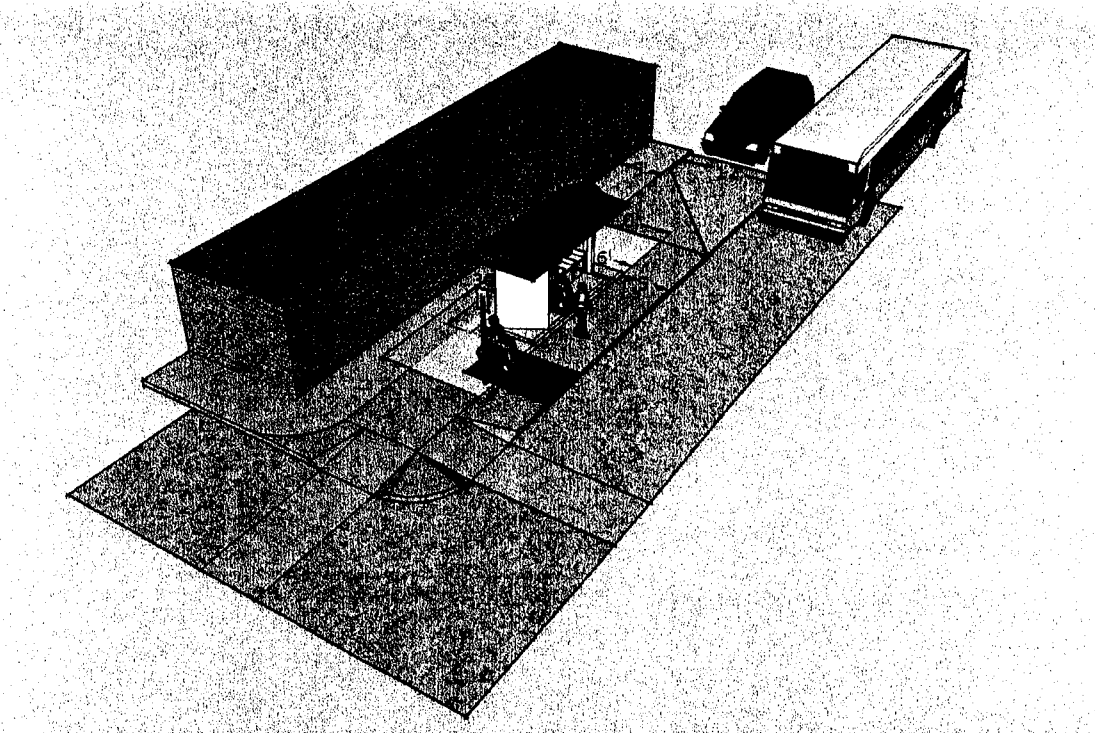
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Figure 5.H.2.B. – Bus Bay with Typical Bus Shelter Alignment



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Figure 5.H.2.B - Bulb Out with Typical Bus Shelter Alignment



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2. Non-residential developments of 100,000 square feet or more

In addition to the above requirements, all non-residential development of 100,000 square feet or more shall provide a Mass Transit Circulation Plan prior to final DRO approval. Mass Transit Circulation Plans apply to an area inside a development designated for internal Mass Transit circulation, bus stop(s), bus access, bus recovery and any or all of the above Mass Transit Infrastructure/Facilities on or adjacent to the development. Bus access or bus stops should include, at a minimum, provisions for a covered or sheltered bus boarding and alighting, continuous paved pedestrian and bicycle access from the bus stop to the use(s) it is intended to serve, and bicycle rack. Bus recovery area should accommodate all bus routes within a six to eight mile radius including a 25 percent growth ratio factor.

3. Development of Regional Impact (DRI)

In addition to the above requirements, an Inter-modal Transfer Center requirement to promote public transportation shall be applicable to DRI projects. Prior to final DRO approval, the property owner shall consult with Palm Tran to ensure a suitable Inter-modal

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EXHIBIT M

PALM TRAN RELATED SUMMARY OF AMENDMENTS

(Updated 11/2/07)

Transfer Center is provided on the Master Site Plan. In addition, provisions shall be made to fund any necessary improvements to accommodate Palm Tran specifications for the following:

A. When Design Guidelines are provided, the property owner shall describe the optimal characteristics of a fixed route transit (Palm Tran) and community based (shuttle/trolley) circulator system to include:

1. *Bus stops with unrestricted pedestrian access* within ¼ mile of all structures
2. Community circulator service for movement within the site and interconnected with the fixed-route service and the inter-modal transfer center.
3. The location (spacing every 1/10 mile), timing, size, and appearance of bus stops and stations as well as details facilitating integration of bus stops with adjacent development.

B. Construction of an inter-modal transfer center (typically 2-3 acres) shall commence with the first building permit and shall include, at a minimum, the following:

1. Park-N-Ride (typically 100-car capacity, convenient and adjacent commuter parking).
2. Accommodation for fixed route transit and community based circulator service for intermodal connections to include bus bays and access to major roadway(s)
3. Convenient and adjacent public restrooms (in accordance with Florida Building Code-Plumbing paragraphs 403.1 and 403.6, and Table 403.1.A-3)
4. Transit shelters (minimum 50 commuter accommodation).
5. Kiosks for mass transit schedule information
6. Trash receptacles
7. Lighting
8. Bicycle storage
9. Other seating and related infrastructure
10. Adjacent newspaper and other vending facilities that no not impede commuter movements and connections.

Section 3 Site Plan and Plat Dedication Language

A. Site Plan Language:

All site plans meeting or exceeding the minimum thresholds identified in Section 2.C. above shall include the following language:

1. Bus Stop Boarding and Alighting Area(s):

"Proposed 10'x30' Palm Tran Bus Stop Boarding & Alighting Area Easement" with arrow to designated area measuring 10-feet inside and perpendicular to the property line and 30-foot parallel and along the property line

2. Mass Transit Circulation Plan:

"Proposed Mass Transit Circulation Route" with arrow to the designated route identified by a dashed line "Palm Tran may exercise the right of Mass Transit Circulation, Bus Access, and or Bus Stops on or adjacent to major ingress/egress and building entrances" should also appear on the site plan.

B. Plat Dedication Language:

Prior to Plat Recordation or issuance of the first Building Permit, whichever occurs first, the property owner shall convey and/or dedicate to Palm Beach County an easement for Bus Stop Boarding and Alighting Area(s) in a form with terms and conditions approved by Palm Tran. Supporting documentation, shall include but not be limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. All recorded plats meeting or exceeding the minimum thresholds identified in Section 1.C. above shall include the following language: The Mass Transit Easement as shown hereon is dedicated in perpetuity, by Owner, to the Board of County Commissioners of Palm Beach County, its successors and assigns (hereafter "County"), for the construction, installation, maintenance and use of a public transit boarding and alighting area, which use includes but is not limited to a public transit bus shelter, transfer station, and advertising. The Owner, its successors and assigns (hereafter "Owner"), shall maintain the easement area until such time as the County constructs improvements in the easement area for its intended use and purposes, at which time the County will assume maintenance of the easement area so long as the improvements are located thereon and County uses the easement area for its intended purposes. The maintenance obligation shall automatically revert to the Owner upon County's temporary or permanent cessation of use of the improvements or removal of the improvements.

C. Easement Language (if dedicating as a separate document):

Standard Easement document language has been developed by PBC Attorney's Office. Required supporting documentation includes an original signed and sealed legal description of the Bus Stop Boarding and Alighting Area consistent with the State of Florida Technical Standards for surveys and legal descriptions; an Opinion of Counsel letter from the Grantor's legal counsel certifying title and authority; and an Affidavit of Managing Member of Limited Liability Company. Other supporting documentation may be required.

Ref: U:\zoning\CODEREV\2007\BCC Hearings\2007-02 Round\Minutes\Exhibit M - Palm Tran3.doc

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EXHIBIT N

SCIENTIFIC COMMUNITY OVERLAY (SCO)
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

Part 1. ULDC, Art. 1.I.2.13, Accessory Overnight Accommodation (AOA) [Related to Definitions] (page 27 of 104), is hereby deleted as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

~~13. Accessory Overnight Accommodation (AOA) – A limited service overnight facility for visiting researchers, scientists and dignitaries. [Ord. 2004-040]~~

Part 2. ULDC, Art. 1.I.2, Abbreviations and Acronyms (page 103 of 104), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Abbreviations and Acronyms

AOA Accessory Overnight Accommodation [Ord. 2004-040]
SCO Scientific Community Overlay [Ord. 2004-040]

Part 3. ULDC, Art. 3.E.5.B.2.b, Proximity to Other Uses [Related to Performance Standards for Residential Pods in a PIPD] (page 102 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS

Section 5 Planned Industrial Park Development (PIPD)

B. Objectives and Standards

2. Performance Standards

b. Residential – Proximity to Other Uses

~~All residential pods with residential units in a PIPD shall be located within 1,320 feet of commercial and personal service uses. A pedestrian accessible route shall be provided. For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. This requirement shall be met by all residential pods in a PIPD. [Ord. 2004-040]~~

1) Measurement of Distance

~~For the purpose of this Section, distance shall be measured by drawing a straight line between the property line of a residential Pod to the property line of the pod where the commercial/personal services are located. [Ord. 2004-040]~~

Part 4. ULDC, Art. 3.E.5.E, Pods [Related to PIPD] (pages 103-105 of 148), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS

Section 5 Planned Industrial Park Development (PIPD)

E. Pods

1. Industrial Pods

a. Use Regulations

Uses shall be permitted in accordance with Table 3.E.1.B-22, PDD Use Matrix; and, Art. 4; ~~1~~ Use Regulations; and, Art. 3.E.5.F, SCO PIPD. [Ord. 2004-040]

2. Commercial Pod

a. Use Regulations

Uses shall be permitted in accordance with Table 3.E.1.B-22-PDD Use Matrix; and, Art. 4; ~~1~~ Use Regulations; and, Art. 3.E.5.F, SCO PIPD. [Ord. 2004-040]

3. Residential Pod

Notes:

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EXHIBIT N

SCIENTIFIC COMMUNITY OVERLAY (SCO) SUMMARY OF AMENDMENTS (Updated 11/2/07)

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod, indicated under Table 3.E.1.B-22-PDD Use Matrix; and, Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD. [Ord. 2004-040]

....

4. Recreation Pod

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod, indicated under Table 3.E.1.B-22-PDD Use Matrix; and, Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD. [Ord. 2004-040]

....

5. Civic Pod

....

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Civic Pod, indicated under Table 3.E.1.B-22-PDD Use Matrix; and, Art. 4, Use Regulations; and, Art. 3.E.5.F, SCO PIPD. [Ord. 2004-040]

Part 5. ULDC, Art. 3.E.5.F, SCO PIPD (pages 105-106 of 148), is hereby deleted in its entirety, as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS

Section 5 Planned Industrial Park Development (PIPD)

F. SCO PIPD

1. Purpose and Intent

~~The SCO PIPD is intended to implement the SCO provisions of the Plan. The purpose of the SCO is to allow for research, development, manufacturing activities and support services within a sustainable community. The SCO requires an integrated mix of uses that provide support for a scientific community that promotes economic development, while preserving and enhancing natural resources. [Ord. 2004-040]~~

2. Applicability

~~The provisions of the SCO PIPD shall apply to the SCO boundaries identified in the Plan. [Ord. 2004-040]~~

3. Conflict with Other Applicable Regulations

~~If a conflict exists between the SCO provisions and other Articles in this Code, the SCO provisions shall prevail except where superceded by state or federal laws. [Ord. 2004-040]~~

4. Application Requirements

a. Site Plan

~~BCC site plan approval for requested uses shall not be required, subject to the following: [Ord. 2004-040]~~

~~1) The location of each requested use shall be depicted on the master plan. [Ord. 2004-040]~~

~~2) A site plan shall be approved by the DRO for each requested use. [Ord. 2004-040]~~

5. Property Development Regulations

a. Setbacks

~~1) The setback from property lines adjacent to a water management tract or open space 100 feet in width or greater may be reduced to zero, subject to the following conditions: [Ord. 2004-040]~~

~~a) The adjacent water management tract or open space shall be located within the boundaries of the PIPD. [Ord. 2004-040]~~

~~b) The portion of the building or structure to which the reduced setback is applied shall be located a minimum of 200 feet from the boundary of the PIPD. [Ord. 2004-040]~~

~~c) The required landscape buffer may be waived, however, the landscape material that would have been required shall be relocated to other portions of the affected property, in accordance with an ALP. [Ord. 2004-040]~~

~~2) Where a R-O-W buffer is required, the street setback may be reduced to the width of the R-O-W buffer. [Ord. 2004-040]~~

b. FAR

Notes:

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EXHIBIT N

SCIENTIFIC COMMUNITY OVERLAY (SCO)
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

- The FAR within an individual pod may exceed the stated standard as long as the overall FAR of the entire project does not exceed 0.45 based on the net developable non-residential land area in the PIPD. ~~[Ord. 2004-040]~~
- c. Density**
The density shall be based on the gross residential land area for the overall PIPD, and any density provided through a density bonus program, with no minimum or maximum density for pods with residential uses. ~~[Ord. 2004-040]~~
- 1) Mixed Use**
A minimum of 75 percent of the residential units allocated to a mixed-use pod shall be vertically integrated (located above non-residential uses). ~~[Ord. 2004-040]~~
- d. Land Use Mix**
The SCO PIPD shall not be subject to the provisions of Table 3.E.5.C-38, PIPD Land Use Mix. ~~[Ord. 2004-040]~~
- 6. Accessory Overnight Accommodation (AOA)**
Accessory overnight accommodation may be provided in a Light Industrial pod, subject to the following: ~~[Ord. 2004-040]~~
- a. Density**
One unit per 100,000 square feet of research laboratory space in each pod shall be permitted. ~~[Ord. 2004-040]~~
- b. Floor Area**
Each unit shall not exceed 1,000 square feet of GFA. ~~[Ord. 2004-040]~~
- c. Kitchen or Cooking Facilities**
A kitchen within each unit or a communal cooking facility shall be permitted. ~~[Ord. 2004-040]~~
- d. Compatibility**
Units shall be architecturally compatible in character and materials with the principal structure(s). ~~[Ord. 2004-040]~~
- e. Setbacks**
Units shall be subject to the minimum setbacks applicable to the principal structure. ~~[Ord. 2004-040]~~
- 7. Work/Live Space**
Work/live spaces shall be permitted in accordance with the provisions of Art. 3.E.3.D-1, Work/Live Space. ~~[Ord. 2004-040]~~
- a. DRO Approval**
The maximum building area for Work/Live Spaces in an individual pod shall not exceed 10 percent of the intensity (non-residential building square footage) allocated to the pod. ~~[Ord. 2004-040]~~
- 8. R-O-W Buffer Deviations**
A maximum 50 percent width reduction and/or deviations from Planting Pattern and Shrub Hierarchy requirements may be permitted subject to DRO approval of an ALP, and the following: ~~[Ord. 2004-040]~~
- a. BCC Approval**
Pods eligible for deviations shall be indicated in the BCC approved design guidelines. ~~[Ord. 2004-040]~~

Part 6. ULDC, Art. 5.G.2.H.2 Qualify as Receiving Area [Related to Transfer of Development Rights (TDR) Program – Special Density Program] (page 63 of 68), is hereby amended as follows:

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

- H. Receiving Areas**
- 2. Qualify as a Receiving Area**
- a. Be located within the U/S Tier; or the Scientific Community Overlay; ~~[Ord. 2004-040]~~
-

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EXHIBIT O

WCRAO
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

Part 1. ULDC, Art. 3.B.15.F.1, Sub-area PDRs [Related to WCRAO Property Development Regulations] (page 39 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

In order to implement the form based code build to lines outlined in the WCRA Plan, additional PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in compliance with all standard, PDD or TDD PDRs, unless specified otherwise in Table 3.B.15.F-9, WCRAO Sub-area PDRs, and Figure 3.B.15.F-3, WCRAO Sub-area Building Configuration and Lot Placement. Single-family dwellings shall only be required to comply with the Minimum Lot Depth and Accessory Dwelling requirements of Sub-area PDRs. [Ord. 2006-004]

Part 2. ULDC, Table 3.B.15.F, WCRAO Sub-area PDRs [Related to WCRAO Property Development Regulations] (page 40 of 148), is hereby amended as follows:

Table 3.B.15.F-9 – WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	
Lot Dimensions:								
Minimum Lot Depth	90'	-	-	-	-	-	-	
Maximum Building Coverage	-	40%	40%	40% ²	40% ²	40% ²	45% ²	
Setbacks:								
Front ^{1,3}	-	Build to Line	Build to Line	Build to Line	Build to Line	-	Build to Line	
Side ¹	-	10' ⁴	10' ⁴	10' ⁴	15'	15'	15' 20'	
Side Street ^{1,3}	-	Build to Line	Build to Line	Build to Line	Build to Line	-	Build to Line	
Rear ^{1,4}	-	25'	25'	25'	25'	25'	25'	
Build to Line ³ :								
Frontage ¹	-	15'	15'	10'	C/MU: 10-25'	-	C 10' - 25'	
Minimum Building Frontage								
Frontage ¹	-	60%	60%	80%	60%	-	C: 60%	
Plazas and Squares								
Build to Line Exception ¹	-	25% of frontage, up to a depth of 20'					-	-
Min Width ^{1,2}	-	20'	20'	20'	20'	-	-	
Minimum Length ¹	-	20'	20'	20'	20'	-	-	
Maximum Height								
Stories ¹	-	3	4	6	20	10	15	
Feet ¹	-	36'	48'	72'	240'	120'	180'	
Accessory dwellings	2 stories and 25'			-	-	-	-	
Other								
Maximum Building Length ^{1,2,4}	-	300'	300'	300'	300'	-	-	
Key								
-	PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.							
C	For Commercial Uses							
MU	For Mixed Uses							
[Ord. 2006-004]								
NOTES:								
1.	Single-family dwellings <u>shall not be required</u> are not subject to comply with identified Sub-area PDRs provisions. [Ord. 2006-004]							
2.	Building coverage may be increased to 60% if all parking is provided offsite or in a parking structure. [Ord. 2006-004]							
3.	Additional setbacks may apply per Art. 3.B.15.F.3, Sky Plane Exposure. [Ord. 2006-004]							
4.	Side setbacks may be reduced to zero in accordance with Art. 3.B.15.F.1.a, NRM, NG and NC Side Setback Reduction. [Ord. 2006-004]							
5.	Width may be reduced by 50 percent for buildings less than 80 feet in length. [Ord. 2006-004]							
6.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]							
7.	Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building. [Ord. 2006-004]							

Part 3. ULDC, Art. 3.B.15.F.2, Build to Line and Frontages (page 40 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

Notes:

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EXHIBIT O

WCRAO
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

F. Property Development Regulations (PDRs)

2. Build to Line and Frontages

a.

b. Building Frontage

Building frontage shall be in accordance with the requirements for each Sub-area and Figure 3.B.15.F-3, WCRAO Sub-area Building Configurations and Lot Placements, and Figure 3.B.15.F-4, Required Building Orientation. Frontage requirements may be reduced for lots with no rear access to required parking to accommodate a drive aisle to the rear of the lot and required landscaping. [Ord. 2006-004]

c. Minimum Frontage

Parcels accommodating single-family dwellings shall have a minimum frontage of 50 feet on a public R-O-W.

Part 4. ULDC, Art. 3.B.15.F.3, Sky Exposure Planes [Related to WCRAO Sub-area PDRs] (page 40 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

3. Sky Exposure Planes

In the NC, UG, and UI Sub-areas, the maximum height of a structure at the build to line shall be in accordance with Table 3.B.15.F-10, Sky Exposure Plane, and Figure 3.B.15-F-2, Sky Exposure Plane. [Ord. 2006-004]

Part 5. ULDC, Art. 3.B.15.G, Supplementary Standards (pages 43-45 of 148), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

G. Supplementary Standards

4. Non-conforming Lot Combination

A non-conforming lot that is a legal lot of record, has a minimum of 25 feet of frontage and is located in the NRM, NG or NC Sub-areas, may be combined with an adjacent lot meeting the same standards, or a conforming lot, provided it serves to reduce the non-conformity and creates a new lot with a minimum of 50 feet of frontage. The subdivision may be approved in accordance with Art. 11.8.B, Plat Waiver with Certified Survey.

Part 6. ULDC, Table 3.B.15.H, WCRAO Density Bonus Pool Approval (page 46 of 148), is hereby amended as follows:

Table 3.B.15.H-13 – WCRAO Density Bonus Pool Approval

Approval Process Required ¹	Range of Bonus Units per Acre	Min. % of Density Bonus Units Required to be Affordable ³
Permitted by Right	0.1 – 4 ²	40%
DRO Approval	4.01 - 22	
BCC Approval	22.01 or more	
[Ord. 2006-004] [Ord. for ULDC Amendment Round 2007-01 Pending]		
Notes for Table 3.B.15.H-13:		
1. The transfer of density to a PDD or TDD requires approval as a requested use. [Ord. 2006-004]		
2. Up to one unit may be permitted by right for projects less than one acre in size. [Ord. 2006-004]		
3. Affordable units shall include <u>consist of WHP units pending the adoption of the WCRA Inclusionary Housing Policy, as mandated by the Plan, to include very low and low income thru middle income households as required by the Plan.</u> [Ord. 2006-004]		

Part 7. ULDC, Art. 4.B.1.A.141, Work Live Space (page 94 of 149), is hereby amended as follows:

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EXHIBIT O

WCRAO
SUMMARY OF AMENDMENTS
(Updated 11/2/07)

CHAPTER B SUPPLEMENTAL USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Use Standards for Specific Uses

141. Work/Live Space

A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004]

a. Floor Area

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

b. Office Space

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

c. ~~TDDs/PDDs~~ FAR Calculation

Shall be counted as non-residential square footage. [Ord. 2004-040]

Part 8. ULDC, Art. 7.D.11.B.2, Foundation Planting Deviations [Related to WCRAO Exemptions from foundation planting requirements] (page 24 of 50), is hereby amended as follows:

CHAPTER D GENERAL STANDARDS

Section 11 Foundation Plantings

B. WCRAO Exemptions

2. Foundation Planting Deviations

The following deviations shall be permitted subject to DRO approval of an ALP: [Ord. 2006-004]

- a. The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site or the required landscaping within the foundation planting area, at installation, be increased in height by 25 percent. [Ord. 2006-004]
- b. Side foundation planting may be eliminated ~~relocated on site~~ for buildings using a zero side setback. [Ord. 2006-004]
- c. Side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25 percent if the applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. [Ord. 2006-004]

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