

**Board of County Commissioners**

Shelley Vana, Chair  
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Paulette Burdick  
Burt Aaronson  
Jess Santamaria  
Priscilla A. Taylor



**County Administrator**  
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**Department of Planning, Zoning & Building**  
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West Palm Beach, FL 33411  
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**TITLE: ADOPTION HEARING  
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2011-02**

**SUMMARY:** The proposed ordinances will account for minor revisions, scrivener's errors, and omitted text from the Unified Land Development Code (ULDC), as well as several specific amendments.

- ❑ Ordinance Title
- ❑ Exhibit A Article 2 - Development Review Procedures
- ❑ Exhibit B Article 3 - Overlays and Zoning Districts
- ❑ Exhibit C Article 4 - Use Regulations
- ❑ Exhibit D Article 9 - Archaeological and Historic Preservation
- ❑ Exhibit E Article 11 - Subdivision, Platting, and Required Improvements
- ❑ Exhibit F Article 13 - Impact Fees
- ❑ Exhibit G Public Notice
- ❑ Exhibit H Criteria for Rezoning
- ❑ Exhibit I Enclosed Auction in IND/MUPD
- ❑ Exhibit J Produce Stand
- ❑ Exhibit K Density Bonus Program
- ❑ Exhibit L Wellfield Protection Program

**LDRAB/LDRC:** The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on August 24, 2011, October 26, 2011, and November 16, 2011; and, the Land Development Regulation Commission (LDRC) on November 16, 2011. All proposed ULDC amendments were found to be consistent with the Plan.

**BCC Public Hearings:**

- ❑ December 1, 2011 – Request for Permission to Advertise for First Reading on January 5, 2011: Approved as amended, 7 - 0.
- ❑ January 5, 2012 – First Reading and Request to Advertise for Adoption Hearing on January 26, 2012: Approved, 6 - 0.

**STAFF RECOMMENDATION:** Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ordinance 2003-067 and 2003-070, as amended.

**MOTION:** To approve on First Reading and advertise for an Adoption Hearing on January 26, 2012: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AND 03-070 AS AMENDED, AS FOLLOWS: **ARTICLE 1 - DEFINITIONS AND ACRONYMS;** CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES;** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS;** CHAPTER A, GENERAL; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS; **ARTICLE 4 - USE REGULATIONS;** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 9 - ARCHAEOLOGICAL AND HISTORIC PRESERVATION;** CHAPTER B, HISTORIC PRESERVATION PROCEDURES; **ARTICLE 11 - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS;** CHAPTER A, GENERAL REQUIREMENTS; **ARTICLE 13 - IMPACT FEES;** CHAPTER A, GENERAL; **ARTICLE 14 - ENVIRONMENTAL STANDARDS;** CHAPTER B, WELLFIELD PROTECTION; APPENDIX 4, ORGANIC PRIORITY POLLUTANTS; APPENDIX 5, MINIMUM STANDARDS FOR SEWER PIPE FITTINGS; 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.

ORDINANCE 2012 \_\_\_\_\_

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AND 03-070, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - DEFINITIONS AND ACRONYMS**; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS; **ARTICLE 4 - USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 9 - ARCHAEOLOGICAL AND HISTORIC PRESERVATION**; CHAPTER B, HISTORIC PRESERVATION PROCEDURES; **ARTICLE 11 - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS**; CHAPTER A, GENERAL REQUIREMENTS; **ARTICLE 13 - IMPACT FEES**; CHAPTER A, GENERAL; **ARTICLE 14 - ENVIRONMENTAL STANDARDS**; CHAPTER B, WELLFIELD PROTECTION; APPENDIX 4, ORGANIC PRIORITY POLLUTANTS; APPENDIX 5, MINIMUM STANDARDS FOR SEWER PIPE FITTINGS; 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 and Ordinance 2003-070, as amended from time to time; and

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

**WHEREAS**, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

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

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

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

1           **Section 1. Adoption**

2           The amendments set forth in Exhibits listed below, attached hereto and made a part  
3 hereof, are hereby adopted.

- 4            Exhibit A       Article 2 - Development Review Procedures
- 5            Exhibit B       Article 3 - Overlays and Zoning Districts
- 6            Exhibit C       Article 4 - Use Regulations
- 7            Exhibit D       Article 9 - Archaeological and Historic Preservation
- 8            Exhibit E       Article 11 - Subdivision, Platting, and Required Improvements
- 9            Exhibit F       Article 13 - Impact Fees
- 10           Exhibit G       Public Notice
- 11           Exhibit H       Criteria for Rezoning
- 12           Exhibit I       Enclosed Auction in IND/MUPD
- 13           Exhibit J       Produce Stand
- 14           Exhibit K       Density Bonus Program
- 15           Exhibit L       Wellfield Protection Program
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17           **Section 2. Interpretation of Captions**

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

20

21           **Section 3. Repeal of Laws in Conflict**

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

24

25           **Section 4. Severability**

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

30

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

32           All development orders, permits, enforcement orders, ongoing enforcement actions, and  
33 all other actions of the Board of County Commissioners, the Zoning Commission, the  
34 Development Review Officer, Enforcement Boards, all other County decision-making and  
35 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued  
36 pursuant to the regulations and procedures established prior to the effective date of this  
37 Ordinance shall remain in full force and effect.

38

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

40           The provisions of this Ordinance shall be codified in the Unified Land Development Code  
41 and may be reorganized, renumbered or re-lettered to effectuate the codification of this  
42 Ordinance.

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

2            The provisions of this Ordinance shall become effective upon filing with the Department  
3 of State.

4  
5            **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
6 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

7  
SHARON R. BOCK, CLERK &  
COMPTROLLER

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

EXHIBIT A

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 2.B.1.B, Standards [Related to Official Zoning Map Amendments] (page 26 of  
3 85), is hereby amended as follows:

4 CHAPTER B PUBLIC HEARING PROCESS

5 Section 1 Official Zoning Map Amendment (Rezoning)

6 B. Standards

7 When considering a ~~Development Order~~ ~~development order~~ application for rezoning to a standard  
8 zoning district, the BCC and ZC shall consider ~~Standards standards~~ 1 – ~~7~~ ~~8~~ indicated below. In  
9 addition the standards indicated in ~~Section section~~ 2.B of this ~~Chapter chapter~~ shall also be  
10 considered for rezoning to a standard zoning district with a ~~Conditional Use conditional use~~, and  
11 rezoning to a PDD or TDD with or without a ~~Requested Use requested use~~ or ~~Waiver waiver~~. An  
12 amendment which fails to meet any of these standards shall be deemed adverse to the public  
13 interest and shall not be approved. [Ord. 2007-001]

14 1. Consistency with the Plan

15 The proposed amendment is consistent with the Plan. [Ord. 2007-001]

16 2. Consistency with the Code

17 The proposed amendment is not in conflict with any portion of this Code, and is consistent  
18 with the stated purpose and intent of this Code. [Ord. 2007-001]

19 3. Compatibility with Surrounding Uses

20 The proposed amendment is compatible, and generally consistent with existing uses and  
21 surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In  
22 making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

23 4. Effect on the Natural Environment

24 The proposed amendment will not result in significantly adverse impacts on the natural  
25 environment, including but not limited to water, air, stormwater management, wildlife,  
26 vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

27 5. Development Patterns

28 The proposed amendment will result in a logical, orderly, and timely development pattern.  
29 [Ord. 2007-001]

30 ~~6. Consistency with Neighborhood Plan~~

31 ~~The proposed zoning district is consistent with applicable neighborhood plans in accordance~~  
32 ~~with BCC policy. [Ord. 2007-001]~~

33 ~~67. Adequate Public Facilities~~

34 ~~The proposed amendment complies with Art. 2.F, Concurrency. [Ord. 2007-001]~~

35 ~~78. Changed Conditions or Circumstances~~

36 ~~There are demonstrated changed conditions or circumstances that necessitate the~~  
37 ~~amendment. [Ord. 2007-001]~~

38  
39  
40 Part 2. ULDC Art. 2.B.2.B, Standards for Conditional Uses, Requested Uses and Development  
41 Order Amendments (page 27 of 85), is hereby amended as follows:

42 CHAPTER B PUBLIC HEARING PROCESS

43 Section 2 Conditional Uses, Requested Uses Development Order Amendments, and Unique  
44 Structures

45 B. Standards for Conditional Uses, Requested Uses and Development Order Amendments

46 When considering a Development Order application for a Conditional or Requested Use, the BCC  
47 and ZC shall consider ~~Standards standards~~ 1 – ~~8~~ ~~9~~ indicated below. A Conditional or Requested  
48 Use, or Development Order Amendment which fails to meet any of these ~~Standards standards~~  
49 shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord.  
50 2011-016]

51 1. Consistency with the Plan

52 The proposed use or amendment is consistent with the purposes, goals, objectives and  
53 policies of the Plan, including standards for building and structural intensities and densities,  
54 and intensities of use. [Ord. 2007-001]

55 2. Consistency with the Code

56 The proposed use or amendment complies with all applicable standards and provisions of  
57 this Code for use, layout, function, and general development characteristics. The proposed  
58 use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE  
59 STANDARDS. [Ord. 2007-001]

60 3. Compatibility with Surrounding Uses

Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to: ].

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EXHIBIT A

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS

- 1 The proposed use or amendment is compatible and generally consistent with the uses and
- 2 character of the land surrounding and in the vicinity of the land proposed for development.
- 3 **[Ord. 2007-001]**
- 4 **4. Design Minimizes Adverse Impact**
- 5 The design of the proposed use minimizes adverse effects, including visual impact and
- 6 intensity of the proposed use on adjacent lands.
- 7 **5. Design Minimizes Environmental Impact**
- 8 The proposed use and design minimizes environmental impacts, including, but not limited to,
- 9 water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning
- 10 of the environment. **[Ord. 2007-001]**
- 11 **6. Development Patterns**
- 12 The proposed use or amendment will result in a logical, orderly and timely development
- 13 pattern. **[Ord. 2007-001]**
- 14 ~~**7. Consistency with Neighborhood Plans**~~
- 15 ~~The proposed development or amendment is consistent with applicable neighborhood plans~~
- 16 ~~in accordance with BCC policy. **[Ord. 2007-001]**~~
- 17 ~~**7. Adequate Public Facilities**~~
- 18 The extent to which the proposed use complies with Art. 2.F, Concurrency. **[Ord. 2007-001]**
- 19 ~~**8. Changed Conditions or Circumstances**~~
- 20 There are demonstrated changed conditions or circumstances that necessitate a
- 21 modification. **[Ord. 2007-001]**
- 22
- 23

24 **Part 3. ULDC Art. 2.B.3.A, General [Related to Type II Variance] (page 29-30 of 85), is hereby**

25 **amended as follows:**

26 **CHAPTER B PUBLIC HEARING PROCESS**

27 **Section 3 Type II Variance**

- 28 **A. General**
- 29 To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. Variance
- 30 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type II
- 31 Variances shall be required for the following: **[Ord. 2011-001]**
- 32 1. any application requesting variances from the ULDC requirements which are allowed under
- 33 the authority of Article 2.A.1.D.1.b, Zoning Commission; **[Ord. 2011-001]**
- 34 2. any application requesting five or more variances; **[Ord. 2009-040] [Ord. 2011-001]**
- 35 3. any application requesting variances that exceed greater than 15 percent of a required
- 36 standard or Property Development Regulations for residential lots of three units or less; ~~and~~
- 37 **[Ord. 2009-040] [Ord. 2011-001]**
- 38 4. any application requesting variances that exceed the standards of Art. 2.D.3.C.2, Non
- 39 Residential Projects;
- 40 5. any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance; and; ~~and;~~ **[Ord.**
- 41 **2006-036] [Ord. 2009-040]**
- 42
- 43

44 **Part 4. ULDC Art. 2.D.3.C.1.a [Related to Type IB Administrative Variance for Residential Lots**

45 **of Three Units or Less] (page 42 of 85), is hereby amended as follows:**

46 **CHAPTER D ADMINISTRATIVE PROCESS**

47 **Section 3 Type IA and Type IB Administrative Variances**

- 48 **C. Type IB Administrative Variances**
- 49 A pre-application meeting with staff shall be required prior to application submittal. Variance
- 50 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type IB
- 51 variances may be considered for the following: **[Ord. 2006-036] [Ord. 2008-003]**
- 52 **1. Residential Lots of Three Units or Less**
- 53 A variance may be requested for the following: **[Ord. 2006-036] [Ord. 2008-003]**
- 54 a. ~~Setback reduction~~ Reductions or increases of Property Development Regulations greater
- 55 than five percent of the minimum or maximum requirement. **[Ord. 2006-036] [Ord. 2008-**
- 56 **003]**
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EXHIBIT B

ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 3.A.3.E.1, Standard Districts (pages 18 of 228), is hereby amended as  
3 follows:

4 CHAPTER A GENERAL

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

6 E. Exceptions for Prior Approvals

7 Any application for a Development Order that requires Public Hearing approval, excluding Status  
8 Reports, EAC, Class B Conditional Uses or Type II Variances, shall be accompanied by an  
9 application to rezone to a current Zoning district, unless exempted otherwise herein. Any  
10 application for a Development Order that does not exceed the threshold requiring rezoning shall  
11 comply with the applicable requirements of the corresponding district, except for any information  
12 permitted to be carried forward from a prior approval. [Ord. 2011-016]

13 1. Standard Districts

14 The following previously established zoning districts shall correspond to the current districts  
15 indicated: [Ord. 2011-016]

16 a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades  
17 Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier. Property with  
18 an SA District located in the Glades Area Protection Overlay (GAPO) shall be exempt  
19 from the rezoning requirement. [Ord. 2011-016]  
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EXHIBIT C

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 4.B.1.A.3.f, Game and Exotic Animal [Related to Bona Fide Agriculture]  
3 (page 28 of 170), is hereby amended as follows:

4 CHAPTER B SUPPLEMENTARY USE STANDARDS

5 Section 1 Uses

6 A. Definitions and Supplementary Standards for Specific Uses

7 3. Agriculture, Bona Fide

8 f. Game and Exotic Animals

9 The ~~Florida Game and Fresh Water Fish Commission (FGFWC)~~ Florida Fish and Wildlife  
10 Conservation Commission (FWC) shall ~~regulate~~ regulates game farms or game animal  
11 care for private or commercial purposes.

12 ....

15 Part 2. ULDC Art. 4.B.1.A.34.a.3), Type 3 [Related to CLF Maximum Occupancy] (pages 42 of 170),  
16 is hereby amended as follows:

17 CHAPTER B SUPPLEMENTARY USE STANDARDS

18 Section 1 Uses

19 A. Definitions and Supplementary Standards for Specific Uses

20 34. Congregate Living Facility

21 a. Maximum Occupancy

22 3) Type 3

23 Determined by Table 4.B.1.A, Maximum Permissible Occupancy in Type 3  
24 Congregate Living Facilities, below; or, in the case of TDR's or a non residential  
25 district by the alternate density specified in the Plan by ~~2.39-2.34~~ residents. [Ord.  
26 2005-002]

Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)(2)	
		Standard District	PDD or TDD (1)
<del>RR 20</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.11</del>
<del>RR 10</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.23</del>
<del>RR 5</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.47</del>
<del>RR 2.5</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.95</del>
AGR	AGR	PROHIBITED	<del>2.39</del>
<del>RR</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.23</del>
<del>RR20</del>	<del>AR</del>	<del>PROHIBITED</del>	<del>0.11</del>
AGE	N/A	N/A	(3)
LR1	RE, RT	PROHIBITED	<del>2.39-2.34</del>
LR2	RT	PROHIBITED	<del>4.78-4.68</del>
LR3	RT	PROHIBITED	<del>7.17-7.02</del>
MR5	RS	PROHIBITED	<del>11.95-11.70</del>
HR8	RS, RM	<del>14.34-14.04</del>	<del>19.12-18.72</del>
HR12	RM	<del>19.12-18.72</del>	<del>28.68-28.08</del>
HR18	RM	<del>19.12-18.72</del>	<del>43.02-28.08</del>

[Ord. 2005-002] [Ord.2010-022]

Notes:

1. For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
2. For CLF, one TDR unit is equivalent to ~~2.39-2.34~~ beds. [Ord. 2005-002]
3. The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by ~~2.39-2.34~~ residents. [Ord. 2010-022]

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EXHIBIT D

ARTICLE 9 – ARCHAEOLOGICAL AND HISTORIC PRESERVATION  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 9.B.4, Regulations Affecting Historic Sites (page 11 - 13 of 17), is hereby  
3 amended as follows:

4 CHAPTER B HISTORIC PRESERVATION PROCEDURES

5 Section 4 Regulations Affecting Historic Sites

6 A. Development Standards For Historic Districts and Sites

7  
8 7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or  
9 major repair or maintenance of a non-contributing building or structure within a designated  
10 historic district shall meet the same compatibility standards as any material change in the  
11 exterior appearance of an existing contributing building. Any material change in the exterior  
12 appearance of any existing non-contributing building, structure or appurtenance in a  
13 designated historic district shall be generally compatible with the form, proportion, mass,  
14 configuration, building material, texture, ~~color~~ and location of historic buildings, structures, or  
15 sites adjoining or reasonably proximate to the contributing building, structure or site.

16 8. All improvements to buildings, structures and appurtenances within a designated historic  
17 district shall be visually compatible. Visual compatibility shall be defined in terms of the  
18 following criteria:

19  
20 g. Relationship of Materials, and Texture and Color  
21 The relationship of materials, and texture ~~and color~~ of the facade of a building should be  
22 visually compatible with the predominant materials used in the historic sites, buildings  
23 and structures within a historic district.

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25 C. Certificate of Appropriateness

26 1. Activities Requiring Certificate of Appropriateness

27  
28 c. A Certificate of Appropriateness shall be required for any material change in existing  
29 walls, fences and sidewalks, ~~change of color~~, or construction of new walls, fences and  
30 sidewalks.

31  
32 2. Certificate Not Required

33  
34 b. A Certificate of Appropriateness shall not be required for any interior alteration,  
35 construction, reconstruction, restoration or renovation. General and occasional  
36 maintenance and repair shall include lawn and landscaping care and minor repairs that  
37 restore or maintain the historic site or current character of the building or structure.  
38 General and occasional maintenance and repair shall also include any ordinary  
39 maintenance which does not require a building permit from the County. General and  
40 occasional maintenance and repair shall not include any of the activities described in  
41 Article 9.B.4.C.1, Activities Requiring Certificate of Appropriateness, above, nor shall it  
42 include ~~exterior color change~~, addition or change of awnings, signs, or alterations to  
43 porches and steps or other alterations which require excavation or disturbance of  
44 subsurface resources.

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EXHIBIT E

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 11.A.3.A, Platting Requirements (Page 8 of 47), is hereby amended as  
3 follows:

4 CHAPTER A GENERAL REQUIREMENTS

5 Section 3 General Requirements

6 A. Platting Requirement

7 Any developer planning to subdivide land shall record a Final Plat in accordance with the  
8 requirements of the Article unless such requirement is specifically waived by the County Engineer  
9 in accordance with the provisions of Article 11.A.8-B, ~~Plat Waiver and Certified Boundary Survey~~  
10 Exceptions to General Requirements.

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EXHIBIT F

ARTICLE 13 – IMPACT FEES  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 13.A.7.A.2, Municipality May Require Direct Payment to County (page 9 of  
3 45), is hereby amended as follows:

4 CHAPTER A GENERAL

5 Section 7 Collection and Administrative Fees

6 A. Timing and Collection of Payment

7 ....

8 2. Municipality May Require Direct Payment to County.

9 A municipality ~~who is~~ reviewing its own applications for development permits may opt to have  
10 PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting  
11 authority for the municipality by interlocal agreement, no additional interlocal agreement is  
12 necessary for PBC to collect impact fees for permits issued for that municipality. If PBC  
13 collects the impact fees, the municipality shall not be entitled to the administrative fee. PBC  
14 shall not charge the municipality for collecting the impact fee. The municipality shall be  
15 responsible for ensuring that all impact fees are paid before issuing any building permit or  
16 other permit. One municipality may opt to have a second municipality review development  
17 permits and collect impact fees on behalf of the municipality, provided the municipality that  
18 collects impact fees maintains separate records to account for the collection and remittance  
19 of the impact fees to PBC in accordance with this article. [Ord. 2010-018]  
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**EXHIBIT G**

**PUBLIC NOTICE  
SUMMARY OF AMENDMENTS**

1  
2 **Part 1. ULDC Art. 2.A.1.J, Notification (page 18 of 85), is hereby amended as follows:**

3 **CHAPTER A GENERAL**

4 **Section 1 Applicability**

5 **J. Notification**

6 **2. Courtesy Notice**

7 **a. Applicability and Mailing Boundary**

8 Courtesy notices shall be mailed to all property owners, interested parties or other  
9 entities identified in Table 2.A.1.J, Property Notice Requirements. **[Ord. 2006-036] [Ord.**  
10 **2008-003] [Ord. 2011-016]**  
11

**Table 2.A.1.J - Property Notice Requirements**

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)	Regular Mail 301 to 500 feet (1)	Regular Mail within One Mile (1)
Type IB Variance		NA	
Type II Variance		NA	
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	Counties and Municipalities (4)
<b>[Ord. 2011-016]</b>			
<b>Notes:</b>			
1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the <del>304</del> 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary <del>may be of 1,000 feet is</del> required <del>by the Zoning Director</del> for properties located in the Exurban or Rural Tiers.			
2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.			
3. Includes condominium associations and all real property owners when real property consists of a condominium.			
4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map.			

12  
13  
14 **3. Signs**

15 a. The property subject of the application shall have notices posted by the applicant with  
16 information of the public hearing on a sign provided by the PBC at least 15 days in  
17 advance of any public hearing. One sign shall be posted for each ~~400~~ 250 feet of  
18 frontage along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022]**  
19 **[Ord. 2011-016]**

- 20 1) Evenly spaced along the street ~~when more than one sign per property is required;~~  
21 **[Ord. 2011-016]**  
22 2) Setback no more than 25 feet from the property line; and, **[Ord. 2011-016]**  
23 3) Erected in full view of the public. **[Ord. 2011-016]**

24 Where the property does not have sufficient frontage on a street, signs shall be in a  
25 location acceptable to the Zoning Director. The applicant shall submit photographs  
26 confirming the signs have been posted. The failure of any such posted notice to remain  
27 in place after it has been posted shall not be deemed a failure to comply with this  
28 requirement or be grounds to challenge the validity of any decision made by the  
29 approving authority. The applicant shall also be required to ensure the signs have been  
30 removed no later than five days after the final hearing. **[Ord. 2010-022] [Ord. 2011-016]**

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EXHIBIT H

CRITERIA FOR REZONING  
SUMMARY OF AMENDMENTS

Part 1. ULDC Art. 3.A.2, Zoning Map and District Boundaries (page 16 of 228), is hereby amended as follows:

CHAPTER A GENERAL

Section 2 Zoning Map and District Boundaries

**D. Prior Approvals Corresponding to Current Districts**

In order to promote ease of use and the consistent application of this Code, the Official Zoning Map may be updated administratively to delineate the Planned Development District that corresponds to certain prior approvals specified in Art. 3.A.3.E.2, Planned Development Districts. Updating the Official Zoning Map by delineating the current zoning category or terminology on a particular property is not a rezoning and does not change the land development regulations that are applicable to a particular property.

Part 2. ULDC Art. 3.A.3. Exceptions for Prior Approvals (pages 16 – 19 of 228), is hereby amended as follows:

CHAPTER A GENERAL

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

**E. Exemptions/Applicability Exceptions for Prior Approvals**

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, ~~or~~ Type II Variances, and prior Special Exception or Conditional Use for a Planned Unit Development (PUD), are not required to rezone. Other prior Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are encouraged but not required to rezone when submitting an application for amendment to the prior approval shall be accompanied by an application to rezone to a current Zoning district. Any application for a Development Order to any of the prior approvals listed herein that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Ord. 2011-016]

Part 3. ULDC Art. 3.E.1.J, Phasing and Platting (page 155 of 228), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

**J. Phasing and Platting**

**1. Phasing**

PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the ~~development order~~ Development Order approved by the BCC. [Ord. 2005 – 002]

**2. Platting**

All land in a PDD shall be platted in accordance with Art. 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS, ~~, except right of way dedicated to a government agency when approved by the County Engineer. All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract.~~ [Ord. 2005 – 002] [Ord. 2011-001]

**a. Exemptions**

The following shall be exempt from platting requirements:

- 1) Right of way dedicated to a government agency when approved by the County Engineer, or,
- 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a re-plat.

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EXHIBIT H

CRITERIA FOR REZONING  
SUMMARY OF AMENDMENTS

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**b. Timing**

*All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract.*

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EXHIBIT I

ENCLOSED AUCTION IND/MUPD  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Table 3.E.1.B, PDD Use Matrix (page 140 of 228), is hereby amended as follows:  
3

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD						MXPD		PIPD			LCC		NOTE				
	Pods				FLU						FLU		Use Zone			FLU						
	R E S	C O M	R E C V	C I V / P	A G / P	C L	C H	C L O	C H O	C R O	I N D	I N S T	C H O	C H O	I N D / L	C O M /	I N D /		M H P D	R V P D	C L	C H
<b>Commercial Uses</b>																						
....																						
Auction, Enclosed		R						P			P					P				P	P	16
....																						
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]																						
<b>Notes:</b>																						
P Permitted by right																						
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.																						

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5  
6 Part 2. ULDC Art. 4.B.1.A.16, Auction (pages 34-35 of 170), is hereby amended as follows:

7 CHAPTER B SUPPLEMENTARY USE STANDARDS

8 Section 1 Uses

9 A. Definitions and Supplementary Standards for Specific Uses

10 16. Auction

11 An establishment engaged in the sale of merchandise to the highest bidder in an enclosed  
12 building or outdoor. [Ord. 2009-040]

13 a. Temporary

14 A temporary auction shall comply with the Special Event supplementary use standards,  
15 Article 2.D.2, Special Permit.

16 b. Enclosed

17 All activities, display and sale of merchandise shall occur within an enclosed building.  
18 [Ord. 2009-040]

19 ~~1) MUPD~~

20 ~~An enclosed auction in a MUPD with IND FLU designation shall be subject to a~~  
21 ~~Requested Use approval process. [Ord. 2009-040]~~

22 c. Outdoors

23 An auction with all or a portion of the activity, display and sale of merchandise occurring  
24 outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001]  
25 [Ord. 2009-040]

26 d. TMD and LCC Districts

27 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002]  
28 [Ord. 2009-040] [Ord. 2010-005]

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EXHIBIT - J

PRODUCE STAND  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 1.I.2.P, Definitions (page 78 of 115), is hereby amended as follows:

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

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

6 1. Packaged or canned foods – For the purpose of Article 4, containerized food products that  
7 can be eaten as sold.

8 [Renumber accordingly]  
9

10  
11 Part 2. ULDC Art. 4.B.1.A.101, Produce Stand (page 73-76 of 170), is hereby amended as  
12 follows:

13 CHAPTER B SUPPLEMENTARY USE STANDARDS

14 Section 1 Uses

15 A. Definitions and Supplementary Standards for Specific Uses

16 101. Produce Stand

17 An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house  
18 plants and other agricultural food products, ~~such as jelly, jam, honey and juice~~. The sale of  
19 grocery or convenience-type foods or products shall not be permitted, unless stated  
20 otherwise herein.

21 a. Permanent

22 1) Maximum Floor Area

23 The square footage of the establishment shall include both the structure and all  
24 accessory areas devoted to display or storage.

25 2) Outdoor Display and Storage

26 Outdoor storage shall be subject to the provisions in Article 5.B, ACCESSORY AND  
27 TEMPORARY USES. Outdoor display of only fresh fruits and vegetables is  
28 permitted, along the property's frontage, except within the required setbacks.

29 3) ~~Uses~~ Sale of Products

30 a) General

31 ~~The use shall be limited to those uses identified above.~~ Includes sales of  
32 agricultural food products such as jelly, jam, honey and juice. No Special  
33 Permits shall be permitted in conjunction with the stand except for seasonal  
34 sales. Seasonal sales that require additional storage area may be permitted in  
35 accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No  
36 vending machines or other similar equipment shall be permitted on site. [Ord.  
37 2005 – 002]

38 b) Urban/Suburban Tier

39 The sale of packaged or canned food products may be permitted, where in  
40 compliance with the following:

41 (1) The parcel has Commercial Future Land Use designation; and,

42 (2) Sales area is limited to five percent of the total square footage of the  
43 structure, or 1,000 square feet, whichever is less.

44 4) Building Construction

45 The produce stand shall be contained in either an entirely enclosed or roofed open-  
46 air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes,  
47 travel trailers, and other permanent or temporary structures shall not be used for  
48 storage or display purposes.

49 5) AR/RSA and AGR Tiers

50 In addition to the standards above, permanent produce stands shall comply with the  
51 following:

52 a) Locational Criteria

53 The structure and accessory area shall be:

54 (1) Located on an arterial designated on the PBC Thoroughfare Plan; and

55 (2) Located at least 500 feet from adjacent existing residential uses.

56 b) Lot Size

57 The stand shall be located on a legal lot of record. A minimum of one acre shall  
58 be allocated to the exclusive use of the stand and accessory parking area.

59 c) Setbacks

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EXHIBIT - J

PRODUCE STAND  
SUMMARY OF AMENDMENTS

- 1                   The structure and accessory area shall be setback at least 50 feet from the front
- 2                   and side corner property lines. The rear and side interior setbacks shall meet the
- 3                   minimum standards of the district.
- 4                   **d) Approval**
- 5                   A permanent produce stand shall be a permitted use in the AGR and AR, and by
- 6                   Special Permit in the CN, CC & CG Zoning Districts. **[Ord. 2005 – 002]**
- 7                   **(1) AR and AGR Districts**
- 8                   The area devoted to the permanent produce stand exceeding 3,000 square
- 9                   feet shall be approved subject to a Class A conditional use. **[Ord. 2005 –**
- 10                   **002]**
- 11                   **6) Stands Less than 1,500 Square Feet**
- 12                   In addition to the standards stated above, stands less than 1,500 square feet
- 13                   (including both the structure and all accessory areas devoted to display or storage)
- 14                   shall be subject to the following development standards: **[Ord. 2005 – 002]**
- 15                   **a) Paving**
- 16                   The surface parking lot may be constructed of shell rock or other similar material.
- 17                   At a minimum, the following areas shall be paved in accordance with Article 6.A,
- 18                   PARKING, of this Code:
- 19                   (1) A paved driveway apron area, connecting the streets to the site shall be
- 20                   subject to approval by the County Engineer; and
- 21                   (2) Handicap parking spaces and handicap access.
- 22                   **7) Wholesale**
- 23                   Wholesale of produce shall be allowed in the AGR district only.
- 24                   **....**
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EXHIBIT K

DENSITY BONUS PROGRAMS  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 3.D.1.B.3, Density Bonus Programs (page 124 of 228), is hereby deleted as  
3 follows:

4 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

5 Section 1 PDRs for Standard Zoning Districts

6 B. General Exceptions

7 ~~3. Density Bonus Programs~~

8 ~~Special density programs for affordable housing are available through the use of VDBs,~~  
9 ~~TNDs, and in the Westgate CRAO and may use regulations below.~~

10 ~~a. Density Bonus Program Development~~

11 ~~1) Purpose and Intent~~

12 ~~The purpose of this Section is to provide flexibility from traditional PDRs in order to~~  
13 ~~allow greater opportunities for cost-effective development for housing approved in~~  
14 ~~conjunction with a density bonus program. The regulations represent the minimum~~  
15 ~~regulations acceptable without compromising minimum health and safety standards.~~

16 ~~2) Applicability~~

17 ~~The provisions of this Section may be applied to all residential development which~~  
18 ~~receives a density bonus for workforce housing, as defined in the Plan.~~

19 ~~3) Threshold~~

20 ~~100 percent of the units subject to the density bonus, or a minimum of 50 percent of~~  
21 ~~the total number of units in the project, whichever is greater, shall be set aside for~~  
22 ~~workforce housing in accordance with the applicable density bonus program in the~~  
23 ~~Plan.~~

24 ~~4) Lot Dimensions~~

25 ~~The lot dimensions for all housing types may be reduced by 20 percent. [Ord. 2005-~~  
26 ~~002]~~

27 ~~5) Building Intensity~~

28 ~~The maximum building coverage and FAR for all housing types may be increased by~~  
29 ~~20 percent.~~

30 ~~6) Setbacks~~

31 ~~The minimum building setbacks/separations for all housing types may be reduced by~~  
32 ~~20 percent, except for the front setback in the RS and RM districts, which may be~~  
33 ~~reduced by 40 percent.~~

34 [Renumber Accordingly]

35  
36  
37 Part 2. ULDC Art. 5.G.1.F, WHP On-site Construction (page 67 of 91), is hereby amended as  
38 follows:

39 CHAPTER G DENSITY BONUS PROGRAMS

40 Section 1 Workforce Housing Program (WHP)

41 F. WHP On-site Construction

42 WHP units may be located on-site in accordance with the provisions of Article 5.G.1.C, Workforce  
43 Development Alternatives; however, under no circumstances shall any site be permitted to  
44 develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the  
45 applicant shall identify on the plan the total number of WHP units proposed for development  
46 within each pod or phase, as applicable. The plan shall also indicate the number of units in each  
47 applicable WHP income category. ~~In no instance shall all~~ All of the WHP units shall not be  
48 constructed in the last stage phase of a multi-phased development ~~(pod/phase where applicable),~~  
49 except for a Development Order Amendment to a Development Order approved prior to WHP  
50 requirements. [Ord. 2010-005]

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EXHIBIT K

DENSITY BONUS PROGRAMS  
SUMMARY OF AMENDMENTS

1 Part 3. ULDC Art. 5.G.1.I.1, Sales and Rental Prices of WHP Units (page 69 of 91), is hereby  
2 amended as follows:

3 CHAPTER G DENSITY BONUS PROGRAM

4 Section 1 Workforce Housing Programs

5 I. Affordability Requirements

6 1. Sales and Rental Prices of WHP Units

7 All required WHP units shall be offered for sale or rent at an attainable housing cost for each  
8 of the targeted income ranges. The sale and rent prices shall be updated annually by the  
9 Planning Director, or designee, with the sale prices based on the Area Median Income (AMI),  
10 and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan  
11 statistical area) for a family of four, which pricing shall not be adjusted based on the number  
12 of occupants, as published annually by HUD (sale price: household income figure multiplied  
13 by three and priced at the middle of each of the four WHP income categories), and rental  
14 prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures  
15 as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially  
16 established for each rental unit within each WHP income category range will be the rental  
17 floor. This rental floor shall serve as the minimum rental price point required throughout the  
18 thirty (30) year term of this Covenant. Any utility allowances applied against gross maximum  
19 WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units.  
20 A chart with the sales and rent prices will be maintained and updated annually by the County.  
21 [Ord. 2006-055] [Ord. 2010-005]

22 a. Utility Allowance

23 Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or  
24 more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable  
25 and verifiable documentation is provided that indicates the total utility cost included within  
26 the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility  
27 allowance requirement would be waived. If the information provided constitutes an  
28 amount less than the prescribed utility allowance, the value may be applied against the  
29 utility allowance and the remaining balance shall be credited to the WHP resident's rent  
30 cost.

33 Part 4. ULDC Art. 5.G.2.A, Purpose and Intent [Related to Affordable Housing Program] (page  
34 71 of 91), is hereby amended as follows:

35 CHAPTER G DENSITY BONUS PROGRAM

36 Section 2 Affordable Housing Program

37 A. Purpose and Intent

38 The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an  
39 AHP. The AHP is a voluntary program used by an applicant seeking additional density for an  
40 affordable housing development. An AHP applicant elects to provide at a minimum 65 percent of  
41 the total number of dwelling units targeted to households at incomes of 60 percent of Area  
42 Median Income (AMI) and below. In any proposal a maximum of 20 percent of all units will target  
43 incomes of 30 percent and below AMI. The program ensures a minimum affordability period, and  
44 provides for a density bonus and other incentives. The program is intended to increase the  
45 supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to  
46 make the community viable. Consideration may be given to developments requesting income  
47 percentage targets that are different from those previously indicated, based on programmatic  
48 requirements imposed by a governmental agency providing affordable housing funding or another  
49 entity with different programmatic requirements, with the final determination made by the  
50 Executive Director of Planning, Zoning and Building or designee. [Ord. 2009-040]

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EXHIBIT K

DENSITY BONUS PROGRAMS  
SUMMARY OF AMENDMENTS

1 Part 5. ULDC Art. 5.G.2.B.3, When WHP and AHP Units are Proposed (WHP and AHP Units are  
2 Proposed by the Applicant) [Related to Affordable Housing Program] (page 72 of 91), is  
3 hereby deleted as follows:

4 CHAPTER G DENSITY BONUS PROGRAM

5 Section 2 Affordable Housing Program

6 B. Applicability

7 ~~3. When WHP and AHP Units are Proposed (WHP and AHP Units Proposed by the~~  
8 ~~Applicant)~~

9 ~~Consideration may be given to developments requesting both WHP and AHP units within~~  
10 ~~their proposal with the final determination to be made by the Planning Director or designee~~  
11 ~~based on the programmatic requirements imposed by a governmental agency providing~~  
12 ~~affordable housing funding or another entity with programmatic requirements (e.g., Habitat for~~  
13 ~~Humanity or a Community Land Trust). [Ord. 2009-040]~~

14  
15  
16 Part 6. ULDC Art. 5.G.3.G.4.d.1) [Related to The Application, Sale and Value of Development  
17 Rights] (page 80 of 91), is hereby amended as follows:

18 CHAPTER G DENSITY BONUS PROGRAM

19 Section 3 Transfer of Development Rights (TDRs) - Special Density Program

20 G. Transfer of Development Rights (TDRs) Bank

21 4. The Application, Sale, and Value of Development Rights

22 d. Additional prices for TDR units shall be as follows: [Ord. 2011-001]

23 1) For TDR units located within an area that has a BCC accepted Neighborhood Plan,  
24 and the proposed density increase development is identified within or supported by  
25 consistent with the Neighborhood Plan, the TDR price shall be 75 percent of full TDR  
26 price as established in 4.b. 1 and 2 above; [Ord. 2011-001]

27  
28  
29 Part 7. ULDC Art.5.G.4. Property Development Regulations (PDRs) for Density Bonus Program  
30 Development (page 86 of 91), is hereby deleted as follows:

31 CHAPTER G DENSITY BONUS PROGRAM

32  
33 ~~Section 4 Property Development Regulations (PDRs) for Density Bonus Program~~  
34 ~~Development~~

35  
36 ~~A. Purpose and Intent~~

37 ~~The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to~~  
38 ~~provide greater opportunity for cost effective development for housing approved in conjunction~~  
39 ~~with a density bonus program. The regulations represent the minimum regulations acceptable~~  
40 ~~without compromising minimum health and safety standards.~~

41 ~~B. Applicability~~

42 ~~The provisions of this Chapter may be applied to all residential development which receives a~~  
43 ~~density bonus for workforce housing, as defined in the Plan.~~

44 ~~C. Threshold~~

45 ~~100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total~~  
46 ~~number of units in the project, whichever is greater, shall be set aside for workforce housing in~~  
47 ~~accordance with the applicable density bonus program in the Plan.~~

48 ~~1. Lot Dimensions~~

49 ~~The lot dimensions in all residential districts for all housing types may be reduced by 20~~  
50 ~~percent.~~

51 ~~2. Building Intensity~~

52 ~~The maximum building coverage and floor area ratio for all residential districts for all housing~~  
53 ~~types may be increased by 20 percent.~~

54 ~~3. Setbacks~~

55 ~~The minimum building setbacks/separations for all residential districts for all housing types~~  
56 ~~may be reduced by 20 percent, except for the front setback in the RS and RM districts, which~~  
57 ~~may be reduced by 40 percent.~~

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

1 Part 1. ULDC Art. 1.1.2.A. [Related to Definitions Starting with A] (page 29 of 114), is hereby  
2 amended as follows:

3 CHAPTER I DEFINITIONS AND ACRONYMS

4 Section 2 Definitions

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

6 ....  
7 75. Apparent Drawdown - for the purpose of Article 14, the expected direction of groundwater  
8 flow caused by a well or wellfields. The apparent drawdown is based on the proximity of  
9 wells or wellfields and modeling results which represent the groundwater flow patterns.  
10 [Renumber Accordingly.]

11  
12  
13 Part 2. ULDC Art. 1.1.2.P. [Related to Definitions Starting with P] (page 80 of 114), is hereby  
14 amended as follows:

15 CHAPTER I DEFINITIONS AND ACRONYMS

16 Section 2 Definitions

17 P. Terms defined herein or referenced in this article shall have the following meanings:

18 ....  
19 26. Participating Water Utility - for the purpose of Article 14, a county, municipal or private  
20 water utility that enters into an agreement with Palm Beach County to take part in the Water  
21 Utility Cost Share Program.  
22 [Renumber Accordingly.]

23  
24  
25 Part 3. ULDC Art. 1.1.2.P. [Related to Definitions Starting with P] (page 84 of 114), is hereby  
26 amended as follows:

27 CHAPTER I DEFINITIONS AND ACRONYMS

28 Section 2 Definitions

29 P. Terms defined herein or referenced in this article shall have the following meanings:

30 98. Protection Maps - for the purpose of Article 14, the depicted Zone of Influence areas that  
31 are part of active agreements between Palm Beach County and the Participating Utilities to  
32 protect the raw drinking water resources of Palm Beach County and are based on the  
33 hydrologic apparent drawdown, municipal boundary, or a combination of both as determined  
34 by the Director of ERM. These areas represent the Zone of Influence contour lines that  
35 overlay the latest digital ortho-photography prior to BCC adoption showing the location of the  
36 outer limits of Zones of Influence for present and future public potable water supply wells and  
37 wellfields permitted for 100,000 gallons per day or more. Protection Maps are maintained by  
38 ERM.  
39 [Renumber Accordingly.]

40  
41  
42 Part 4. ULDC Art. 1.1.2.W. [Related to Definitions Starting with W] (page 108 of 114), is hereby  
43 amended as follows:

44 CHAPTER I DEFINITIONS AND ACRONYMS

45 Section 2 Definitions

46 W. Terms defined herein or referenced in this article shall have the following meanings:

47 15. Water Utility Cost Share Program - for the purpose of Article 14, a voluntary finance  
48 contribution program for county, municipal and private water utilities through an agreement to  
49 fund county wellfield protection activities within Palm Beach County.  
50 [Renumber Accordingly.]

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

1 Part 5. ULDC Art. 1.I.2.W.21, Wellfield (page 109 of 114), is hereby amended as follows:

2 CHAPTER I DEFINITIONS AND ACRONYMS

3 Section 2 Definitions

4 W. Terms defined herein or referenced in this article shall have the following meanings:

5 ~~21-20.~~ Wellfield -

6 a. For the purposes of Art. 14, an area of land which contains one or more than one well for  
7 obtaining water for Participating Water Utilities.

8 b. For the purposes of Art. 15, an area of land which contains more than one potable well  
9 that is designed for a pumping rate of at least 100,000 gallons per day.

10  
11  
12 Part 6. ULDC Art. 1.I.2.W.22, Wellfield Zones 1, 2, 3 and 4 (page 109 of 114), is hereby  
13 amended as follows:

14 CHAPTER I DEFINITION AND ACRONYMS

15 Section 2 Definitions

16 W. Terms defined herein or referenced in this article shall have the following meanings:

17 ~~21-22.~~ Wellfield Zones 1, 2, 3 and 4 – for the purpose of Article 14, zones of influence  
18 delineated by iso-travel time contours around public water supply wellheads for Participating  
19 Water Utilities. Zone 1 is identified as the land area situated between the well(s) and the  
20 within a 30-day travel time, and Zone 2 is the land area situated between the 30 day travel  
21 time and the within a 210-day travel time, and Zone 3 is the land area situated between 210  
22 day and the 500 day travel time contours. Zone 4 is determined by the area situated beyond  
23 the 500 day travel time contour and within the one foot drawdown contour. Zones of  
24 influence Protection Maps, including Zones 3 and 4 are developed pursuant to the  
25 Wellfield Protection Section and are on file and maintained by ERM Department.

26  
27  
28 Part 7. ULDC Art. 14.B.1.A, Purpose and Intent [Related to Wellfield Protection] (page 13 of  
29 52), is hereby amended as follows:

30 CHAPTER B WELLFIELD PROTECTION

31 Section 1 Purpose and Intent

32 A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare  
33 of the residents and visitors of PBC Palm Beach County by providing criteria for regulating and  
34 prohibiting the use, handling, production and storage of certain deleterious substances which may  
35 impair present and future public potable water supply wells and wellfields of county, municipal  
36 and private utilities that participate in a Water Utility Cost Share program.

37  
38  
39 Part 8. ULDC Art. 14.B.3.A, Applicability [Related to Wellfield Protection] (page 13 of 52), is  
40 hereby amended as follows:

41 CHAPTER B WELLFIELD PROTECTION

42 Section 3 Applicability

43 A. General

44 The provisions of this Chapter shall apply within the areas contained in the Protection Maps. The  
45 Protection Maps are the depicted Zone of Influence areas surrounding public potable water  
46 supply wells and wellfields of county, municipal, and private utilities that participate in the Water  
47 Utility Cost Share Program. The Protection Maps are maintained by ERM, and are developed  
48 and amended as necessary pursuant to Art. 14.B.6, Zones of Influence. The Zones of Influence  
49 Maps, created under Palm Beach County Ordinance No. 88-07, as amended, will remain in full  
50 force and effect, until adoption of the Protection Maps. The provisions of this Chapter shall be  
51 effective within the incorporated and unincorporated areas of PBC, and shall set restrictions,  
52 constraints and prohibitions to protect present and future public potable water supply wells and  
53 wellfields from degradation by contamination of deleterious substances.

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

1 Part 9. ULDC Art. 14.B.6.A, Maps [Related to Zones of Influence and Wellfield Protection]  
2 (page 17 of 37), is hereby amended as follows:

3 CHAPTER B WELLFIELD PROTECTION

4 Section 6 Zones of Influence

5 A. **Protection Maps**

6 The Zones of Influence Protection Maps, developed as described in Article 14.B.6.A.2, Basis, are  
7 incorporated herein and made a part of this Chapter. These Protection Maps shall be on file and  
8 maintained by ERM.

9 1. **Amendments**

10 Any amendments, additions or deletions to said Protection Maps shall be approved by the  
11 BCC ~~following written notice to property owners within the area covered by the amendment,~~  
12 ~~addition, or deletion, and~~ after public hearing. ~~Written notice as provided herein shall be~~  
13 ~~given at least 30 days prior to the public hearing on the amendment, addition or deletion.~~  
14 ~~Said Maps shall be provided to any agency requesting said Maps.~~

15 2. **Basis**

16 The Zones of Influence Protection Maps are based upon travel time contours and one foot  
17 drawdown contours.....

18 3. **Review**

19 The Zones of Influence Protection Maps shall be reviewed at least on an annual basis.  
20 However, failure to conduct said review shall not affect the validity of the existing approved  
21 Protection Maps. The basis for updating said Maps may include, but is not limited to, the  
22 following:

- 23 a. Changes in the technical knowledge concerning the applicable aquifer;
- 24 b. Changes in the pumping rate of wellfields;
- 25 c. Wellfield reconfiguration;
- 26 d. Addition or removal of Participating Water Utilities; and
- 27 ~~d.e.~~ Designation of new wellfields.

28 4. **Boundaries**

29 The Zones of Influence indicated on the Zones of Influence Protection Maps are as follows:

30 5. **Interpretation of Boundaries**

31 In determining the location of properties and facilities within the zones depicted on the Zones  
32 of Influence Protection Maps, the following rules shall apply:

- 33 a. Properties located wholly within one zone reflected on the applicable Zones of Influence  
34 Protection Maps shall be governed by the restrictions applicable to that zone;
- 35 b. To that the extent Article 14.B.6.C, Prohibitions and Restrictions, does not apply,  
36 properties having parts lying within more than one zone as reflected on the applicable  
37 Zones of Influence Protection Maps shall be governed by the restrictions applicable to the  
38 zone in which the part of the property is located;

39 ....

40 ~~6. **Reference Raw Water Analysis to be Completed for Each Well**~~

41 ~~A reference set of raw water analyses shall be completed for each for which a Zones of~~  
42 ~~Influence map has been established. Said analyses shall be completed within 185 days after~~  
43 ~~March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM~~  
44 ~~and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be~~  
45 ~~completed prior to the release of the well into service by the PBCHD within in and ERM. Said~~  
46 ~~analyses shall address inorganic priority pollutants as listed in Appendix 4, Organic Priority~~  
47 ~~Pollutants, and organic pollutants as listed in Chapter 62-550, F.A.C. and as shown in~~  
48 ~~Appendix 4, Organic Priority Pollutants. The cost shall be borne by the utility. The analytical~~  
49 ~~reports shall be prepared by a State of Florida certified laboratory, certified for the applicable~~  
50 ~~analyses. Samples shall be taken by the State of Florida certified laboratory performing the~~  
51 ~~analyses, or its authorized representative.~~

54 Part 10. ULDC Art. 14.B.6.B, Protection of Future Wellfields (page 18 of 52), is hereby amended  
55 as follows:

56 CHAPTER B WELLFIELD PROTECTION

57 Section 6 Zones of Influence

58 B. **Protection of Future Wellfields**

59 The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant  
60 hereto shall apply to any sites officially designated by the BCC as future wellfields. Such  
61 prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of  
62 Influence Protection Maps for the designated future wellfield. ~~Prior to final action by the BCC in~~

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

1 ~~designating a future wellfield or approving the Zones of Influence Maps for those wellfields, all~~  
2 ~~property owners and discernable operating activities within the area affected shall receive written~~  
3 ~~notice at least 30 days prior to the proposed public hearing at which the action shall be~~  
4 ~~considered.~~

7 Part 11. ULDC Art. 14.B.6.C.2.b)6), Reporting of Spills (page 20 of 52), is hereby amended as  
8 follows:

9 CHAPTER B WELLFIELD PROTECTION

10 Section 6 Zones of Influence

11 C. Prohibitions and Restrictions

12 2. Zone 2

13 b. Permit Conditions

14 6) Reporting of Spills

15 Any spill of a Regulated Substance in excess of the non-aggregate quantity  
16 thresholds identified in the definition of "Regulated Substance" shall be reported by  
17 telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM  
18 within 24 hours of discovery of the spill. Clean-up shall commence immediately upon  
19 discovery of the spill. A full written report including the steps taken to contain and  
20 clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.  
21

23 Part 12. ULDC Art. 14.B.6.C.3.b)5), Reporting of Spills (page 22 of 52), is hereby amended as  
24 follows:

25 CHAPTER B WELLFIELD PROTECTION

26 Section 6 Zones of Influence

27 C. Prohibitions and Restrictions

28 3. Zone 3

29 b. Permit Conditions

30 5) Reporting of Spills

31 Any spill of a Regulated Substance in excess of the non-aggregate quantity  
32 thresholds identified in the definition of "Regulated Substance" shall be reported by  
33 telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM  
34 within 24 hours of discovery of the spill. Clean-up shall commence immediately upon  
35 discovery of the spill. A full written report including the steps taken to contain and  
36 clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.  
37

39 Part 13. ULDC Art. 14.B.6.C.4.b)2), Reporting of Spills (page 22 of 52), is hereby amended as  
40 follows:

41 CHAPTER B WELLFIELD PROTECTION

42 Section 6 Zones of Influence

43 C. Prohibitions and Restrictions

44 4. Zone 4

45 b. Permit Conditions

46 2) Reporting of Spills

47 Any spill of a Regulated Substance in excess of the non-aggregate quantity  
48 thresholds identified in the definition of "Regulated Substance" shall be reported by  
49 telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM  
50 within 24 hours of discovery of the spill. Clean-up shall commence immediately upon  
51 discovery of the spill. A full written report including the steps taken to contain and  
52 clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.  
53

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

1 Part 14. ULDC Art. 14.B.6.E, Domestic Water and Stormwater Treatment (page 23 of 52), is  
2 hereby amended as follows:

3 CHAPTER B WELLFIELD PROTECTION

4 Section 6 Zones of Influence

5 E. ~~Domestic Wastewater and~~ Stormwater Treatment and Exfiltration Systems

6 ~~1. Sanitary Sewer Mains~~

7 ~~All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public~~  
8 ~~drinking water wellfield shall be constructed to force main standards. Standards for~~  
9 ~~installation are shown in Appendix 5, Minimum Standards for Sewer Pipe Fittings, Coatings~~  
10 ~~and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new~~  
11 ~~wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be~~  
12 ~~pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD~~  
13 ~~prior to release of the well for service.~~

14 ~~2. Exfiltration Systems~~

15 No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water  
16 wellfield.

17 ~~3. Retention/Detention Ponds~~

18 ~~New retention or detention ponds located within wellfield zones shall comply with the criteria~~  
19 ~~described in the SFWMD Management and Storage of Surface Waters Permit Information~~  
20 ~~Manual IV. These criteria are enforced through the SFWMD permitting process.~~

21 ~~4. Percolation Ponds~~

22 ~~New percolation ponds for domestic wastewater treatment located within wellfield zones shall~~  
23 ~~comply with the requirements for separation from public drinking water wells set forth in~~  
24 ~~Chapters 62-555 and 62-610, F.A.C., and enforced by Florida Department of Environmental~~  
25 ~~Protection and the PBCHD.~~

26 ~~5. Land Application of Domestic Wastewater Effluent~~

27 ~~Land application of domestic effluent or sludge within wellfield zones shall comply with the~~  
28 ~~requirements for separation from public drinking water wells as set forth in Chapters 62-555,~~  
29 ~~62-610, and 62-640, F.A.C. and enforced by Florida Department of Environmental Protection~~  
30 ~~and the PBCHD.~~

31 ~~6. Onsite Sewage Disposal Systems~~

32 ~~New onsite sewage disposal systems (septic tanks) located within wellfield zones shall~~  
33 ~~comply with the requirements for maximum sewage loading and separation from public~~  
34 ~~drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the~~  
35 ~~PBCHD.~~

36  
37  
38 Part 15. ULDC Art. 14.B.7.B.2, Closure Permit (page 25 of 52), is hereby amended as follows:

39 CHAPTER B WELLFIELD PROTECTION

40 Section 7 Wellfield Protection (Operating and Closure Permits)

41 B. Applications

42 2. Closure Permit

43 Closure permit applications shall be required in Zone 1 and Zone 2 and contain the following  
44 information:

45 ....

46 c. The Florida Department of Environmental Protection ~~and the PBCHD~~ shall be advised in  
47 writing of each closure permit application.

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

Part 16. ULDC Art. 14, Appendices 4 & 5 (page 47 of 52), is hereby amended as follows:

**APPENDIX 4 ORGANIC PRIORITY POLLUTANTS**

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2, 4-D	p-chlorotoluene
2, 4, 5-TP	chloromethane
bromedichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1, 3-dichloropropene
trichloroethene	cis-1, 2-dichloroethane
tetrachloroethene	1, 2-dichloropropane
carbon tetrachloride	1, 3-dichloropropane
vinyl chloride	2, 2-dichloropropane
1, 1, 1-trichloroethane	cis-1, 3-dichloropropane
1, 2-dichloroethane	ethylbenzene
benzene	methylene chloride
ethylene dibromide	1, 1, 2-trichloroethane
p-chlorobenzene	trichlorofluoromethane
1, 1-dichloroethene	1, 2, 3-trichloropropane
styrene	toluene
m-dichlorobenzene	m-xylene
o-dichlorobenzene	o-xylene
1, 2-dibromo-3-chloropropane (DBCP)	p-xylene
1, 1, 1, 2-tetrachloroethane	bis (2-ethylhexyl) phthalate
1, 1, 2, 2-tetrachloroethane	butyl benzyl phthalate
methyl tert-butyl-ether (MTBE)	di-n-butylphthalate
1, 1-dichloropropene	diethylphthalate
o-chlorotoluene	dimethylphthalate
aldrin	2, 4-dinitrotoluene
chlordane	dioctylphthalate
dieldrin	hexachlorocyclopentadiene
heptachlor	isophorone
aldicarb	2, 3, 7, 8-tetrachlorodibenzo-p-dioxin
aldicarb sulfoxide	1, 2, 4-trichlorobenzene
aldicarb sulfone	PCB-1016
dalapon	PCB-1221
carbofuran	PCB-1232
oxymyl	PCB-1242
simine	PCB-1248
atrane	PCB-1254
picloram	PCB-1260
dinoseb	2-chlorophenol
alachlor	2-methyl-4, 6-dinitrophenol
metolachlor	phenol
dicamba	2, 4, 6-trichlorophenol
pentachlorophenol	

**Inorganic Priority Pollutants**

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide
<b>Note:</b> Parameters reflected in this table may be adjusted by ERM.	

**APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS**

**A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application**

1. ~~Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe six inches or larger in size and Class 51 for pipe smaller than six inches. Glands for mechanical joints shall be of ductile iron or cast iron.~~
2. ~~Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 inches and smaller shall have a 250 psi minimum working pressure.~~
3. ~~Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.~~

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EXHIBIT L

WELLFIELD PROTECTION PROGRAM  
SUMMARY OF AMENDMENTS

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~~4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85~~

~~**B. Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications**~~

~~**1. Gasketed Joint Pipe**~~

~~a. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ration DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.~~

~~b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SOR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PBC conforming to ASTM D 1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC.~~

~~**C. Coatings**~~

~~The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/AWWA D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.~~

~~**D. Leakage Tests**~~

~~The test shall be of two hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C-600, Sec. 4.2. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.~~

~~**E. Manholes**~~

~~Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.~~

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1           **WHEREAS**, the BCC has requested that the issue of internet cafes be referred to  
2 the Intergovernmental Plan Amendment Review Committee (IPARC) for study and  
3 recommendations; and

4           **WHEREAS**, whereas the BCC deems it in the best interest of the public health,  
5 safety and welfare of the county to direct county staff to study and evaluate this issue  
6 and to place a moratorium on the acceptance of applications for and the issuance of  
7 any development permits, business tax receipts or any other approval for such facilities  
8 for a period of up to one year; and

9           **WHEREAS**, adoption of the moratorium will provide Palm Beach County an  
10 opportunity to develop regulations that address the secondary effects of internet cafés  
11 and their impacts on the community or alternatively to consider prohibiting additional  
12 internet cafes from opening in unincorporated Palm Beach County.

13

14 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
15 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:**

16           **Section 1. Adoption**

17           The amendments set forth in Exhibit A, attached hereto and made a part hereof,  
18 are hereby adopted.

19           **Section 2. Interpretation of Captions**

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

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

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

26           **Section 4. Severability**

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

31



EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 1/12/12)

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Part 1. ULDC Art. 1.1.2, Definitions (pages 55 and 66 of 115), is hereby amended as follows:

**Reason for amendments:** [Zoning/Co. Atty.] To establish a moratorium on internet cafés until the ULDC is amended to establish standards for this use; to clarify that internet cafés are not considered indoor entertainment us; and to provide a definition for internet café.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

- E. Terms defined herein or referenced in this Article shall have the following meanings:
  - 23. **Entertainment, Indoor** - An establishment offering games of skill to the general public for a fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. An internet café shall not be considered an indoor entertainment use. [Ord. 2005-002]
  - ....
  - I. Terms defined herein or referenced in this Article shall have the following meanings:
    - ....
    - 32. Internet Café** – Any facility, whether identified as an arcade, game room, internet café, sweepstakes redemption center or by any other name, that utilizes slot machines, simulated gambling devices or similar equipment. A simulated gambling device means any device that, upon connection with an object is available to play or operate a simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff, including money, credit, tickets or tokens to be exchanged for cash or to receive merchandise or any other thing of value. This definition only applies to establishments marketed to adults and shall not apply to game rooms or arcades generally targeted to minors that do not utilize slot machines, simulated gambling devices or similar equipment. The following rules of construction apply to this definition of internet café:
      - a. The term “upon connection with an object” means insertion, swiping, passing in range, or any other technical means of physically, electronically, or electromagnetically connecting an object to a device, or inputting or inserting a password, code, account or user number, or user name, into a device.
      - b. The term “object” means a coin, bill, ticket, token, card, password, account or user number, user name, code, or number, or other object obtained directly or indirectly through payment of consideration or a donation or obtained as a bonus or supplement to another transaction involving the payment of consideration or a donation.
      - c. The terms “play or operate” includes any activation of a device whether involving the use of skill, the application of the element of chance, or both, or neither, or the implementation of an outcome unpredictable to the person activating the device.
      - d. The term “simulation” includes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

[Renumber accordingly.]

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 1/12/12)

1  
2 **Part 2. ULDC Table 3.B.2.A, Airport Use Regulations (page 22 of 228), is hereby amended as**  
3 **follows:**

4 **Reason for amendments:** [Zoning/Co. Atty.] To amend all use matrices to reflect the establish of internet café as a new use.

5 **Table 3.B.2.A – Airport Use Regulations**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs <sup>(1)</sup>	Note <sup>(2)</sup>	Use Applicable to Specific Airport
....					
<b>Recreation Uses</b>					
....					
<u>Internet Café</u>					<u>45.1</u>
....					
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]					

6  
7  
8 **Part 3. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 41 of 228), is hereby**  
9 **amended as follows:**

10 **Reason for amendments:** [Zoning/Co. Atty.]To amend all use matrices to reflect the establish of internet café as a new use.

11 **Table 3.B.14.E - WCRAO Sub-area Use Regulations**

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
....								
<b>Recreation Uses</b>								
<u>Internet Café</u>	<u>X</u>							
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016]								
<b>Notes:</b>								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]								
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]								
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]								
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]								
<b>Key:</b>								
X Prohibited in Sub-area.								
- Subject to Use Regulations of zoning district.								
P Permitted by Right. [Ord. 2007-013] [2009-040]								
A Class A Conditional or Requested Use								

12  
13  
14 **Part 4. ULDC Table 3.B.15.F, IRO Permitted Use Schedule (page 75 of 228), is hereby amended**  
15 **as follows:**

16 **Reason for amendments:** [Zoning/Co. Atty.] To amend all use matrices to reflect the establish of internet café as a new use.

17 **Table 3.B.15.F - IRO Permitted Use Schedule (continued)**

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	C L	C H	C L	C H			C L	C H	C L	C H	
<b>Recreation Uses</b>											
....											
<u>Internet Café</u>					<u>45.1</u>						
....											
[Ord. 2010-005]											
<b>Key:</b>											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted by right, subject to accessory use limitations.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 1/12/12)

1  
2 Part 7. ULDC, Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of  
3 228), is hereby amended as follows:  
4

**Reason for amendments:** [Zoning/Co. Att.] To amend all use matrices to reflect the establish of internet café as a new use.

5 **Table 3.F.1.F - Traditional Development Permitted Use Schedule**

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
....											
<b>Recreation Uses</b>											
....											
<b>Internet Café</b>											<b>45.1</b>
....											
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005]											
<b>Notes:</b>											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

6  
7  
8 Part 8. ULDC, Table 4.A.3.A - Use Matrix (page 14 of 161), is hereby amended as follows:  
9

**Reason for amendments:** [Zoning/Co. Att.] To amend all use matrices to reflect the establish of internet café as a new use.

10 **Table 4.A.3.A - Use Matrix Continued**

Use Type	Zoning District/Overlay															NOTE				
	Agriculture/Conservation			Residential					Commercial					Industry/Public						
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C		I	I	P	I
	C	G	R	R	U	E	T	S	M	N	L	C	H	G	R		L	G	O	P
....																				
<b>Recreation Uses</b>																				
....																				
<b>Internet Café</b>																			<b>45.1</b>	
....																				
[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040]																				
<b>Key:</b>																				
P Permitted by right																				
D Permitted subject to DRO approval																				
S Permitted subject to Special Permit approval																				
B Permitted subject to Zoning Commission approval																				
A Permitted subject to Board of County Commission approval																				

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 1/12/12)

1  
2 Part 9. ULDC Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (Page  
3 50 of 170), is hereby amended as follows:  
4

**Reason for amendments:** [Zoning/Co. Atty.] BCC directed staff at the December 1, 2011 BCC Zoning Hearing to review and evaluate the practices of internet cafés and to impose a moratorium on new applications for internet café approvals.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 45. Entertainment, Indoor

9 An establishment offering games of skill to the general public for a fee or charge and wholly  
10 enclosed in a building. Typical uses include bowling alleys, bingo parlors, pool halls, billiard  
11 parlors and video game arcades. An internet café shall not be considered an indoor  
12 entertainment use. [Ord. 2005 – 002]

13 a. CRE District

14 An indoor entertainment shall not be located in a CRE district with RR FLU designation.

15 b. IL District

16 An indoor entertainment facility exceeding three acres in the IL district, the use shall  
17 rezone to the CRE district.

18 c. CC, CG, and MUPD Districts

- 19 1) An indoor entertainment use less than 3000 square feet is a permitted use.  
20 2) Banquet and reception facilities as a principal use are subject to Class A conditional  
21 use or requested use.

22 ....

23 **45.1. Internet Café**

24 Any facility, whether identified as an arcade, game room, internet café, sweepstakes  
25 redemption center or by any other name, that utilizes slot machines , simulated gambling  
26 devices or similar equipment. A simulated gambling device means any device that, upon  
27 connection with an object is available to play or operate a simulation of any game, and which  
28 may deliver or entitle the person or persons playing or operating the device to a payoff,  
29 including money, credit, tickets or tokens to be exchanged for cash or to receive merchandise  
30 or any other thing of value. This definition only applies to establishments marketed to adults  
31 and shall not apply to game rooms or arcades generally targeted to minors that do not utilize  
32 slot machines, simulated gambling devices or similar equipment.

33 a. **Definition Rules of Construction**

34 The following rules of construction apply to this definition of internet café:

- 35 1) The term “upon connection with an object” means insertion, swiping, passing in  
36 range, or any other technical means of physically, electronically, or  
37 electromagnetically connecting an object to a device, or inputting or inserting a  
38 password, code, account or user number, or user name, into a device.  
39 2) The term “object” means a coin, bill, ticket, token, card, password, account or user  
40 number, user name, code, or number, or other object obtained directly or indirectly  
41 through payment of consideration or a donation or obtained as a bonus or  
42 supplement to another transaction involving the payment of consideration or a  
43 donation.  
44 3) The terms “play or operate” includes any activation of a device whether involving the  
45 use of skill, the application of the element of chance, or both, or neither, or the  
46 implementation of an outcome unpredictable to the person activating the device.  
47 4) The term “simulation” includes simulation by means of a computer, computer system,  
48 video display, video system or any other form of electronic video presentation.

49 b. **Moratorium**

- 50 1. The Board of County Commissioners of Palm Beach County does hereby impose a  
51 moratorium beginning on the effective date of this ordinance, upon the acceptance of  
52 zoning applications and all applicable requests for zoning approval for internet cafés;  
53 and,  
54 2. This Ordinance shall expire upon the earlier of the following: one year from the  
55 effective date of this ordinance or upon the effective date of Unified Land  
56 Development Code amendments dealing with internet cafés to be considered by the  
57 Board of County Commissioners during the moratorium.

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EXHIBIT A

INTERNET CAFÉ  
SUMMARY OF AMENDMENTS  
(Updated 1/12/12)

1  
2 Part 10. ULDC, Table.6.A.1.B, Minimum Off-Street Parking and Loading Requirement [Related  
3 to Medical or Dental Office and Pain Management Clinics] (page of 161), is hereby  
4 amended as follows:  
5

6 Reason for amendments: [Zoning/Co. Atty.]

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Commercial	Parking (1)	Loading (2)
...		
Internet Café	<u>1 space per 200 sq. ft. or 1 per 3 seats, whichever is greater.</u>	<u>C</u>
...		
<b>[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2008-037]</b>		
<b>Loading Key:</b>		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA.		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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