



May 15, 2013

**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
Board of County
Commissioners**

Steven L. Abrams, Mayor
Priscilla A. Taylor, Vice Mayor

Hal R. Valeche
Paulette Burdick

Shelley Vana
Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

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

RE: May 22, 2013 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, May 22, 2013.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Ken Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205 or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: May 22, 2013 LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning
- Audrey Wolf, Director, Facilities Development & Operations

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"An Equal Opportunity
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PALM BEACH COUNTY

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

MAY 22, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

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

Henry D. Studstill, (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Vacant (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams, Mayor, District 4

Priscilla A. Taylor, Vice Mayor, District 7

**Hal R. Valeche
Commissioner, District 1**

**Paulette Burdick
Commissioner, District 2**

**Shelley Vana
Commissioner, District 3**

**Mary Lou Berger
Commissioner, District 5**

**Jess R. Santamaria
Commissioner, District 6**

**Robert Weisman
County Administrator**



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



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) AND
LAND DEVELOPMENT REVIEW COMMITTEE (LDRC)**

**WEDNESDAY, MAY 22, 2013 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of April 24, 2013 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Adult Day Care
2. Exhibit C Murals
3. Exhibit D Freestanding ATM
4. Exhibit E Private Gun Range
5. Exhibit F Bona-fide Agriculture

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determinations
 - a. See Exhibits listed above B.1 thru B.5
 - b. Previously presented at February 27 and April 24 LDRAB meetings:
 - 1) Exhibit G Art. 1, General Provisions
 - 2) Exhibit H Art. 3, Overlays and Zoning Districts
 - 3) Exhibit I Art. 10, Enforcement
 - 4) Exhibit J Florida Fish and Wildlife Conservation Commission

D. ADJOURN AS LDRC

E. RECONVENE AS LDRAB

F. PUBLIC COMMENTS

G. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

H. STAFF COMMENTS

I. ADJOURN

EXHIBIT A

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

Minutes of April 24, 2013 Meeting

On Wednesday, April 24, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 16

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)*
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumohl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 1)
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
Leo Plevy (Member At Large, Alt.)

Members Absent: 2

Maurice Jacobson (Condominium Association)
James Brake (Member At Large, Alt.)

Vacancies: 1

(Assoc. General Contractors of America)

County Staff Present:

Leonard Berger, Assistant County Attorney
Rebecca D. Caldwell, Executive Director, PZ&B
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Scott Rodriguez, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Robert Kraus, Senior Site Planner,
Environmental Resources Management (ERM)

2. Additions, Substitutions, and Deletions

Chair Wes Blackman noted that there were no additions, substitutions, and deletions.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (15* - 0).

4. Adoption of March 27, 2013 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Rayman. Motion passed (15* - 0).

* Henry Studstill arrives at 2:06 p.m.

B. RECOGNITION OF FORMER BOARD MEMBER: MARTIN KLEIN

The Chair noted that Mr. Klein could not be present and the item was postponed.

C. ULDC AMENDMENTS

Exhibit B, was explained by Mr. Cross, as follows:

1. Exhibit B – Art. 1, General Provisions

Mr. Cross explained that the revision of the Coastal High Hazard Area definition was needed for consistency with the Comprehensive Plan amended in Round 2011-02, and the clarification of Mobile Home definition was for the purpose of allowing a pot bellied pig as a household pet in accordance with Art. 5.B.1.A.21. Also included was the addition of acronyms for Lifestyle Commercial Center (LCC) and the Agency for Health Care Administration (AHCA).

Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

2. Exhibit C - Exemptions/Applicability for Prior Approvals

Mr. Cross stated that Exhibit C corrects minor scrivener's errors inconsistent with "reason" for original amendment.

Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

3. Exhibit D - Art. 10, Enforcement

Mr. Kraus stated that the amendment ensures that the County is authorized to impose penalties and fines under Chapter 403, F.S, as required by their contract with the Florida Department of Environmental Protection (FDEP).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 24, 2013 Meeting

Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

4. Exhibit E - Electrified Fences

The Reasons for Amendment outlined the background and summary of staff's current areas of concern about electrified fencing. Staff continued to have reservations with the proposed fencing but had sought to work out compromises that would address concerns with safety and aesthetics. Mr. Cross indicated that there were only two key issues outstanding.

Minimum spacing required for warning signage: The applicant had proposed requiring a minimum of 60 feet between signs as it facilitates installation due to the most common distance between fence poles versus, while staff had recommended 30 feet spacing for safety reasons. Prior to the meeting staff had offered a compromise of 45 feet space between warning signs along an electrified fence; however, the applicant declined.

Mr. Gulisano suggested the Board support staff's recommendation of 45 feet.

Mr. Cross referred to Page 14, line 12 which included the language originally proposed by the applicant related to landscaping and screening. He indicated that staff had issues with a revision requested by the applicant to insert the word "vegetation" as it would likely create future issues with interpretation. Mr. Cross also advised that staff was not comfortable accepting the applicant's proposal to require a Type III Incompatibility Buffer, indicating that existing landscape perimeter buffer standards combined with an additional requirement to screen electrified fences within 50 feet of certain property lines was sufficient. While short notice, he indicated that he had spoken to Mr. Barry shortly before the meeting commenced and believed that all parties would be in agreement with the following recommendations:

- deletion of (a) in its entirety because it adds another layer of complexity for everyone; and,
- that (b) All other Properties, P 14, Line 14 replace (a) with the following changes to the text:

~~(b) (a) All Other Properties Within Required Setbacks~~
Electrified fences shall not be permitted within any required setback from or within 50 feet of property lines, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping.

In reading the proposed simplification into the record, Mr. Cross pointed out that other clarification may also be required, and he inquired if Mr. Barry had any objections.

Mr. Barry said the language was appropriate and he liked the simplicity and brevity. He was of the opinion that his client would not object to it.

A discussion followed in which the following views were expressed:

- Mr. Baumoehl expressed concern about aesthetics and the Reasons for Amendment which stated that electrified fences serve as deterrent to crime in industrial or in other similar areas. His concern is mainly related to public perception of slum and blight.
- Mr. Carpenter said that many of the locations are on Military Trail and US 1 and the fencing will be unattractive as it will look like the perimeter of a prison. He did not think it appropriate.
- Mr. Gulisano reminded Mr. Carpenter that the fence consists of two feet of wires above the 6 foot fence or the maximum height permitted by the Code. Mr. Cross added that the additional 2 feet would be there only if landscaping requirements were met.
- Mr. Bailey said that there should be more concern for the perspectives of pedestrians and less concern for the perspectives of those driving by. Electrified Fences might provide pedestrians the impression of something hazardous in the area which is not consistent with the intent of the Board to provide sense of community to the County residents.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 24, 2013 Meeting

Motion by Ms. Vinikoor to accept staff's recommendation of 45 feet for the space between warning signage; deletion of section (a) Properties Fronting Roadways on Page 14, line 12; renumbering of standards (b) to new (a) starting with "All other Properties" with the text changes as stated by Mr. Cross.

Motion by the Chair for vote on a roll call. The Secretary called the roll. The motion passed (13 - 3). Mr. Carpenter, Mr. Bauhmoehl and Mr. Zimmerman voted nay.

D. Convene as LDRC

1. Proof of Publication

Motion to approve by Mr. Puzzitiello, seconded by Ms. Katz. Motion passed (16 - 0).

2. Consistency Determination

Mr. John Rupertus stated that the proposed amendments in Exhibit E were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Ms. Katz, seconded by Ms. Vinikoor. The motion passed (16 - 0). Adjourned as LDRC.

E. Reconvene as LDRAB

F. Privately Initiated Amendments

Phase 1, Initiation of Code Amendment by Urban Design Kilday Studios to Allow for detached accessory structure on Recreational Vehicle Planned Development District (RVPD) lots.

Ms. Brinkman recused herself from discussion on this item and provided a Voting Conflict form 8B to be part of the minutes.

Mr. Cross referred to the staff report on Page 16 which recommends that this privately initiated amendment be included in Round 2013-02, because of the priority being given to the 2013-2014 Use Regulations Project. He also referred to the Background and Summary on the report and said Mr. Tuma of Urban Design Kilday would provide more information.

Mr. Ken Tuma stated that the application is to allow for detached accessory structures, no more than 200 square feet in size, on individual Recreational Vehicle Planned Development District (RVPD) lots. Mr. Tuma did a slide presentation of similar coach houses in Florida and provided clarifications to the change as follows:

- This is a new industry trend associated with high-end Recreational Vehicles;
- The structures will be used mainly for storage of outdoor furniture due to limited storage area in the Recreational Vehicles (RV);
- Structures have to comply with Building Code and include electricity, water and sewage service to include a bathroom and a sink for convenience of the RV users;
- The structure is not for living purposes;
- The average residency time is three months, the remaining time the lot may be rented out;
- The lots will not be fee simple, they will be treated as condominiums; and,
- A typical RV size is 8' foot wide by 45' in length.

Board members expressed the following views:

Mr. Bauhoeml would like to see language to clarify the structure is not habitable to avoid building code issues, in addition to compliance with landscaping and aesthetics.

Mr. Carpenter said that this constitutes turning a RV Park into a motel, which is not the purpose of these developments. He disagrees with the concept of permanent structures in a RV Park.

Mr. Kozell requested clarification on how the privately initiated amendment process worked and sought to confirm that if the BCC moved to accept the application, that the actual

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 24, 2013 Meeting

amendment would be further researched and brought back to the LDRAB at a later date, to which Mr. Cross indicated that was correct.

Ms. Caldwell explained that although timing is important, the Board has the option to say they don't support it. She further said that mobile home parks are allowed to have accessory structures. The lot size may have to be adjusted to meet Fire Rescue and Building Code requirements, but the proposal is being presented to assess the viability and then it would come back to this Board.

Mr. Tuma turned the presentation over to Mr. Randall Henderson, a motor coach resort specialist with forty years experience in the business. He provided information about RVs, as follows:

- This request came as a result of RV owners in other parts of the Country buying temporary structures to store patio furniture and other items which became permanent structures on site that were not in compliance with local codes;
- Storage is very important to RV travelers as it minimizes the amount of items that have to be carried back and forth, such as grilles, bicycles, etc;
- The buildings are designed to be architecturally congruent with other permanent structures in the park and most lots are closer to 4,000 square feet in size; and,
- It was common practice in RV communities/industry to entertain outside of the vehicle.

Mr. Henderson concluded by stating that the RV industry has changed to include pools and gazebos in some cases and these structures are just another change.

Mr. Puzzitiello expressed a positive view of the request and said the owners are mostly affluent, which is beneficial to the economy of the area. Ms. Vinikoor agreed and added that the concept is fascinating and should be considered to encourage tourism in Palm Beach County.

Mr. Gulisano said he had no objection to the houses but would like provisions to limit what can be done in the structure, and the toilet to be accessible only from outside.

The Chair said the discussion was useful and questioned if the Board would like the proposal to go further.

Mr. Kozell opined that in weighing the benefits and risks, there is nothing to lose by considering it, and no harm in giving them the opportunity. He proposed a vote to move forward but leave it to the Commissioners to make the decision about the time.

Motion by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passes. (14 - 2). Mr. Baoumoehl and Mr. Carpenter voted nay.

G. Public Comments

There were no public comments.

H. STAFF COMMENTS

1. Status of the Use Regulations Project

Ms. Cantor presented the status of the Use Regulations Project in Power Point, which included the tentative timeline allocated to each use classification. She advised as follows:

- The First Subcommittee Meeting for Industrial Uses will be held on May 14, 2013.
- The matrices are being consolidated into one Matrix.
- The standards, content and approval process for each use will be reviewed.
- The public is being informed through different media, such as newsletter, web page channel 20, and monthly public forums.

Ms. Cantor said that the changes will facilitate and be beneficial for industry and she thanked members for their support at the subcommittee meetings. At the request of the Chair she agreed to provide a copy of the Power Point presentation in pdf format.

Ms. Caldwell expressed excitement about the Use Regulations Project saying that it has been over a decade since it was reviewed and there have been so many changes during that time. She further said this will encourage industry and be helpful to anyone wishing

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Brinkman Joni	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Land Development Regulation Advisory Board
MAILING ADDRESS 201 Rex Ct	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY Palm Springs Palm Beach	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 4-24-13	NAME OF POLITICAL SUBDIVISION: Palm Beach County
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on April 24, 20 13 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item D - Privately initiated amendment to allow accessory structures in RVPD's. My office is making the request on behalf of the applicant.

4.24.13
Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT B

ADULT DAY CARE
SUMMARY OF AMENDMENTS
(Updated 4-22-13)

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Part 1. ULDC Art. 4.B.1.A.40, Day Care (page 48 of 171), is hereby amended as follows:

Reason for amendments: [Facilities, Development and Operations (FDO)] 1) Delete redundant requirements for minimum square footage for senior day care facilities to eliminate conflict with Florida Administrative Code (FAC) and Agency for Health Care Administration (AHCA); and, 2) Clarify that outdoor activity areas are only required for child care day care facilities, or as otherwise may be determined by the AHCA.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

40. Day Care

An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), as specified below: **[Ord. 2011-016]**

....

j. Floor Area

....

2) Adult Care

For an adult day care the total amount of net floor space available for all participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be amended, and as determined by the AHCA with 20 persons or less, the minimum floor area, exclusive of any space devoted to a kitchen, office, storage, and toilet facilities, shall be 1,500 square feet. An additional 75 square feet of floor area shall be provided for each person over 20 persons.

k. Outdoor Activity Area for Child Care

....

U:\Zoning\CODEREV\2013\LDRA\Meetings\5-22-13\4 Final Packet\Exhibit B - Adult Day Care Center.docx

Notes:

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

~~Stricken~~ indicates text to be ~~deleted~~.

Italicized indicates text to be relocated. Source and destination may be noted in bolded brackets **[Relocated from:]** or **[Relocated to:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

MURALS
SUMMARY OF AMENDMENTS
(Updated 5/16/13)

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Part 1. ULDC Art. 1.B.1.A, Authority (page 6 of 88), is hereby amended as follows:

Reason for amendments: [PZB] Establish authority of County Administrator or designee to review and approve or deny Mural applications.

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director of PZB or designee with the following exceptions: [Ord. 2011-016]

....
9. The County Administrator or designee shall have the authority to interpret Art. 5.I, Murals. [Ord. 2013-...]

Part 2. ULDC Art. 1.I.2, Definitions (pages 78, 82 and 98 of 119), is hereby amended as follows:

Reason for amendments: [PZB] 1) Establish definition for approved murals; 2) Delete redundant sign definition text addressed under Art. 8.F.2.A, Single Faced Signs, which indicates that "all sign elements..."include "written copy, logos, symbols, illustrations and contrasting colored background and materials, unless stated otherwise herein." Original artwork meeting the definition of a mural would be excluded.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

61. Mural – an original production of art of any size, shape, color, material, medium or combination thereof that is designed by an artist, directly affixed or applied to the exterior surface of a building or structure (mural surface), and that neither contains nor consists of any commercial message, including any logo, icon, trademark or brand name. For the purposes of this definition, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold. [Ord. 2013-]

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

43. Sign
a. Sign Types
....
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 permitted square footage.~~ [Ord. 2008-003] [Ord. 2013-]
....

Part 3. ULDC Art. 2.G.4, Staff Officials (page 88 of 88), is hereby amended as follows:

Reason for amendments: [PZB] Establish authority of County Administrator or designee to review and approve or deny Mural applications.

CHAPTER G DECISION MAKING BODIES

Section 4 Staff Official

C. County Administrator

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon PBC Administrator by other provisions of PBC Code and PBC Charter, County Administrator shall have the following jurisdiction and authority under this Code:

....
c. to approve, approve with conditions, or deny, applications for murals. [Ord. 2013-]

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

EXHIBIT C

MURALS
SUMMARY OF AMENDMENTS
(Updated 5/16/13)

1 Part 4. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to add new
2 Chapter I, Murals, as follows:
3

Reason for amendments: [PZB/FDO*] On September 11, 2012, the BCC directed PZB to consider amending the ULDC to expand existing Code provisions to include regulations for murals.

(* FDO: Department of Facilities Development and Operations.)

4 **CHAPTER I MURALS**

5 **Section 1 Purpose and Intent**

6 The purpose of this Chapter is to establish standards, and review and approval procedures for murals.
7 Murals are intended to contribute to and advance: streetscape aesthetics; architectural features or
8 character of a building; a unique identity; sense of place; civic pride; community interaction; or the
9 preservation of local history or culture. [Ord. 2013-]

10 **Section 2 Restrictions on Placement**

11 **A. Non-residential Buildings and Structures**

12 Murals shall be limited to non-residential buildings or structures supporting commercial, industrial,
13 civic, recreational, cultural, or utilities uses, as identified in Table 4.A.3.A, Use Matrix. [Ord.
14 2013-]

15 **B. Adjacent to Interstate Highways**

16 Murals in the vicinity of any Interstate highways shall comply with the Federal Highway
17 Beautification Act as implemented through Chapter 10-14, FAC, as amended. [Ord. 2013-]

18 **C. Adjacent to Residential**

19 Murals shall not be located on a mural surface within 200 feet of any property line adjacent to a
20 parcel with a residential use, district or FLU designation, unless: [Ord. 2013-]

- 21 1. oriented so it cannot be seen from an adjacent residential parcel; [Ord. 2013-...]
- 22 2. the adjacent parcel supports nonresidential uses; [Ord. 2013-...]
- 23 3. separated by a collector or arterial street; or, [Ord. 2013-...]
- 24 4. separated from view by a building, structure, or incompatibility buffer. [Ord. 2013-]

25 **Section 3 Application Procedures**

26 **A. General**

27 No murals may be placed on any buildings or structures unless in compliance with this Chapter,
28 and approved by the County Administrator. [Ord. 2013-]

29 **B. Application Requirements**

30 An application form and requirements shall be specified by the County Administrator, and shall
31 include, but not be limited to, the following: [Ord. 2013-]

- 32 1. Scale drawing depicting the proposed mural, including color and materials. [Ord. 2013-]
- 33 2. A scale drawing of the site depicting which building or structure elevation(s) will act as the
34 mural surface(s). [Ord. 2013-]
- 35 3. A detailed written and graphic description of the method which will be used to securely affix
36 the mural to the mural surface, including any drawings or specifications deemed necessary
37 by the Building Official, or designee. [Ord. 2013-]
- 38 4. A notarized letter from the property owner: [Ord. 2013-]
 - 39 a. authorizing the placement of the mural on the building or structure; and, [Ord. 2013-]
 - 40 b. stating that the owner of the property will maintain, repair or remove the mural if deemed
41 necessary, in the event the artist fails to complete the installation of the mural, or due to
42 deterioration or damage to the mural. [Ord. 2013-]
- 43 5. A proposed timeline for completion of the mural, upon approval of a mural application (not to
44 exceed six months). [Ord. 2013-]

45 **C. Review**

46 Mural applications shall be reviewed in accordance with procedures established in the Public Art
47 Committee Resolution R-2010-2092, as amended, and the following: [Ord. 2013-]

- 48 1. Unless determined to be insufficient, within ten days of accepting a mural application, the
49 Building Division shall forward to FDO for review by the Public Art Committee. [Ord. 2013-]
- 50 2. FDO shall schedule a meeting of the Public Art Committee. [Ord. 2013-]
- 51 3. The Public Art Committee shall conduct a public meeting and make a recommendation to the
52 County Administrator, to approve, approve with conditions, continue pending submittal of
53 additional materials or clarification, or deny, in accordance with the following: [Ord. 2013-]
 - 54 a. Not less than ten or more than 60 days after submittal of a complete application, the
55 Public Art Committee shall meet and review the application. Once the public meeting is
56 scheduled, the following public notice requirements shall be satisfied: [Ord. 2013-]
 - 57 1. **Public Notice Boards**

Notes:

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EXHIBIT C

MURALS
SUMMARY OF AMENDMENTS
(Updated 5/16/13)

The applicant shall provide public notice of the meeting by the posting of the property with signs in the following fashion: [Ord. 2013-]

a) The subject property shall have notices posted by the applicant with information provided by FDO regarding the public hearing on one or more signs at least 15 days in advance of any public meeting. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2013-]

(1) Evenly spaced along the street when more than one sign per property is required; [Ord. 2013-]

(2) Setback no more than 25 feet from the property line; and, [Ord. 2013-]

(3) Erected in full view of the public. [Ord. 2013-]

Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to FDO. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final meeting. [Ord. 2013-]

b) Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. [Ord. 2013-]

b. The Public Art Committee recommendation to the County Administrator shall be based upon the following findings: [Ord. 2013-]

1) The mural will accomplish the stated Purpose and Intent of this Chapter; [Ord. 2013-]

2) The artist is capable of completing the work in accordance with the plans and specification; [Ord. 2013-]

3) The durability and expected maintenance requirements are appropriate; and, [Ord. 2013-]

4) The materials to be used and the manner of application will not require excessive maintenance by its owner. [Ord. 2013-]

c. In making its determination, the Public Art Committee may consider evidence and the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Public Art Committee shall recommend that a mural permit not be issued by the County Administrator. [Ord. 2013-]

4. Within 30 days of the Public Art Committee rendering a final recommendation, FDO shall forward the Committee's recommendation and application to the County Administrator for final action. The County Administrator shall approve, approve with conditions or deny the application based upon the completeness and accuracy of the application materials and the reasonableness of the Public Art Committee's findings. The Administrator shall have 30 days from receipt of Committee action to render a decision. The decision of the County Administrator shall be final. [Ord. 2013-]

5. When a mural application is initiated by FDO, FDO staff shall forward the Public Art Committee's recommendation and application to the BCC on the Zoning Hearing agenda for final action. [Ord. 2013-]

Section 4 Design Criteria

A. Placement

1. Murals may be located on any mural surface (except as limited in the following subsections) of a building or structure; and [Ord. 2013-]

2. Murals may wrap around from one side of a building to the next. [Ord. 2013-]

B. Size

Murals may cover the entire plane of the side of a building or structure, but shall not extend beyond the edge of the façade surface or roofline. [Ord. 2013-]

C. Obstructions

No mural may obstruct: [Ord. 2013-]

1. The proper function of any exterior mechanical or electrical equipment; or, [Ord. 2013-]

2. Any emergency exits. [Ord. 2013-]

D. Restrictions

Except as stipulated in provisions for Signs within Murals below, no mural shall contain the following: [Ord. 2013-]

1. Any commercial content such as logos, icons, trademarks or brand name. [Ord. 2013-]

2. Any moving, mechanical or electrical parts, or any material creating the illusion of movement or flashing. [Ord. 2013-]

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EXHIBIT C

MURALS
SUMMARY OF AMENDMENTS
(Updated 5/16/13)

1 3. Any material projecting more than six inches from the vertical face of the mural surface.
2 [Ord. 2013-]

3 4. Any content that may be construed as a commercial message for the owner of the building or
4 business, or the artist. The artist may sign the mural with their full name or initials, within an
5 area limited to five percent of the area of the mural, excluding any imbedded signage, or up
6 to four square feet in size, whichever is less. [Ord. 2013-]

7 5. Anything that alters the intended purpose or function of an improvement (or element thereof)
8 expressly required by the ULDC or the Florida Building Code. [Ord. 2013-]

9 **E. Signs within Murals**

10 Murals may contain or encompass a sign. Signage shall be permitted separately in accordance
11 with Article 8, Signage. Signage shall be clearly delineated on all applicable Mural drawings as
12 being separate and distinct from the mural. [Ord. 2013-]

13 **F. Illumination**

14 Murals shall only be illuminated in accordance with Art. 8.F.5, Illumination. [Ord. 2013-]

15 **G. Applicability of Art. 8, Signage**

16 Unless otherwise specified, Murals approved in accordance with this Chapter, shall be exempt
17 from all other standards of Art. 8, Signage. [Ord. 2013-]

18 **Section 5 Installation and Time for Completion of Mural**

19 **A. Installation**

20 Murals shall be installed in compliance with the drawings and specifications reviewed by the
21 Public Art Committee and approved by the County Administrator. [Ord. 2013-]

22 **B. Time for Completion**

23 An applicant shall adhere to the timeline approved by the County Administrator. Time for the
24 completion and successful inspection of the mural shall not exceed six months from the issuance
25 of the mural permit. After six months, the mural site improvement permit will expire, and the work
26 may not continue, unless the applicant requests, and is granted a mural permit renewal by the
27 Building Division. In no case shall a mural permit be renewed more than one time without
28 reconsideration of the renewal by the County Administrator. In the event the time for completion
29 has exceeded the approved timeline, and a request for a renewal has not been requested and
30 granted, the County Administrator may declare the approval of the mural void, and the project to
31 be abandoned. If declared abandoned the surface(s) of the building shall be restored to a
32 condition consistent with the PBC Property Maintenance Code. [Ord. 2013-]

33 **Section 6 Inspection**

34 Upon completion of the mural, the applicant shall contact FDO staff to arrange for an inspection for
35 compliance with the drawings contained in the approved mural application. [Ord. 2013-]

36 **Section 7 Enforcement**

37 In the event the County Administrator declares the project abandoned, or the mural as installed or
38 maintained fails to materially comply with the drawings and specifications approved by the County
39 Administrator, or with the permit or permit conditions, the owner of the property on which the mural is
40 located shall be subject to enforcement proceedings before the PBC Code Enforcement Special Masters
41 pursuant to Art. 10, ENFORCEMENT. Should the owner be found non-compliant, the Special Master
42 may order the mural removed, or impose fines and penalties under Art. 10.B.3, Administrative Fines;
43 Costs; Leins. The remedies contained in this section shall be in addition to any other remedy available at
44 law. [Ord. 2013-]

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EXHIBIT C

MURALS
SUMMARY OF AMENDMENTS
(Updated 5/16/13)

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Part 5. ULDC Art. 8.B, Exemptions (page 7 of 40), is hereby amended as follows:

Reason for amendments: [PZB] Per BCC direction recommend new language to specifically address Murals and a review process. Clarify that with limited exception, murals are exempt from standards applicable to signage, unless specified otherwise herein (e.g. murals will be subject to lighting standards for signage to address the Managed Growth Tier System or other lighting protections necessary to prevent glare, urban sky glow, etc.).

CHAPTER B EXEMPTIONS

....

Section 6 Murals

Unless otherwise specified, Murals approved in accordance with Art. 5,I, Murals, shall be exempt from all other standards of Art. 8, Signage. [Ord. 2013-]

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EXHIBIT D

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 04/23/13)

1
2 **Part 1. ULDC Art. 1.I.2.A, Definitions (page 39 of 119), is hereby amended as follows:**
3

Reason for amendments: [Zoning] The initiation of this amendment was discussed at the October 25, 2012 Zoning Hearing. The Board directed staff to process a privately initiated ULDC amendment to be submitted (Phase II) on behalf of Bank of America, to allow for freestanding Automated Teller Machines (ATMs).
1) Define Automated Teller Machines as unmanned electronic devices permitting a full range of banking functions; and,
2) Defining that a Freestanding ATM is a structure located remotely from a manned branch of the same financial institution(s), whether located on the same parcel or not, which may contain multiple ATMs of multiple financial institutions. The definition is intended to include both walk-up and drive-thru structures.

4 **CHAPTER I DEFINITIONS & ACRONYMS**

5 **Section 2 Definitions**

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

- 7
8 104. Automated Teller Machines (ATMs) – computerized, self-service machines used by
9 financial institution customers permitting a full range of financial transactions, including (but
10 not limited to) deposits, withdrawals and fund transfers, or the technological evolution thereof,
11 without contact with financial institution personnel. [Ord. 2013-]
12 105. Automated Teller Machines, Freestanding – a freestanding structure containing ATMs
13 operated by one or more financial institutions, remotely located from a fully staffed branch of
14 the same financial institution. [Ord. 2013-]
15 **Renumber Accordingly.**

16
17
18 **Part 2. ULDC Art. 1.I.2.F.17, Financial Institution [Related to Definitions] (page 59 of 119), is**
19 **hereby amended as follows:**
20

Reason for amendments: [Zoning] Clarify that a freestanding ATM owned and operated by a financial institution which has no other presence on a site or parcel can be classified as a “Financial Institution.”

21 **CHAPTER I DEFINITIONS & ACRONYMS**

22 **Section 2 Definitions**

- 23 F. Terms defined herein or referenced Article shall have the following meanings:
24 17. **Financial Institution** - an establishment engaged in deposit banking. Typical uses include
25 commercial banks, savings institutions, and credit unions, including outdoor ~~automated teller~~
26 ~~machine~~-ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a
27 Financial Institution. [Ord. 2013-]
28
29

30 **Part 3. ULDC Art. 2.D.1.G.1, Amendments to BCC/ZC Approval (page 39 of 88), is hereby**
31 **amended as follows:**
32

Reason for amendments: [Zoning] To permit the Development Review Officer (DRO) to administratively review and approve applications for new and amended Freestanding ATMs without the need to return to the BCC or ZC for amendments to Development Orders.

33 **CHAPTER D. ADMINISTRATIVE PROCESS**

34 **Section 1 Development Review Officer (DRO)**

35 **G. Administrative Review**

- 36 1. **Amendments to BCC/ZC Approvals**
37 The DRO shall have the authority to approve modifications to a Development Order approved
38 by the BCC or ZC. An application for an amendment shall be submitted in accordance with
39 Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C,
40 Review Procedures. Applications must be submitted on deadlines established on the Zoning
41 Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to
42 the following: [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]
43

- 44 k. Add new or amend existing Freestanding ATMs. [Ord. 2013-]

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EXHIBIT D

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 04/23/13)

1
2 Part 4. ULDC Art. 4.B.1.A.55, Supplementary Use Standards (page 54 of 171), is hereby
3 amended as follows:
4

<p>Reason for amendments: [Zoning]</p> <ol style="list-style-type: none"> 1) To revise the definition of a financial institution to match that of Article 1; 2) To include Freestanding ATM's in Table 4.B.1.A; 3) To correct the name of Table 4.B.1.A to correspond to its text reference; and 4) To establish standards for the installation of Freestanding ATM's, including the requirement that a financial institution must have at least one manned branch in the County, per the BCC direction at their meeting of 10/25/12. <p>Note: Item b.4, regarding a minimum 1,000 ft. separation distance between freestanding ATMs was proffered by the applicant. Staff can support the recommendation; however, alternative distances may be necessary to accommodate denser forms of development such as Traditional Marketplace Developments (TMDs) where walk-ability and retail/restaurant amenities may warrant additional access to financial services. Staff evaluation of the recommendation includes the following:</p> <ol style="list-style-type: none"> 1. Prevent proliferation; 2. Prevent use of structure as advertisement; 3. Prevent excessive disruption of traffic flow; and, 4. We permit collocation of multiple ATM's in a single structure.
--

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 55. Financial Institution - an establishment engaged in deposit banking. Typical uses include
9 commercial banks, savings institutions, and credit unions, including outdoor ~~automated teller~~
10 ~~machines~~ ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a
11 Financial Institution. [Ord. 2013-]

12 a. Development Thresholds and Approval Processes

13 A financial institution, including freestanding ATMs, shall comply with the Development
14 Thresholds and required approval process of Table 4.B.1.A, Financial Institution
15 Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040]
16 [Ord. 2013-]
17

Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes

Zoning District	Development Thresholds				Approval Process
	GFA		Drive-thru (1)	Freestanding ATM	
CN and CLO	5,000 s.f. max	and	Prohibited	Prohibited	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	No drive thru lanes Prohibited	Permitted	Permitted by Right <u>Freestanding ATM, DRO</u>
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	Permitted by Right <u>Freestanding ATM, DRO</u>
UC or UI (2)	N/A	and	Any number of drive thru lanes (3)	Prohibited	DRO (2)
CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Permitted	Class A or Requested Use <u>Freestanding ATM, DRO</u>
[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2013-]					
Notes:					
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.					
2. Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses (Related to PRA Use matrix). [Ord. 2011-016]					
3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. [Ord. 2011-016]					

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EXHIBIT D

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 04/23/13)

b. **Freestanding ATMs**

All freestanding ATMs shall be subject to the following requirements: [Ord. 2013-]

- 1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County; [Ord. 2013-]
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; [Ord. 2013-]
- 3) Customer access to the interior of the structure shall be prohibited; and, [Ord. 2013-]
- 4) Shall not be located within 1,000 feet from another Freestanding ATM. [Ord. 2013-]

Part 5. ULDC Art. 5.C.1.B., Architectural Guidelines (page 33 of 92), is hereby amended as follows:

Reason for amendments: [Zoning] To clarify that Freestanding ATM's approved as Financial Institutions shall adhere to the appropriate architectural standards for an area or project.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

This Chapter shall apply to the following projects, buildings, structures, and related signs:

1. General

- a. All nonresidential projects or buildings requiring approval by the BCC or ZC; [Ord. 2006-036]
- b. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A, Use Matrix, and Table 3.D.1.A, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A, Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]
- c. Multi-family buildings with more than 16 units or three or more stories; [Ord. 2006-036] [Ord. 2009-040] [Ord. 2010-005]
- d. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and [Ord. 2006-036]
- e. The following uses, regardless of building size: [Ord. 2006-036]
 - 1) Automotive paint or body shop; [Ord. 2006-036]
 - 2) Repair and maintenance, general; [Ord. 2006-036] [Ord. 2012-027]
 - 3) Retail sales, automotive parts and accessories; ~~and,~~ [Ord. 2006-036] [Ord. 2012-027] [Ord. 2013-]
 - 4) Type I restaurants with drive through requesting location criteria exception pursuant to Art.4.B.1.A.109, Restaurant, Type I-; ~~and~~ [Ord. 2012-027]
 - 5) Freestanding ATMs. [Ord. 2013-]

Part 6. ULDC Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 5 of 39), is hereby amended as follows:

Reason for amendments: [Zoning] To Amend Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements to add parking standards for Freestanding ATM's as a sub-category of Financial Institution, ensuring that one of those spaces must be to serve a person with disabilities.

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

Use Type: Commercial	Parking(1)	Loading (2)
....		
Financial institution	1 space per 200 sq. ft.(3)	E
<u>Freestanding ATM</u>	<u>2 spaces(9)</u>	<u>N/A</u>
....		
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-]		
Notes:		
9. <u>Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. [Ord. 2013-]</u>		

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EXHIBIT D

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
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(Updated 04/23/13)

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Part 7. ULDC Art. 7.D.11, Foundation Plantings (page 24 of 50), is hereby amended as follows:

Reason for amendments: [Zoning] To amend the requirements for foundation plantings to require that Freestanding ATM's approved as Financial Institutions shall have foundation plantings consisting of ground cover, defined as "plants, other than turf grass..." by the ULDC, with one palm tree on either side of the ATM structure.

CHAPTER D GENERAL STANDARDS

Section 11 Foundation Plantings

Foundation plantings shall be provided along façades as required by Table 7.C.3, Minimum Tier Requirements, for non-residential structures unless specifically exempted by this Section. Along front and side facades with drive-through establishments, including Freestanding ATMs, plantings may be located within 30 feet of the foundation or the required plantings may be relocated to an adjacent façade. All required foundation plantings shall be planted with a minimum of one tree or palm for each 20 linear feet of building facade and appropriate shrubs or ground cover. Relocation of required foundation plantings may be approved by the Zoning Division if adjacent to a landscape buffer. **[Ord. 2013-]**

....

G. Freestanding ATM's

Required foundation plantings may be modified as follows:

1. Walk Up

Foundation planting areas may be relocated up to a maximum of ten feet away from the applicable façade to accommodate pedestrian walkways, access to the ATM; or, as needed to comply with F.S. 655.960, security lighting, or Crime Prevention Through Environmental Design (CPTED) guidelines. **[Ord. 2013-]**

2. Drive Through

Foundation planting areas may be relocated in accordance with similar provisions for other drive through establishments, except that required foundation planting areas shall not be relocated to the façade of any adjacent building or structure other than the Freestanding ATM. **[Ord. 2013-]**

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EXHIBIT D

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(Updated 04/23/13)

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Part 8. ULDC Table 8.G.1.A, Wall Signs, (page 24 of 40), is hereby amended as follows:

Reason for amendments: [Zoning] To clarify that:

- 1) Freestanding ATM's are not included in the method for calculating wall signs in projects that are not regulated by a Master Sign Plan;
- 2) A previous amendment which inadvertently permits a minimum of 24 sq. ft. per side of a tenant space is being corrected; and
- 3) Wall signs for Freestanding ATM's are limited to only the signage permitted by the Maximum Sign Area calculations, and are not entitled to minimum amount of signage.

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AGR Tier	Exurban, Rural, and Glades Tiers(3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (4).		
Minimum wall sign per side of tenant space (5)	24 square feet	24 square feet	24 square feet
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building ²	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-]			
Notes:			
1. <u>For P</u> -projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs. [Ord. 2005-002] [Ord. 2013-]			
2. Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.			
3. Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards. [Ord. 2010-022]			
4. This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width. [Ord. 2012-027]			
5. This standard shall not apply to Freestanding ATM's, which shall be limited to "Maximum Sign Area" standards above. [Ord. 2013-]			

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EXHIBIT E

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS
(Updated 4/22/13)

1
2 Part 1. ULDC Art. 1.I.2.G.27 (page 64 of 119), is hereby deleted as follows:
3

Reason for amendments: [Zoning] The regulation of the private discharge of firearms is pre-empted by the State of Florida under F.S. 790.33, Pre-emption. The prohibition on local regulation has been outlined in Florida Attorney General Legal Opinions (AGO) issued on July 12, 2005 (AGO 20045-040) and September 21, 2011 (AGO 2011-017). The following amendments serve to delete regulations applicable to "private shooting ranges" to address compliance with statutory requirements.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7
8 ~~37. Gun Range, Private~~ for the purposes of Art. 4, a private facility, open or enclosed, used for
9 the discharge of firearms or projectiles at targets and not to be used for commercial purposes
10 or by the general public.
11 [Renumber accordingly.]
12

13
14 Part 2. ULDC Table 3.E.1.B, PDD Use Matrix (page 144 of 229), is hereby amended as follows:
15

Reason for amendments: [Zoning] See Part 1

16 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	C I V	A G E / P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	I N D	C M	I N D		M P D	R V P	C L
Recreation Uses																					
....																					
Gun Range, Private	-															P	R	P			68
....																					
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027]																					
Notes:																					
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EXHIBIT E

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS
(Updated 4/22/13)

Part 3. ULDC Table 4.A.3.A, Use Matrix (page 15 of 171), is hereby amended as follows:

Reason for amendments: [Zoning] See Part 1.

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	I	I	P		I		
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P	
				A	A							O	O	E				F		
Recreation Uses																				
....																				
Gun Range, Private			D	A														P		68
....																				
[Ord. 2005-002] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2012-007]																				
Key:																				
....																				

Part 4. ULDC Art. 4.B.1.A.68, Private Gun Range (page 59 of 171), is hereby deleted as follows:

Reason for amendments: [Zoning] See Part 1.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

68. **Gun Range, Private Reserved for Future Use**

~~A private facility, open or enclosed, used for the discharge of firearms or projectiles at targets and not to be used for commercial purposes or by the general public.~~

a. Required Lot Size, Buffer and Approval Process

1) Enclosed

~~An enclosed private gun range shall be located on a lot of five acres or greater, and shall be subject to Special Permit issued by the Zoning Director. An enclosed shooting gun range shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property in addition to the required minimum setbacks.~~

2) Open

~~Requirements for open private gun ranges vary based on location of proposed range and type of weapons to be fired. An outdoor gun range use for small caliber and rim fire shall have a 100 foot setback and an additional 50 foot buffer from residentially occupied property. An outdoor gun range for large caliber or center fire shall have a 300 foot setback and an additional 100 foot buffer from residentially occupied property. These setbacks are in addition to the required minimum setbacks. The discharge of firearms shall not occur within 300 yards of a structure. The shooter must have the written permission of the property owner. A bullet trap is required in all locations.~~

b. Small Caliber and Rim Fire

~~The open firing of handguns of 22 calibers and less which are rim fire or the firing of any type of shotgun shall be allowed on lots of two and one-half acres or greater. A private gun range use, which lies east of the L-40 canal, as defined below, shall be subject to DRO approval. A private gun range use, which lies west of the L-40 canal, as defined below, shall require a Special Permit approved by the Zoning Director.~~

c. Larger Caliber or Center Fire

~~The open firing of any center fire gun or of handguns of more than 22 calibers shall require a minimum lot size of ten acres. A private gun range located east of the L-40 canal, as defined below, shall be subject to Class A Conditional use approval. A private gun range located west of the L-40 canal, as defined below, shall be subject to DRO review and approval.~~

d. L-40 Canal

Notes:

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EXHIBIT E

PRIVATE GUN RANGE
SUMMARY OF AMENDMENTS
(Updated 4/22/13)

For the purpose of this Subsection, the boundaries of the L-40 Canal are: From the Broward County Line north along Canal L-36 to the Loxahatchee National Wildlife Refuge. Thence north to Southern Boulevard along Canal L-40. Thence west along Southern Boulevard to a north-south line 1.5 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where SR 880 intersects Southern Boulevard from the south. Thence north along the line of this north-south road to the boundary of the J. W. Corbett Wildlife Management Area. Thence east and north along the boundary at the J. W. Corbett Wildlife Management Area to the Martin County Line.

Part 5. ULDC Table 3.E.1.B, PDD Use Matrix (page 144 of 229), is hereby amended as follows:

Reason for amendments: [Zoning] See Part 1.

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

Use Type: Recreational	Parking (1)	Loading (2)
....		
Gun club, enclosed and open, or gun range, private	1 space per target area	N/A
....		
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007]		
Loading Key:		
....		

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EXHIBIT F

BONA-FIDE AGRICULTURE
SUMMARY OF AMENDMENTS
(Updated 5/14/13)

1
2 Part 1. ULDC Art. 1.I.2, Definitions, (page 34 of 119), is hereby amended as follows:
3

Reason for amendments: [Zoning] Clarify that agricultural classification has no bearing on a determination of a Bona-fide Agriculture use.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

6 A. Terms defined herein or referenced Article shall have the following meanings:
7

8 ~~....~~
9 41. **Agriculture, Bona Fide** – any plot of land where the principal use consists of the growing,
10 cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture,
11 horses and livestock; the production of animal products such as eggs, honey or dairy
12 products; or the raising of plant material. ~~The determination as to whether or not the use of~~
13 ~~land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right~~
14 ~~to Farm Act. [Ord. 2009-040]~~

15
16 Part 2. ULDC Art. 4.B.1.A.3, Bona-fide Agriculture (pages 26 to 30 of 171), is hereby amended
17 as follows:
18

Reason for amendments: [Zoning] 1) Clarify that agricultural classification has no bearing on a determination of an agricultural use; 2) Simplify potential pre-emption by F.S.

19 CHAPTER B SUPPLEMENTARY USE STANDARDS

20 Section 1 Uses

21 A. Definitions and Supplementary Standards for Specific Uses

22 3. **Agriculture, Bona Fide**

23 Any plot of land where the principal use consists of the growing, cultivating and harvesting of
24 crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the
25 production of animal products such as eggs, honey or dairy products; or the raising of plant
26 material. ~~The following standards shall apply to a Bona-fide Agriculture use, except where~~
27 ~~pre-empted by State law.—The determination as to whether or not the use of land is~~
28 ~~considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm~~
29 ~~Act. [Ord. 2009-040] [Ord. 2013-...]~~

30 a. ~~Determination~~

31 ~~A determination as to whether the use of the land for agriculture is bona fide shall only be~~
32 ~~made where both Article 4.B.1.A.3.a.1, Designation Criteria, and Article 4.B.1.A.3.a.2,~~
33 ~~Productivity Standards, below are met. Criteria listed in item Article 4.B.1.A.3,~~
34 ~~Agriculture, Bona Fide, Additional Guidelines, below shall be used as guidelines in the~~
35 ~~determination.~~

36 1) ~~Designation Criteria~~

37 ~~The property complies with the following standards:~~

38 a) ~~Continuous Use~~

39 ~~The use has been continuous; and~~

40 b) ~~Farming Procedures~~

41 ~~Farming procedures have been demonstrated by past action or documented~~
42 ~~plans to care sufficiently and adequately for the land in accordance with accepted~~
43 ~~commercial agricultural practices, including, but not limited to, fertilizing, liming,~~
44 ~~tilling, mowing, reforestation, and other accepted agricultural practices; and~~

45 c) ~~Agricultural Classification~~

46 ~~The property has received a qualified agricultural classification pursuant to F.S.~~
47 ~~§193.461.~~

48 2) ~~Productivity Standards~~

49 ~~The productivity or proposed net return or production of the farm operation based on~~
50 ~~net or yield for the type of agricultural production on the site is comparable to the~~
51 ~~average net or yield for the type of agriculture in the State of Florida. In making this~~
52 ~~determination at least four of the following standards shall be met:~~

53 a) ~~Amount of Land~~

54 ~~The amount of land under cultivation or in agricultural use (including canal or~~
55 ~~drainage features) is greater than 60 percent of the total parcel;~~

56 b) ~~Investment~~

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EXHIBIT G

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 5/1/13)

1
2 Part 1. ULDC Art. 1.I.2.C.36.a [Related to definition of Coastal High Hazard Area] (page 47 of
3 119), is hereby amended as follows:
4

Reason for amendments: To revise the Coastal High Hazard Area definition for consistency with the Comprehensive Plan and State Statute. The Comprehensive Plan was amended in the 11-2 Round to revise the definition of Coastal High Hazard Area (CHHA) in the Introduction and Administration Element for consistency with the State's current definition. The proposed amendment will implement this change.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

8 36. Coastal High Hazard Area -

9 a. The area subject to high velocity waters, including, but not limited to, hurricane wave
10 wash or tsunamis- regulated by F.S. §163.3178(2)(h), as amended. The area is
11 designated on the FIRM as Zone VI-30.
12
13

14
15 Part 2. ULDC Art. 1.I.2.S.49, Single Family [Related to Definitions] (page 99 of 119), is hereby
16 amended as follows:
17

Reason for amendments: [Zoning] Clarify that a Mobile Home may be considered as Single Family for the purposes of allowing a pot bellied pig as a household pet in accordance with Article 5.B.1.A.21, Pot Bellied Pigs.

18 CHAPTER I DEFINITIONS AND ACRONYMS

19 Section 2 Definitions

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

21 49. Single Family –

22 a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit,
23 excluding a mobile home but including a manufactured building.
24 b. for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile
25 home dwellings.
26
27

28 Part 3. ULDC Art. 1.I.3, Abbreviations and Acronyms (page 117 of 119), is hereby amended as
29 follows:
30

Reason for amendments: [Zoning] 1) Art. 4.B.1.A.40, Day Care references the Agency for Health Care Administration and its acronym (AHCA); and, 2) Lifestyle Commercial Center development was introduced in the Code through Ordinance 2010-005, at that time the acronym definition was inadvertently left out. This amendment is to clarify LCC acronym as it is used through the Code.

31 CHAPTER I DEFINITIONS & ACRONYMS

32 Section 3 Abbreviations and Acronyms

....
AHCA Agency for Health Care Administration
....
LCC Lifestyle Commercial Center Development
....

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EXHIBIT H

EXEMPTIONS/APPLICABILITY FOR PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 5/1/13)

1
2 Part 1. ULDC Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals (page 18 of 229), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] To correct minor scrivener's errors that are inconsistent with "reason" for original amendment.

5 CHAPTER A GENERAL

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

7 E. Exemptions/Applicability for Prior Approvals

8 Any application for a Development Order that requires Public Hearing approval, excluding Status
9 Reports, EAC, Class B Conditional Uses, Type II Variances, and prior Special Exception or
10 Conditional Use for a Planned Unit Development (PUD), are ~~not~~ required to rezone. Other prior
11 Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are
12 encouraged but not required to rezone when submitting an application for amendment to the prior
13 approval, ~~unless exempted otherwise herein~~. Any application for a Development Order to any of
14 the prior approvals listed herein shall comply with the applicable requirements of the
15 corresponding district, except for any information permitted to be carried forward from a prior
16 approval. [Ord. 2011-016] [Ord. 2012-003]
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EXHIBIT I

ART. 10, ENFORCEMENT
SUMMARY OF AMENDMENTS
(Updated 04/29/13)

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Part 1. ULDC Art. 10.C.5.B., Fines and Penalties (page 9 of 12), is hereby amended as follows:

Reason for amendments: [ERM] The County contracts with the Florida Department of Environmental Protection (FDEP) to perform pollutant storage tank compliance verification within PBC. The change is to ensure that the County is authorized to impose penalties and fines under Chapter 403, F.S., as required by the Contract.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

Section 5 Administrative Fines; Costs; Liens

B. A fine, imposed pursuant to this Section, shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and in addition, may include all costs of repairs pursuant to Article 10.C.5.A, Whenever one of the GNRPB. For violations deemed irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed \$15,000 per violation, pursuant to F. S. §162.09, as may be amended. In determining the amount of a fine, the GNRPB shall consider the following factors: (a) the gravity of the violation(s); (b) any actions taken by the violator to correct the violation(s); and (c) any previous violations committed by the violator. Notwithstanding the foregoing, penalties and fines imposed for violation of the Petroleum Storage Systems Ordinance or Petroleum Contamination Cleanup Criteria Ordinance, as either Ordinance may be amended, shall be imposed as set forth in F.S. § 403.121, as amended periodically, pursuant to the agreement approved by the Palm Beach County Board of County Commissioners (R2001-941) on June 19, 2001 and June 12, 2010 (R2010-0095).

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EXHIBIT J

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
SUMMARY OF AMENDMENTS
(Updated 5/1/13)

1
2 Part 1. ULDC Art. 1.I.2.E.22.b, Florida Game and Fresh Water Fish Commission (page 56 of
3 119), is hereby amended as follows:
4

Reason for amendments: [Zoning] A constitutional amendment that passed in 1998 updated the name of the Commission that is in charge of conserving the aquatic and wild life in the State of Florida. The Commission name was inadvertently not updated in this part of the Code to be Florida Fish and Wildlife Conservation Commission instead of Florida Game and Fresh Water Fish Commission.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 E. Terms defined herein or referenced Article shall have the following meanings:
8 22. **Endangered, Threatened, Rare, and Species of Special Concern** - any species listed as
9 endangered, threatened, rare, or of special concern by one or more of the following agencies:
10 b. Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission;

11
12
13 Part 2. ULDC Art. 4.D.2.A, Conflicting Provisions, [Related to Excavation] (page 143 of 171), is
14 hereby amended as follows:
15

Reason for amendments: [Zoning] A constitutional amendment that passed in 1998 updated the name of the Commission that is in charge of conserving the aquatic and wild life in the State of Florida. The Commission name was inadvertently not updated in this part of the Code to be Florida Fish and Wildlife Conservation Commission instead of Florida Game and Fresh Water Fish Commission.

16 CHAPTER D EXCAVATION

17 Section 2 Applicability

18 A. **Conflicting Provisions**
19 To the extent provisions of this Section conflict with regulations of other applicable regulatory
20 agencies, the more restrictive regulations shall apply. Other permitting agencies include but are
21 not limited to SFWMD, Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation
22 Commission, USACE, DEP, and ERM. [Ord. 2006-004]
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58 Commission.docx

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