



---

**TITLE: REQUEST FOR PERMISSION TO ADVERTISE  
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-02**

- Ordinance Title
- Exhibit A Privately Initiated Amendment (PIA) – Commercial Communication Towers
- Exhibit B Privately Initiated Amendment (PIA) - RVPD Accessory Structure
- Exhibit C Art. 14, Environmental Standards
- Exhibit D Decision Making Bodies
- Exhibit E Development Review Officer
- Exhibit F Height Exceptions
- Exhibit G Planned Industrial Park Development (PIPD) Building Coverage
- Exhibit H Properties Affected by Eminent Domain Proceedings
- Exhibit I Residential Playground Equipment
- Exhibit J Rooftop Solar (Solar Energy System)
- Exhibit K Use Of the Term Prohibited

**LDRAB/LDRC:** The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on April 24, 2013, July 24, 2013, October 23, 2013, November 13, 2013, and the Land Development Regulation Commission (LDRC) on November 13, 2013. All proposed ULDC amendments were found to be consistent with the Plan.

**MOTION:** To approve on preliminary reading and advertise for First Reading on January 9, 2014: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS;** CHAPTER C, RULES OF CONSTRUCTION; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES;** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS;** CHAPTER A, GENERAL; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD'S); **ARTICLE 4 - USE REGULATIONS;** CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 14 - ENVIROMENTAL STANDARDS;** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**; CHAPTER C, RULES OF CONSTRUCTION; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD'S); **ARTICLE 4 - USE REGULATIONS**; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 14 - ENVIROMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR**: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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

**WHEREAS**, the BCC 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:**

**Section 1. Adoption**

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

- 1 1. Exhibit A Privately Initiated Amendment (PIA) – Commercial Communication Towers
- 2 2. Exhibit B Privately Initiated Amendment (PIA) - RVPD Accessory Structure
- 3 3. Exhibit C Art. 14, Environmental Standards
- 4 4. Exhibit D Decision Making Bodies
- 5 5. Exhibit E Development Review Officer
- 6 6. Exhibit F Height Exceptions
- 7 7. Exhibit G Planned Industrial Park Development (PIPD) Building Coverage
- 8 8. Exhibit H Properties Affected by Eminent Domain Proceedings
- 9 9. Exhibit I Residential Playground Equipment
- 10 10. Exhibit J Rooftop Solar (Solar Energy System)
- 11 11. Exhibit K Use Of the Term Prohibited
- 12

13 **Section 2. Interpretation of Captions**

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

16

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

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

20

21 **Section 4. Severability**

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

26

27 **Section 5. Savings Clause**

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

34

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

36 The provisions of this Ordinance shall be codified in the Unified Land Development Code  
37 and may be reorganized, renumbered or re-lettered to effectuate the codification of this  
38 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: \_\_\_\_\_  
Priscilla Taylor, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

8  
9  
10           **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of  
11 \_\_\_\_\_, 20\_\_\_\_.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS  
(Updated 11/13/13)

1  
2 Part 1. ULDC Art. 4.C, Commercial Communication Tower (page 113 of 171), is hereby  
3 amended as follows:  
4

**Reason for amendments:** [Phase II Privately Initiated ULDC Amendment, **application of Vertex Development, Law Offices of Lauralee G. Westine, P.A., Lauralee Westine, Agent.**]: The public demand for uninterrupted, continuous wireless service has increased due to customers' reliance on "smart phones". Presently, the ULDC limits towers in PUDs to private or public civic and commercial pods only, thus, prohibiting towers from recreation pods. However, in PUD golf course communities, recreational pods can be large parcels on which the appearance of a tower can be minimized. The applicant is requesting that towers be allowed in recreation pods if approved by the BCC at a Public Hearing as a Class A Conditional Use. The applicant is not attempting to modify any other provisions currently set forth within Chapter C, such as separation or setbacks from residential parcels.

**Zoning:** The applicant has amended the request to address Zoning issues, including requirement for Class A Conditional Use Approval, towers are limited to Stealth or Camouflage (e.g. monopole, self support and guyed towers prohibited) and only where located on Golf Course facilities, which may include accessory uses such as Golf Course maintenance areas (where located within the Golf Course approval).

5 CHAPTER C COMMUNICATION TOWER, COMMERCIAL

6 ....

7 Section 3 Siting Requirements

8 A. Stealth Towers

9 ....

10 4. Stealth Towers in Certain Residential Zoning Districts

11 Subject to the limitations provided in this subsection, stealth towers may be permitted in the  
12 following residential zoning districts: RT (Residential Transitional), RS (Single-family  
13 Residential), RM (Multi-family Residential), and PUD (Planned Unit Development)  
14 commercial, recreation, public or private civic pods only.

15 ....

16 e. Associated Uses

17 The stealth towers shall be permitted only in association with the following uses:  
18 assembly, nonprofit institutional; church or place of worship; college or university; electric  
19 power facility, excluding electrical transmission line streets as provided herein;  
20 government services; park, passive; park, public; golf course and associated facilities;  
21 school, elementary or secondary; solid waste transfer station; utility minor; or water or  
22 wastewater treatment plant; commercial, office or industrial development. Stealth towers  
23 in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding  
24 Flagpoles.

25 ....

26 B. Camouflage Towers

27 ....

28 4. Camouflage Towers in Certain Residential Zoning Districts

29 Subject to the limitations provided in this subsection, camouflage towers may be permitted in  
30 the following residential zoning districts: RT (Residential Transitional), RS (Single-family  
31 Residential), RM (Multi-family Residential), and PUD (Planned Unit Development)  
32 commercial, recreation, public or private civic pods only.

33 ....

34 e. Associated Uses

35 The camouflage towers shall be permitted only in association with the following uses:  
36 assembly, nonprofit institutional; church or place of worship; college or university; electric  
37 power facility, excluding electrical transmission line streets as provided herein;  
38 government services; park, passive; park, public; golf course and associated facilities;  
39 school, elementary or secondary; solid waste transfer station; utility, minor; or water or  
40 wastewater treatment plant; commercial, office or industrial development.

41 ....

42

43

44

45

This space left blank intentionally.

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. If relocated destination is noted in bolded brackets [**Relocated to:**].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS  
(Updated 11/13/13)

1

Table 4.C.3.1 - Residential District Tower Location and Type of Review

TOWER TYPE	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD Pods (1)		RVPD	MHPD	TND
								CIV or COM	REC			
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	<u>A</u>	*	*	D
Stealth Towers >100' ≤125'	D	D	D	D	B	B	B	D	<u>A</u>	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	<u>A</u>	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	<u>A</u>	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	-	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	-	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	-	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	*	-	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	D	-	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	-	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	-	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers >200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	D	-	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	-	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D (2)	D (2)	D (2)	D (2)	*	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	<u>D(3)</u>	D(3)	D(3)	D(3)

Notes:

- D = Development Review Officer (No Public Hearing)
- DE = Expedited Review
- BP = Building Permit Review (No Public Hearing)
- B = Conditional use Review by ZC (1 Public Hearing)
- A = Conditional use Review by BCC (2 Public Hearings)
- (1) = Public or Private, Civic, and Commercial pods only, or, a Recreational Pod only when located on a Golf Course.
- (2) = I-95 and Florida Turnpike streets at least 250 feet in width.
- (3) = Electrical transmission streets at least 250 feet in width.
- \* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

2  
3  
4  
5  
6

This space intentionally left blank.

Notes:

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

EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS  
(Updated 11/13/13)

1

Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
....											
<b>[Ord. 2005-002]</b>											
<b>Notes:</b>											
(1) = Permitted in public or private civic, and commercial pods <u>only, or, a Recreational Pod only when located on a Golf Course.</u>											
(2) = Percent measured as a separation between lower and adjacent residential structures											
(3) = Measured as a setback from property lines of lower location											
(4) = Height tower type and setbacks limited as provided in this section											

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. A -Privately Initiated Amendment (PIA) Commercial Communication Tower.docx

---

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

EXHIBIT B

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)  
PERMANENT ACCESSORY STRUCTURES IN RVPD  
SUMMARY OF AMENDMENTS  
(Updated 11/13/13)

1  
2  
3  
4  
5  
  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Part 1. ULDC Art. 3.E.7.G, Supplemental Standards [Related to Permanent Accessory Structures in Recreational Vehicle Planned Development District (RVPD)] (page 184 of 229), is hereby amended as follows:

**Reason for amendments:** [Phase II Privately Initiated ULDC Amendment, application of L.A. Vander Putten by Urban Design Kilday Studios, Agent.]

To allow for detached accessory structures, a maximum of 200 square feet in size to be permitted on individual RV lots (sites). As the industry and market trends for typical recreational vehicle developments evolve, the industry is seeing an increased demand for luxury motor coach resorts. These resorts provide a variety of upscale amenities and various individual lot layouts. Individual RV sites are outfitted with a pad and utility hookups, which may provide for cable/internet services.

A much-desired upgrade option includes a detached accessory structure on the lot, which may serve as storage and for entertaining purposes. These structures are not dwelling units and may not be used as habitable structures. The structures typically have utility connections and may contain areas for storage, washer/dryer, mini kitchens and an entertainment area with a television.

The demographics of the purchasers of luxury motor coaches expect such options as coach houses as part of the amenity packages available. The provision of the coach houses allows for a sustainable high quality planned development.

**Zoning:** Additional revisions to limit use of proposed accessory structures clarifies that the structure will be classified as "storage" which per Building Code, would preclude residential kitchen and sleeping accommodations or use.

**November 13, 2013 LDRAB Revisions via Add/Delete Sheet:** Applicant is proposing additional site development standards to address concerns from residents in community with existing RVPD approvals, as follows: establishing a minimum RV site size requirement, clarifying exemption from Rural Design Guidelines which would have required additional square footage for porches (porches would still be allowed subject to maximum 200 s.f. size limit), and provision of foundation planting areas (Staff Note: non-residential accessory structures are exempt from foundation planting requirements per Art. 7.D.11.A.5).

**CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**  
**Section 7 Recreational Vehicle Planned Development District (RVPD)**

**G. Supplemental Standards**

**1. Permanent Structures or Additions**

- a. Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited except as provided for under b. below.
- b. Detached accessory structures used for storage, utilities or entertainment are permitted on individual RV sites subject to the following:
  - 1) Maximum of 200 square feet in size;
  - 2) Minimum ten-foot separation between buildings;
  - 3) Sleeping accommodations are prohibited;
  - 4) Full kitchens or cooking facilities shall be prohibited. Sinks, refrigerators and cabinets/counters shall be allowed; and,
  - 5) HVAC and bathroom facilities may be permitted.
  - 6) Minimum RV site size shall be 3,000 square feet;
  - 7) Accessory structures shall be exempt from the requirements of Art. 5.C.1.H.g.4), Porches and Entryways; and,
  - 8) Accessory structures shall be exempt from the Foundation Planting requirements of Table 7.C.3, Minimum Tier Requirements, provided that a minimum of 40 percent of the perimeter façade shall have a foundation planting a minimum of two feet in width.

....

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. B -Privately Initiated Amendment (PIA) RVPD Accessory Structure.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 is noted in bolded brackets [**Relocated from:** ].

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

EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 10/31/13)

1  
2 Part 1. ULDC Art. 14.C.7.A, Single Family Dwellings (page 34 of 52), is hereby amended as  
3 follows:  
4

Reason for amendments: [ERM] This amendment is intended to update chapter language for single family lots past the building permit process.

5 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

6 Section 7 Application, Process, and General Standards

7 A. Single Family Dwellings

8  
9 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in  
10 Appendix 5 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native  
11 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior  
12 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited  
13 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is  
14 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No  
15 additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002]  
16 [Ord. 2006-004]

17 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for  
18 single family residences, single two unit (duplex) residences and accessory structures  
19 associated with single family residential parcels in existence as of the date of the adoption of  
20 this Chapter are void and of no effect, and all pending enforcement actions related thereto  
21 are dismissed. Single family residential property owners are encouraged to maintain  
22 preserved native vegetation after site development is completed and to minimize the removal  
23 of native vegetation damaged by an extreme weather event such as a storm, hurricane or  
24 other natural disaster. [Ord. 2008-040]

25  
26  
27 Part 2. ULDC Art. 14.C.7.B, Approval of Development for Commercial Projects, Government  
28 Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects  
29 Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 34 and 38  
30 of 52), is hereby amended as follows:  
31

Reason for amendments: [ERM] This amendment is intended to clarify the applicability of ULDC 14.C requirements to agricultural operations.

32 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

33 Section 7 Application, Process, and General Standards

34 B. Approval of Development for Commercial Projects, Government Projects, Schools, New  
35 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and  
36 ~~Agriculture~~ Agricultural Operations of 10 Acres in Size or Greater

37 1. Requirements and Process

38 a. Projects involving the development of commercial projects, government projects, schools,  
39 new construction of a utility, road right of way projects, projects requiring DRO review,  
40 and agricultural ~~parcels operations~~ of 10 acres or greater shall apply to ERM for approval  
41 of said project on forms provided by ERM. The provisions of the ULDC 14.C.7 shall not  
42 apply on lands classified as bona fide agriculture when the regulatory activity is  
43 preempted by State law. Projects that are exempt from the DRO process must make  
44 application for approval to remove native vegetation to ERM within 30 days of making  
45 application for an initial building permit for the project. [Ord. 2008-040] [Ord. 2009-040]  
46  
47

Reason for amendments: [ERM] This amendment is intended to provide a process for emergency removal of native vegetation planted as mitigation or restoration.

48 5. Mitigation or Restoration

49  
50 h. Projects within the one year monitoring period may remove vegetation damaged by an  
51 extreme weather event such as a storm, hurricane or other natural disaster under an  
52 approval from ERM. Any mitigation vegetation removed must be replanted within 365  
53 days of the removal date.  
54

Notes:

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

EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 10/31/13)

1  
2 Part 3. ULDC Art. 14.C.7.C Standards of Issuance (page 38 of 52), is hereby amended as  
3 follows:  
4

Reason for amendments: [ERM] This amendment is intended to provide a language change in order to clarify that an approval is issued and not a permit.

5 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

6 Section 7 Application, Process, and General Standards

7 C. Standards of Issuance

8 No ~~permit~~ approval shall be issued unless the application demonstrates that the project:

- 9 1. Will not result in a net loss of wetland functions and values;
- 10 2. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.;
- 11 3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely
- 12 affect recreational fisheries or their habitats;
- 13 4. Will not adversely impact endangered or threatened species, and species of special concern,
- 14 or their habitat;
- 15 5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to
- 16 native vegetation; and
- 17 6. Complies with any applicable federal, state or local designated preserve, conservation or
- 18 mitigation area.

19  
20  
21 Part 4. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection  
22 approvals] (page 38 – 40 of 52), is hereby amended as follows:  
23

Reason for amendments: [ERM] This amendment is intended to clarify the exemption application to stand alone agricultural parcels as opposed to larger scale agricultural operations comprised of co-joined parcels with gross acreage greater than 10 acres.

24 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

25 Section 8 Exemptions

26 The following activities do not require an approval under this Chapter: [Ord. 2008-040]

27 A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or  
28 ~~Bona fide~~ Agricultural Operations

29 ~~Vegetation alteration associated with subsequent harvesting activities, except within preserve~~  
30 ~~areas or vegetated buffers, that are part of the on-going activities of the existing operation, the~~  
31 ~~harvesting or alteration of vegetation previously planted and cultivated for production as part of an~~  
32 ~~ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is~~  
33 ~~an exempt activity. Initial clearing of a parcel is an exempt activity on parcels less than 10 acres,~~  
34 ~~providing that the level of clearing does not exceed the area for crop production. After an initial~~  
35 ~~clearing performed in accordance with this Chapter, the following are exempt if part of the~~  
36 ~~ongoing activities of an existing operation: vegetation alteration associated with subsequent~~  
37 ~~harvesting activities and harvesting or alteration of vegetation previously planted and cultivated~~  
38 ~~for production as part of a botanical garden, botanical research center, nursery or agricultural~~  
39 ~~operation. This exemption does not allow for the removal of vegetation within preserve areas or~~  
40 ~~vegetated buffers. [Ord. 2012-027]~~

41 ....  
42 P. Initial Clearing of Agricultural Operations Less Than 10 Acres

43 Initial clearing of an agricultural operation less than 10 acres is exempt, provided that the level of  
44 clearing does not exceed the area for crop production.  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. C -Art. 14, Environmental Standards.docx

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

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

EXHIBIT D

DECISION MAKING BODIES  
SUMMARY OF AMENDMENTS  
(Updated 10/31/13)

1  
2 Part 1. ULDC Art. 2.G.2, General Provisions [Related to Decision Making Bodies] (page 71 of  
3 88), is hereby amended as follows:  
4

**Reason for amendments:** [Zoning] 1) To record that policies and procedures governing advisory boards, committees and commissions, have been updated and consolidated under Resolution 2013-0193; and, 2) delete open ended number of terms to be consistent with "...*limit of three consecutive three year terms...*" adopted by the BCC .

5 CHAPTER G DECISION MAKING BODIES

6 Section 2 GENERAL PROVISIONS

7 Unless otherwise noted, the following provisions shall apply to each appointed body described in this  
8 Article. In addition, each board shall be governed by PBC Resolution No. ~~2002-1606~~ 2013-0193. In case  
9 of conflict between the general provisions in this Section, and the specific provisions of each appointed  
10 body, the specific provisions shall prevail.

11 A Board Membership

12 ....

13 2. Term of Office

14 ~~a.~~ The term of office for each member shall be three years. All members serving on a board  
15 on the effective date of this Code shall complete their terms according to their prior  
16 appointments.

17 ~~b. There shall be no limit on the number of terms a person may serve on a board or  
18 commission.~~

19 ....

20  
21  
22 Part 2. ULDC Art. 2.G.3, Appointed Bodies [Related to Decision Making Bodies] (pages 73 - 83  
23 of 88), are hereby amended as follows:  
24

**Reason for amendments:** [Zoning] Clarify term limits for County advisory boards to be consistent with BCC amendments to the Resolution containing the guidelines.

25 CHAPTER G DECISION MAKING BODIES

26 Section 3 APPOINTED BODIES

27 A. Land Development Regulation Advisory Board

28 ....

29 3. Board Membership

30 ....

31 c. Terms of Office

32 Members of the LDRAB shall hold office until the first Tuesday after the first Monday in  
33 February of the year their term expires. Beginning on or after March 2, 2013, no person  
34 shall be appointed or reappointed to this Board for more than three consecutive terms.

35 ....

36 D. Environmental Appeals Board

37 ....

38 3. Board Membership

39 ....

40 b. Terms of Office

41 All EAB members shall serve a term of three years. Beginning on or after March 2, 2013,  
42 no person shall be appointed or reappointed to this Board for more than three  
43 consecutive terms.

44 ....

45 E. Environmental Control Hearing Board

46 ....

47 6. Term Limits

48 Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this  
49 Board for more than three consecutive terms.

50 F. Groundwater and Natural Resources Protection Board

51 ....

52 3. Board Membership

53 ....

54 b. Terms of Office

**Notes:**

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:** ].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:** ].

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

EXHIBIT D

DECISION MAKING BODIES  
SUMMARY OF AMENDMENTS  
(Updated 10/31/13)

1 All members shall serve a term of three years. Beginning on or after March 2, 2013, no  
2 person shall be appointed or reappointed to this Board for more than three consecutive  
3 terms. All members serving on the GNRPB on the effective date of this Code shall  
4 complete their terms according to their prior appointments.  
5

6 **I. Impact Fee Appeals Board**

7  
8 **3. Board Membership**

9  
10 **c. Terms of Office**

11 All IFAB members shall serve a term of three years. Beginning on or after March 2,  
12 2013, no person shall be appointed or reappointed to this Board for more than three  
13 consecutive terms.  
14

15 **J. Impact Fee Review Committee**

16  
17 **6. Term Limits**

18 Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this  
19 Board for more than three consecutive terms.  
20

21 **K. Planning Commission**

22 **3. Board Membership**

23  
24 **a. BCC Appointed Members**

25  
26 **3) Terms of Office**

27 Members of the PLC shall hold office until the first Tuesday after the first Monday in  
28 June of the year their term expires. Beginning on or after March 2, 2013, no person  
29 shall be appointed or reappointed to this Board for more than three consecutive  
30 terms. [Ord. 2008-003]  
31

32 **M. Zoning Commission**

33  
34 **3. Commission Membership**

35  
36 **a. BCC Appointed Members**

37  
38 **2) Terms of Office**

39 Members of the ZC shall hold office until the first Tuesday after the first Monday in  
40 February of the year their term expires. Beginning on or after March 2, 2013, no  
41 person shall be appointed or reappointed to this Board for more than three  
42 consecutive terms. [Ord. 2009-040]  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. D -Decision Making Bodies.docx

**Notes:**

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.

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

EXHIBIT E

DEVELOPMENT REVIEW OFFICER  
SUMMARY OF AMENDMENTS  
(Updated 11/1/2013)

Part 1. ULDC Art. 2.D.1.G, Administrative Review [Related to Administrative Process, DRO ], (pages 39 - 41 of 88), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Modify the title of Chapter G to more accurately reflect the process name. 2) Clarify purpose; and, 3) Expand and clarify thresholds under Zoning Agency Review (ZAR) and Zoning Review (ZZR) to distinguish from Development Review Office (DRO) thresholds.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Administrative Review Modifications to Prior Development Orders

The DRO may approve amendments to Preliminary Plans approved by the BCC/ZC, and approve Final Plans, in accordance with the following procedures. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040][Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

1. Amendments Modifications to BCC/ZC Approvals

....

2. Agency Review Expedited Administrative Modifications

a. Purpose

To establish procedures to allow for expedited approvals of specific minor corrections, additions and amendments to approved Final Plans. [Ord. 2007-001] [Partially relocated from 2.D.4.A, Purpose]

b. Agency Review

Agency Review is utilized for applications that may require the submittal of a new plan, or amendment(s) to an existing approved plan(s). This type of application requires review, comments, and conditions by a maximum of five or fewer DRO Agencies as necessary to authorize the amendment. The Zoning Division DRO shall determine which Agencies are required to review the amendment based upon the request and compliance with County Ordinances. Typical Amendments may include, but not be limited to the following, provided Section Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001]

a.1) Increases in building square footage; up to a maximum 2,500 square feet; [Ord. 2008-003]

b.2) Relocation of building square footage; [Ord. 2008-003]

c. Transfer of building square footage; [Ord. 2008-003]

3)d. Modifications to approved Alternative Landscape Plans (ALPs); [Ord. 2008-003] [Ord. 2011-001]

4) Modifications to approved phase lines;

5) New uses that require DRO approval, provided all improvements to the use are interior to the structure, with the exception of the following minor exterior improvements:

a) Modifications to existing parking areas;

b) Outdoor dining areas;

c) Walk-in coolers; or,

d) Above ground tanks.

e.6) Palm Beach County School Board Projects; and, [Ord. 2008-003]

f.7) Modifications to approved Type IB Excavation; [Ord. 2008-003] [Ord. 2011-001]

8) Minor Modifications to approved architectural elevations provided consistent with previously approved elevations and conditions of approval; and,

9) Proposed or relocated guard houses.

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

applicant shall be responsible for obtaining the recommendation of approval and any comments from the affected DRO agencies, in a form and manner established by the Zoning Director. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]

3c. Zoning Review

Zoning review is utilized for applications that require only Zoning Division approval of: minor corrections to tabular data, additions and amendments to an existing approved site or subdivision plan. Typical Amendments may include, but not be limited to the following: [Ord. 2008-003]

a.1) Change in sign location; [Ord. 2008-003]

b.2) Minor modifications to approved parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003]

Notes:

Underlined indicates new text.

Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

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

EXHIBIT E

DEVELOPMENT REVIEW OFFICER  
SUMMARY OF AMENDMENTS  
(Updated 11/1/2013)

- ~~e.3)~~ Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]
- ~~d.4)~~ Reduction in building size, provided there are no changes to approved architectural elevations; [Ord. 2008-003]
- ~~e.5)~~ Proposed canopies; [Ord. 2008-003]
- ~~f.6)~~ Minor modifications to approved revisions to lot lines to be consistent with plat; [Ord. 2008-003]
- ~~g.7)~~ Temporary sales trailers ~~(must first have been issued pursuant to a Special Permit);~~ and, [Ord. 2008-003]
- ~~h.8)~~ Proposed fences; and,
- ~~h.9)~~ Other minor structures subject to approval by the DRO. [Ord. 2008-003]
- d. The Zoning Director shall maintain PPM Z0-0-29, subject to periodical update, outlining a list of minor amendments, ~~subject to periodical update, indicating which and establishing~~ items that are exempt from the ~~Zoning Administrative Review Expedited Administrative Modifications~~ process.  
~~Applications shall be submitted on deadlines established on the Zoning Calendar, and consistent with application requirements pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures. [Ord. 2008-003] [Ord. 2011-001]~~

Part 2. ULDC Art. 2.D.4, Administrative Amendments, (pages 44 of 88), is hereby amended:

Reason for amendments: [Zoning] Relocate Administrative Amendment purpose under DRO Administrative Review applicable to ZAR and ZZR. Procedures and standards repeated elsewhere in Article 2.

CHAPTER D ADMINISTRATIVE PROCESS

~~Section 4~~ Administrative Amendments

~~A. Purpose~~

~~To allow minor corrections, additions and amendments to an approved site plan or subdivision plan requiring approval from the Zoning Division and a maximum of one additional agency. [Ord. 2007-001] [Partially relocated to Art. 2.D.1.G.2.a, Purpose]~~

~~B. Types of Administrative Amendments~~

~~Administrative Amendments permitted include, but are not limited to, change in sign locations, minor modifications to parking areas, relocation of terminal islands to accommodate trees or utility lines, reduction in building size, addition of canopies, minor revisions to lot lines, temporary sales trailers, and other minor structures. [Ord. 2007-001]~~

~~C. Procedures~~

- ~~1. Applicants shall be seen on a walk-in basis during a time frame established by the Zoning Director. [Ord. 2007-001]~~
- ~~2. Applicants shall be required to submit a complete administrative amendment application including any necessary approvals from an affected agency, and required authorization. [Ord. 2007-001]~~
- ~~3. Applicants shall be able to clearly identify the area being changed, provide all applicable information (square footage, height, width), adjust tabular and other site plan related data, and legibly make the change to the site plan. [Ord. 2007-001]~~

~~D. Standards~~

- ~~1. The proposed amendment shall comply with all applicable sections of the ULDC and the regulations of any other affected agency. [Ord. 2007-001]~~
- ~~2. The affected area shall only be used for the purpose identified in the application. [Ord. 2007-001]~~

[Renumber Accordingly]

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. E -Development Review Officer.docx

Notes:

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

**EXHIBIT F  
HEIGHT EXCEPTIONS**

**SUMMARY OF AMENDMENTS  
(Updated 10/31/13)**

1  
2 **Part 1. ULDC Art. 3.D.1.E.4, Height Exceptions [Related to Property Development Regulations**  
3 **(PDR)] (page 129 of 229), is hereby amended as follows:**  
4

**Reason for amendments:** [Zoning] 1) Delete scrivener's error for title referencing height exceptions applicable to uses when the list only applies to structures; 2) Clarify that height exception applies to rooftop structures constructed on top of an elevator or a stairwell that provides access to the roof of a building for the purpose of the functioning of the structure, such as access to mechanical equipment or reroofing, and not to extend occupancy; and, 3) Clarify height exception for parapet utilized to screen mechanical equipment by indicating that it applies only to the required parapet height that is equal to the highest point of the equipment that is screened. This amendment looks to avoid installation of large parapet for other purposes other than screening such as signage and still be subject to the height exception.

5 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

6 **Section 1 PDRs for Standard Zoning Districts**

7 **E. Building Height**

8 **4. Height Exceptions**

9 The following structures shall be exempt from the height restrictions in this Section, unless  
10 otherwise stated:

11 a. ~~Uses Exempted from Height Restrictions~~

12 1) Church spires, religious domes, and religious ornamentation attached to a place of  
13 worship;

14 **[ReNUMBER Accordingly]**

15 ~~1.11) Elevator bulkhead Structure built over the top of a stairwell or elevator shaft providing~~  
16 ~~access to the rooftop for maintenance purposes or to house elevator mechanical~~  
17 ~~equipment;~~

18 ....

19 ~~v.21) Required Pparapet screening of mechanical equipment;~~ and,

20 ~~w.22) Mechanical equipment, less than five feet in height and any required screening,~~  
21 measured from the roof deck. **[Ord. 2006-004]**

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56 U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. F -Height Exceptions.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 is noted in bolded brackets **[Relocated from: ]**.

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

EXHIBIT G

PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) BUILDING COVERAGE  
SUMMARY OF AMENDMENTS  
(Updated 10/28/13)

1  
2 Part 1. ULDC Table 3.E.5.D, PIPD Property Development Regulations, Planned Industrial Park  
3 Development (PIPD) (page 178 of 229), is hereby amended as follows:  
4

**Reason for amendments:** [Zoning] Increase maximum building coverage permitted from 30 to 45 percent for consistency with the IL, IG and MUPD districts. While the purpose and intent of a PIPD implies more vertical building uses, it unfairly penalizes desirable job generating industrial uses which require more ground floor areas.

5  
Table 3.E.5.D - PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR (1)	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200		<del>45-30%</del>	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200		<del>45-30%</del>	25	C – 20 R – 40	25	C – 20 R – 40
....									
<b>[Ord. 2004-040]</b>									
<b>Notes:</b>									
....									
1. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. <b>[Ord. 2007-001]</b>									

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. G -PIPD Building Coverage.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 is noted in bolded brackets **[Relocated from: ]**.  
 .... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT H

PROPERTIES AFFECTED BY EMINENT DOMAIN PROCEEDINGS  
SUMMARY OF AMENDMENTS  
(Updated 11/6/13)

1 Part 1. ULDC Art. 1.G.1, Properties Affected by Eminent Domain Proceedings (page 26 of 119),  
2 is hereby amended as follows:  
3

**Reason for amendments:** [Zoning] 1) Clarify ability to develop or redevelop property affected by Eminent Domain Proceedings; 2) Clarify that presumption of hardship is one of seven criteria; and, 3) Allow Type II Variance application to request reduction of a minimum lot size required by Art. 4.B, Supplementary Use Standards commensurate with reduction resulting from Eminent Domain Proceedings.

4 CHAPTER G EMINENT DOMAIN

5 Section 1 Properties Affected by Eminent Domain Proceedings

6 B. Development Standards

7 Properties and site improvements impacted by eminent domain action may continue to exist and  
8 may expand as outlined below:  
9

10 3. Redesign of Sites  
11

12 a. Variance Required for New Deviation From Regulations

13 A variance shall be obtained for any additional deviation from required property  
14 development regulations or site design standards proposed by the redesign. Any  
15 redesign or expansion which reduces an existing deviation from required property  
16 development regulations or site design standards shall not require a variance. When  
17 applying the variance standards in Article 2.B.3, Type II Variance, and Art. 2.D.3, Type  
18 1A and Type 1B Administrative Variances, the eminent domain action shall be presumed  
19 to be sufficient evidence to demonstrate a hardship (only applies to Type II Variance  
20 Standard number four of seven listed under Art. 2.B.3.E.4). To encourage site redesign,  
21 in cases when a DRO site plan approval and a variance would both be required, only a  
22 variance shall be required. [Ord. 2010-022]  
23

24 6. ~~Vacant Lots~~ Reduced by Eminent Domain

25 A ~~vacant~~ lot reduced by an eminent domain action to any size or configuration below that  
26 required by the applicable zoning district may be developed, subject to the following:

- 27 a. Uses subject to lot size requirements in Art. 4.B, Supplementary Use Standards, shall  
28 comply with those standards. Type II Variance relief may be requested from this  
29 requirement if it cannot be met as a result of the eminent domain action; and,
- 30 c. In all cases, required district setbacks shall be used.  
31

32  
33  
34 Part 2. ULDC Art. 2.A.1.D.1.b.5 [Related to Zoning Commission and Authority] (page 11 of 88),  
35 is hereby amended as follows:  
36

**Reason for amendments:** [Zoning] Allow Type II Variance application to request reduction of a minimum lot size required by Art. 4.B, Supplementary Use Standards.

37 CHAPTER A GENERAL

38 Section 1 Applicability

39 D. Authority

40 1. Processes

41 b. Zoning Commission (ZC)

42 The ZC shall consider the following types of development order applications:  
43

44 5) The ZC is not authorized to grant variances from the following Articles of the ULDC:  
45 [Ord. 2006-036] [Ord. 2011-001]  
46

47 e) Art. 4, USE REGULATIONS, unless specifically authorized in Article 4.B,  
48 SUPPLEMENTARY USE STANDARDS; or, to allow for a reduction in minimum  
49 lot size required for a use, in accordance with Art. 1.G.1.B.6, Lots Reduced by  
50 Eminent Domain, Properties Affected by Eminent Domain Proceedings; [Ord.  
51 2007-013] [Ord. 2008-003] [Ord. 2010-022]  
52  
53

54 U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. H -Properties Affected by Eminent Domain  
55 Proceedings.docx

**Notes:**

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:**].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT I

RESIDENTIAL PLAYGROUND EQUIPMENT  
SUMMARY OF AMENDMENTS  
(Updated 11/14/13)

1 Part 1. ULDC Art. 5.B.1.A.10, Outdoor Recreation Amenities (page 20 of 92), is hereby  
2 amended as follows:  
3

Reason for amendments: [Zoning/Building]
1. To clarify that the subsection on setbacks does not apply to swimming pools and spas, which are covered by subsequent regulations. 2. Creating a category specific to recreational amenities that are used by entire developments, and held and maintained in common. 3. Creating a subsection which applies specifically to residential lots, including duplex, townhouse, condominium, etc., to regulate setbacks for recreation amenities. This specifically excludes accessory structures used for recreational purposes (like playhouses), which will be regulated by the Property Development Regulations (PDR's) for accessory structures. 4. Specifies that only recreational amenities and equipment on residential lots which require a building permit for installation must comply with Table 5.B.1.A setbacks for residential lots. 5. Add a footnote to Table 5.B.1.A – Setbacks – General, which establishes a setbacks for recreational amenities and equipment in the side and rear yards on a residential lot equal to those of accessory structures (five feet) in all residential zoning districts except AR, Agriculture Residential Zoning District, where the table prevails, requiring side and rear setbacks of seven and one-half feet. Setbacks for front and side street yards remain unaffected.

4 CHAPTER B ACCESSORY AND TEMPORARY USES CHAPTER

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7 10. Outdoor Recreation Amenities

8 An open-air amenity designed and intended to support recreation activities including but not  
9 limited to: basketball courts, tennis courts, playgrounds and tot lots, excluding those uses  
10 regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

11 a. Principal and Accessory Use

12 1) Principal Use

13 Any outdoor recreation amenities owned and operated as a commercial enterprise or  
14 in combination with other commercial recreation uses on the same property shall be  
15 considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-  
16 001] [Ord. 2013-001]

17 2) Accessory Use

18 Any outdoor recreation amenities operated by a non-profit assembly, social, civic  
19 organization, Property Owners Association (POA), or resident of a dwelling unit shall  
20 be considered an accessory use. The accessory use shall be located on the same  
21 lot as the principal use except if operated by a residential POA. If operated by a POA,  
22 the accessory use shall be located within the boundaries of the development, or a  
23 Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

24 b. Setbacks – General

25 *The following setbacks shall apply to outdoor recreation amenities and equipment,*  
26 *excluding swimming pools and spas, and shall be measured to the edge of the court*  
27 *surface or fence, whichever is more restrictive: [Relocated from below]*

28 **1) Common Recreation Amenities**

29 Outdoor recreation amenities operated by a non-profit assembly, social, civic  
30 organization, or Property Owners Association (POA) on a community recreation  
31 POD, tract, or designated area, shall be setback a minimum of 50 feet from any  
32 residential property line, unless stated otherwise herein. ~~*The following setbacks shall*~~  
33 ~~*apply to outdoor recreation amenities, excluding swimming pools and spas, and shall*~~  
34 ~~*be measured to the edge of the court surface or fence, whichever is more restrictive:*~~  
35 [Ord. 2006-004] [Ord. 2011-001] [2013-001] [Partially relocated above]

36 **2) Residential Lot Recreation Equipment**

37 ~~*Recreation equipment located on a residential lot, which require issuance of a*~~  
38 ~~*building permit shall comply with the setbacks in Table 5.B.1.A – Setbacks – General.*~~  
39

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to: ].

*Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

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

EXHIBIT I

RESIDENTIAL PLAYGROUND EQUIPMENT  
SUMMARY OF AMENDMENTS  
(Updated 11/14/13)

1

Table 5.B.1.A – Setbacks – General

Zoning	Setbacks			
	Front	Side	Side Street	Rear
Residential Lot	25 feet	7.5 feet (3)	15 feet	7.5 feet (3)
Other (1)(2)	50 foot setback or separation to the nearest residential lot line			
<b>[Ord. 2011-001] [2013-001]</b>				
<b>Note:</b>				
1. Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. <b>[Ord. 2011-001]</b>				
2. Golf course greens, excluding driving ranges, shall be exempt from these setbacks.				
3. <del>Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot, excluding the AR district.</del>				

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57

....

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. I - Residential Playground Equipment.docx

**Notes:**

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.

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

**EXHIBIT J**  
**ROOFTOP SOLAR (SOLAR ENERGY SYSTEM)**  
**SUMMARY OF AMENDMENTS**  
**(Updated 11/05/13)**

1 **Part 1. ULDC Art. 1.1.2, Definitions (page 100 of 119), is hereby amended as follows:**  
2

**Reason for amendments:** [Zoning] Establish definition for Solar Energy System to establish difference with Solar Renewable Energy Facility and clarify use of the term in new mechanical equipment screening exception in Article 5, Supplementary Standards.

3 **CHAPTER I DEFINITIONS & ACRONYMS**

4 **Section 2 Definitions**

5 ....  
6 **S. Terms defined herein or referenced Article shall have the following meanings:**

7 60. **Solar Energy System** - Any device or combination of devices which rely upon direct sunlight  
8 as an energy source to convert solar energy to a usable form of energy, primarily to meet all  
9 or part of the energy needs of the onsite user.

10 ....  
11  
12  
13 **Part 2. New ULDC Art. 5.B.1.A.19, Mechanical Equipment (page 32 of 100), is hereby**  
14 **established as follows:**  
15

**Reason for amendments:** [Zoning] This amendment clarifies that roof mounted and ground mounted Solar Energy Systems commonly known as solar panels are exempted from the screening requirements of mechanical equipment contained in Article 5, Supplementary Standards. The exemption is included to allow optimal use of the System, free of obstruction for maximum exposition to solar energy.

16 **CHAPTER B ACCESSORY AND TEMPORARY USES**

17 **Section 1 Supplementary Regulations**

18 **A. Accessory Uses and Structures**

19 **19. Mechanical Equipment**

20 **a. Applicability**

21 **2) Screening Requirements**

22 ....  
23 **c) Screening Exemption**

24 Solar Energy Systems are exempted from the screening requirements.  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

U:\Zoning\CODEREV\2013\BCC Hearings\Round 2013-02\1 RPA\Exh. J -Rooftop Solar (Solar Energy System).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 is noted in bolded brackets [**Relocated from:** ].

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

EXHIBIT K

USE OF THE TERM PROHIBITED  
SUMMARY OF AMENDMENTS  
(Updated 10/31/13)

1  
2 Part 1. ULDC Art. 1.C.1.A.2.p, Prohibited [Related to Rules of Construction, particularly  
3 Interpretation and Application] (page 7 of 119), is hereby amended as follows:  
4

**Reason for amendments:** [Zoning] Clarify that when the term “prohibited” is utilized in the Code, it precludes eligibility for Variance relief for regulation that contains it or it is applied to.

5 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

6 Section 1 Rules of Construction

7 The rules set out in this Section shall be used to enforce and apply this code, unless such rules are  
8 inconsistent with the Plan. References to Florida Statutes (F.S.) and the Florida Administrative Code  
9 (F.A.C.) refer to citations published in 2003 as may be amended.

10 A. General

11 2. Interpretation and Application

12 p. Prohibited – ~~Shall mean n~~Not allowed ~~and precludes variance relief.~~ [Ord. 2010-022]  
13  
14

15 Part 2. ULDC Art. 1.I.2, Definitions (page 111 of 119), is hereby amended as follows:  
16

**Reason for amendments:** [Zoning] 1) Clarify that eligibility to apply for variance is limited to some provisions of the Code; and, 2) Delete the term “use” as variances are not applicable to uses.

17 CHAPTER I DEFINITIONS & ACRONYMS

18 Section 2 Definitions

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

20 6. Variance –

21 a. An abatement of ~~the terms of certain regulations in~~ the ULDC ~~for a use~~, where such  
22 variance will not be contrary to the public interest and where, owing to conditions peculiar  
23 to the property and not the result of the actions of the applicant, a literal enforcement of  
24 this Code would result in unnecessary and undue hardship.  
25  
26  
27

....

28 Part 3. ULDC Art. 2.A.1.D.1, Processes [Related to Authority and Processes] (pages 11 and 12  
29 of 88), is hereby amended as follows:  
30

**Reason for amendments:** [Zoning] Clarify for consistency with expanded definition of the term prohibited that when a specific ULDC regulation contains the term “prohibited”, the Zoning Commission or Zoning Director shall not consider such regulation for variances relief.

31 CHAPTER A GENERAL

32 Section 1 Applicability

33 D. Authority

34 1. Processes

35 ....

36 b. Zoning Commission (ZC)

37 The ZC shall consider the following types of development order applications:  
38  
39

....

39 5) The ZC is not authorized to grant variances from ~~Code regulations with prohibited~~  
40 ~~provisions, or~~ the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001]  
41

....

42 d. Zoning Director

43 The Zoning Director, in accordance with the procedures, standards and limitations of this  
44 Article, shall approve, approve with conditions, withdraw, deny or revoke the following  
45 types of development order applications: [Ord. 2006-036]  
46

....

47 3) Administrative Variances (Type IA and Type IB) ~~except when Code regulations~~  
48 ~~include prohibited provisions;~~ [Ord. 2006-036]  
49

....  
50  
51  
52  
53

U:\Zoning\CODEREV\2013\LDRAW\Meetings\11-13-13\4 Final Packet\LDRC pdf\Exh. L - Use of the Term Prohibited.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 is noted in bolded brackets [**Relocated from:** ].

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