



**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-01**

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments.

- Ordinance Title
- Exhibit A Article 1, General Provisions
- Exhibit B Article 3, Overlays and Zoning Districts
- Exhibit C Article 10, Enforcement
- Exhibit D Adult Day Care Center
- Exhibit E Florida Fish and Wildlife Conservation Commission
- Exhibit F Freestanding Automated Teller Machines ATM
- Exhibit G Murals
- Exhibit H Private Gun Ranges
- Exhibit I Bona-Fide Agriculture
- Exhibit J Best Management Practices for Livestock Waste

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on February 27, 2013, March 27, 2013, April 24, 2013, May 22, 2013, and June 19, 2013, and the Land Development Regulation Commission (LDRC) on April 24, 2013, May 22, 2013 and June 19, 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 June 24, 2013: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AND 03-070 AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS;** CHAPTER B, INTERPRETATION OF THE CODE; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES;** CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS;** CHAPTER A, GENERAL; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS;** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER C, DESIGN STANDARDS; NEW CHAPTER I, MURALS; NEW CHAPTER J, BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; **ARTICLE 6 - PARKING;** CHAPTER A, PARKING; **ARTICLE 7 - LANDSCAPING;** CHAPTER D, GENERAL STANDARDS; **ARTICLE 8 - SIGNAGE;** CHAPTER B, EXEMPTIONS; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 10 - ENFORCEMENT;** CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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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 B, INTERPRETATION OF THE CODE; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES**; CHAPTER G, DECISION MAKING BODIES; CHAPTER D: ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER E: PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS**; CHAPTER A: USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER C, DESIGN STANDARDS; NEW CHAPTER I, MURALS; NEW CHAPTER J, BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE; **ARTICLE 6 - PARKING**; CHAPTER A, PARKING; **ARTICLE 7 - LANDSCAPING**; CHAPTER D, GENERAL STANDARDS; **ARTICLE 8 - SIGNAGE**; CHAPTER B, EXEMPTIONS; CHAPTER G: STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 10 - ENFORCEMENT**; CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; **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 ▪ Exhibit A Article 1, General Provisions
- 2 ▪ Exhibit B Article 3, Overlays and Zoning Districts
- 3 ▪ Exhibit C Article 10, Enforcement
- 4 ▪ Exhibit D Adult Day Care Center
- 5 ▪ Exhibit E Florida Fish and Wildlife Conservation Commission
- 6 ▪ Exhibit F Freestanding Automated Teller Machines ATM
- 7 ▪ Exhibit G Murals
- 8 ▪ Exhibit H Private Gun Ranges
- 9 ▪ Exhibit I Bona-Fide Agriculture
- 10 ▪ Exhibit J Best Management Practices for Livestock Waste
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12 **Section 2. Interpretation of Captions**

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

15

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

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

19

20 **Section 4. Severability**

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

25

26 **Section 5. Savings Clause**

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

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

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

EXHIBIT A

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.

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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.
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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

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AHCA Agency for Health Care Administration

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LCC Lifestyle Commercial Center Development

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Notes:
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EXHIBIT B

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 C

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 D

ADULT DAY CARE
SUMMARY OF AMENDMENTS
(Updated 5-29-13)

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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

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EXHIBIT E

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

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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;

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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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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 05/29/13)

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:

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

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

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 05/29/13)

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.
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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)	<u>Freestanding ATM</u>	
CN and CLO	5,000 s.f. max	and	Prohibited	<u>Prohibited</u>	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	No drive thru lanes <u>Prohibited</u>	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)	<u>Permitted</u>	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 F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 05/29/13)

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 F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 05/29/13)

1
2 Part 7. ULDC Art. 7.D.11, Foundation Plantings (page 24 of 50), is hereby amended as follows:
3

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.

4 CHAPTER D GENERAL STANDARDS

5 Section 11 Foundation Plantings

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

13

14 **G. Freestanding ATM's**

15 Required foundation plantings may be modified as follows:

16 **1. Walk Up**

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

21 **2. Drive Through**

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

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EXHIBIT F

FREESTANDING AUTOMATED TELLER MACHINES (ATM)
SUMMARY OF AMENDMENTS
(Updated 05/29/13)

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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. <u>This provision shall not apply to Freestanding ATMs.</u> [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. <u>This standard shall not apply to Freestanding ATM's, which shall be limited to "Maximum Sign Area" standards above.</u> [Ord. 2013-]			

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EXHIBIT G

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

1
2 Part 1. ULDC Art. 1.B.1.A, Authority (page 6 of 88), is hereby amended as follows:
3

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

4 CHAPTER B INTERPRETATION OF THE CODE

5 Section 1 Interpretations

6 A. Authority

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

9
10 9. The County Administrator or designee shall have the authority to interpret Art. 5.I, Murals.
11 [Ord. 2013-...]
12
13

14 Part 2. ULDC Art. 1.I.2, Definitions (pages 78, 82 and 98 of 119), is hereby amended as follows:
15

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.

16 CHAPTER I DEFINITIONS & ACRONYMS

17 Section 2 Definitions

18
19 M. Terms defined herein or referenced Article shall have the following meanings:

20 61. Mural – an original production of art of any size, shape, color, material, medium or
21 combination thereof that is designed by an artist, directly affixed or applied to the exterior
22 surface of a building or structure (mural surface), and that neither contains nor consists of
23 any commercial message, including any logo, icon, trademark or brand name. For the
24 purposes of this definition, a commercial message is any message that advertises a business
25 conducted, services rendered, or goods produced or sold. [Ord. 2013-]
26

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

28 43. Sign

29 a. Sign Types

30
31 58) Wall - for the purposes of Art. 8, any sign affixed to the building which shall not
32 extend beyond the peak of the roof at the location of the sign. ~~Wall graphics, murals~~
33 and art work are considered as signs and shall be included when calculating the total
34 permitted square footage. [Ord. 2008-003] [Ord. 2013-]
35
36

37
38 Part 3. ULDC Art. 2.G.4, Staff Officials (page 88 of 88), is hereby amended as follows:
39

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

40 CHAPTER G DECISION MAKING BODIES

41 Section 4 Staff Official

42 C. County Administrator

43 2. Jurisdiction, Authority and Duties

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

47
48 c. to approve, approve with conditions, or deny, applications for murals. [Ord. 2013-]
49
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EXHIBIT G

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**

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EXHIBIT G

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-]

Notes:

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EXHIBIT G

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

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

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

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

E. Signs within Murals

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

F. Illumination

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

G. Applicability of Art. 8, Signage

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

Section 5 Installation and Time for Completion of Mural

A. Installation

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

B. Time for Completion

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

Section 6 Inspection

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

Section 7 Enforcement

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

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EXHIBIT G

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 H

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

16 **Reason for amendments:** [Zoning] See Part 1

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]																					
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EXHIBIT H

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

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EXHIBIT H

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 I

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 I

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

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~~Demonstration is made that there has been on-going investment in and maintenance of the agricultural land use or documented plans for investment in agricultural use of the land;~~

~~c) **Employees**~~

~~There are typical seasonal or full-time employees for the agricultural operation;~~

~~d) **No Nonagricultural Development**~~

~~There is no nonagricultural development (except accessory agricultural uses as defined in this Article, or farm residences or farm workers quarters) on site; and~~

~~e) **Demonstration**~~

~~Demonstration is made that the land will be used for agricultural production for more than five years.~~

~~3) **Additional Guidelines**~~

~~a) **Lot Size**~~

~~Whether the size of the land area as it relates to a specific agricultural use, is appropriate.~~

~~b) **Lease**~~

~~Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.~~

~~c) **Intent**~~

~~The intent of the landowner to sell or convert the land for nonagricultural purposes.~~

~~d) **Proximity**~~

~~The proximity of the property to existing urban metropolitan development.~~

~~e) **Productivity**~~

~~The productivity of land in its present use.~~

~~f) **Plan Designation**~~

~~Must be consistent with Plan designation.~~

....

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EXHIBIT J

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1
2 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 40, 48, 53 71 and 100 of 119), is hereby
3 amended as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] See Part 2 for clarification of overall goals and objectives for the development of best management practices for livestock waste.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7
8 B. Terms defined herein or referenced in this Article shall have the following meanings:

9
10 17. **Best Management Practices (BMPs)** – technologically and economically feasible means of
11 preventing or reducing amounts of pollution generated by point and non-point sources to a
12 level compatible with the water quality and quantity objectives of ~~the~~ PBC. BMPs include
13 schedules of activities, prohibitions of practices, maintenance procedures, and other
14 management practices to prevent or reduce the pollution of waters. [Ord. 2013-...]

15
16 C. Terms defined herein or referenced in this Article shall have the following meanings:

17
18 62. **Composting Facility** - a facility designed and used for transforming food, yard waste and
19 other organic material into soil or fertilizer through biological decomposition. This use does
20 not include backyard-composting serving individual families.

21 63. **Composting** – the process by which biological decomposition of organic solid waste is
22 carried out under controlled aerobic conditions, and which stabilizes the organic fraction into
23 a material which can easily and safely be stored, handled, and used in an environmentally
24 acceptable manner. [Ord. 2013-...]

25 [Renumber accordingly.]

26
27 D. Terms defined herein or referenced in this Article shall have the following meanings:

28 21. **Designated Disposal Facility** – for the purposes of Art. 5.J, Best Management Practices for
29 Livestock Waste, a solid waste management facility operated, permitted or designated by the
30 Solid Waste Authority to receive solid waste generated within Palm Beach County, or such
31 alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-
32 ...]

33 [Renumber accordingly.]

34
35 L. Terms defined herein or referenced in this Article shall have the following meanings:

36
37 48. **Livestock Waste** – for the purposes of Art. 5.J, Best Management Practices for Livestock
38 Waste, waste composed of excreta of animals and residual materials that have been used for
39 bedding, sanitary, or feeding purposes for such animals. [Ord. 2013-...]

40 [Renumber accordingly.]

41 Section 3 Abbreviations and Acronyms

42
43 CES Cooperative Extension Service
44
45

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48 This space intentionally left blank.
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EXHIBIT J

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1
2 Part 2. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to create
3 new Chapter J, Best Management Practices for Livestock Waste, as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] The proposed amendment serves to address the inappropriate dumping or storage of livestock waste that far exceeds the maximum nutrient values necessary for fertilizer or soil amendment. These amendments will not adversely impact legitimate farming operations.

The use of animal waste for fertilizer or soil amendment is a commonly recognized farming practice; however, when applied haphazardly without an appropriate management plan or use of State approved Best Management Plans (BMPs), there is a strong potential for adverse impacts to the environment, especially water bodies and drinking water supplies. In most instances, legitimate farmers recognize that the overuse or improper spreading of livestock waste doesn't make economic sense, and elect to follow State BMPs. Implementation of these BMPs on bona fide agricultural properties would be pre-empted from the requirements of this code, and are encouraged.

5 **CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE**

6 **Section 1 Purpose and Intent**

7 The purpose and intent of these regulations is to mitigate potential adverse environmental impacts,
8 pathogens and other nuisances associated with the inappropriate use or disposal of livestock waste.
9 Adverse impacts include but are not limited to: ground and surface water pollution due to excessive
10 nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance from improperly stored,
11 composted or spread livestock waste.

12 **Section 2 Applicability**

13 The standards shall apply to the storage or receiving of livestock waste, with exception to the following:

- 14 A. Where pre-empted by State law. Where applicable, documentation of implemented Best
15 Management Practices or other method of pre-emption shall be required;
16 B. A SWA Designated Disposal Facility;
17 C. Livestock waste generated by livestock on open pasture lands where the waste is not stockpiled;
18 D. The commercial application of fertilizer on non-agricultural property when in compliance with the
19 Palm Beach County Fertilizer Ordinance (Ord. 2012-_____);
20 E. Composted manure applied by a homeowner or tenant to residential ornamentals; and,
21 F. Ten cubic yards per year, with all requirements being met, as listed under Separation, below.

22 **Section 3 Storage or Spreading of Livestock Waste**

23 The storage or spreading of livestock waste is prohibited, unless in compliance with the following:

24 **A. Storage**

25 Storage areas shall be covered or contained to prevent run-off or seepage of liquids/materials
26 from the storage area. Storage of livestock waste shall comply with the following:

- 27 1. Shall not be located within five feet of any adjacent structure, or placed within a structure
28 intended for the storage or composting of such waste;
29 2. Shall not be located within 50 feet of any property line, with exception to internal lot lines of
30 parcels owned by the same entity; and,
31 3. Shall not be within 100 feet of a potable water supply well, a drainage system, wetland, pond,
32 canal or other water body.

33 **B. Spreading**

34 Livestock waste received from offsite sources shall be spread within 72 hours of delivery unless
35 otherwise approved in a Nutrient Management Plan. In either event, storage shall comply with
36 any applicable livestock waste Storage and Separation requirements. Spreading of livestock
37 waste shall comply with the following:

38 **1. Nutrient Management Plan**

39 Prior to receiving of livestock waste, an application shall be submitted to the Cooperative
40 Extension Service (CES) for review. Upon completion of the review, the CES shall develop a
41 Nutrient Management Plan which indicates whether application of any livestock waste is
42 appropriate for the soil condition, and if so, in what amount.

43 **a. Application Form and Requirements**

44 The application form and requirements shall be in a manner established by the CES.

45 **b. Validity of Nutrient Management Plan**

46 The Nutrient Management Plan shall remain current for three years after its issuance by
47 the CES. A current Nutrient Management Plan must be in place prior to receiving of

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EXHIBIT J

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1 livestock waste at any time. It shall be a violation of the Code if livestock waste is being
2 stored or spread in a manner inconsistent with the current Nutrient Management Plan.

3 **2. Separation**

4 The spreading of livestock waste shall not occur:

- 5 a. Within 50 feet of any property line, with exception to internal lot lines of parcels owned by
6 the same entity; and,
7 b. Within 100 feet of a potable water supply well, a drainage system, wetland, pond, canal
8 or other water body.
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