



November 6, 2014

**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
Board of County
Commissioners**

- Priscilla A. Taylor, Mayor
- Paulette Burdick, Vice Mayor
- Hal R. Valeche
- Shelley Vana
- Steven L. Abrams
- Mary Lou Berger
- Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

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

RE: November 12, 2014 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC hearing on Wednesday, November 12, 2014.

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

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

Sincerely,

Monica Cantor for William Cross
William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: November 12, 2014 LDRAB Agenda

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning

U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\1 - Transmittal Letter.docx

PALM BEACH COUNTY

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

NOVEMBER 12, 2014

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Barbara Katz (District 3)

Jim Knight (District 4)

Lori Vinikoor (District 5)

Mike Zimmerman (District 6)

Henry D. Studstill, (District 7)

James M. Brake (Member at Large/Alternate)

Leo Plevy (Member at Large/Alternate)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Joni Brinkman (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jerome I. Baumoehl (American Institute of Architects)

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

Gary Rayman (Fl. Surveying and Mapping Society)

Vacant (Environmental Organization)

Vacant (Condominium Association)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Priscilla A. Taylor, Mayor, District 7

Paulette Burdick, Vice Mayor, District 2

Hal R. Valeche
Commissioner, District 1

Shelley Vana
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



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

**WEDNESDAY, NOVEMBER 12, 2014 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of October 22, 2014 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B – Fences, Walls and Hedges
2. Exhibit C – Hotel Accessory to Public Park
3. Exhibit D – Mechanical Equipment Screening Exceptions
4. Exhibit E – Minimum Acreage Required for Cemeteries
5. Exhibit F – Adult Entertainment
6. Exhibit G – Art. 2.D, Administrative Process
7. Exhibit H – Art. 5.C, Design Standards
8. Exhibit I – Nonconforming Use

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination
 - a. See Exhibits listed above B.1 through B.7
 - b. Previously presented at October 22 LDRAB meeting:
 - 1) Exhibit J - Art. 2 - Development Review Procedures
 - 2) Exhibit K - Art. 11 - Subdivision, Platting and Improvements
 - 3) Exhibit L - Commercial Communication Towers

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

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

Minutes of October 22, 2014 Meeting

On Wednesday, July 23, 2014, the Palm Beach County Land Development Regulation Advisory Board (LDRAB) met in the Ken Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

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

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Jerome Baumoechl (District 11)
Joni Brinkman (League of Cities)
Frank Gulisano (PBC Board of Realtors)
Gary Raymond (FL Surveying and Mapping Society)
Leo Plevy (Member at Large, Alt.)
James Brake (Member At Large, Alt.)

Members Absent: 3

Mike Zimmerman (District 6)
Raymond Puzitiello (Gold Coast Build. Assoc.)
Terrence N. Bailey (FL Engineering Society)

County Staff Present:

Lenny Berger, Chief Assistant County Attorney
Jon MacGillis, Zoning Director
Joanne Keller, Land Development Director
John Rupertus, Senior Planning, Planning
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Scott Rodriguez, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

Vacancies: 3

(Assoc. General Contractors of America)
(Environmental Organization)
(Condominium/HOA Association)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt agenda with the changes in the add/delete by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (13 - 0).

4. Adoption of July 23, 2014 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 – 0).

B. ULDC AMENDMENTS

1. Exhibit B – Art. 2, Development Review Procedures

Ms. Dennis presented the following summary:

- Part 1 related to Plan Requirements reflects a minor change to clarify that the approval processes described under Plan Requirements are subject not only to Development Review Officer (DRO) review, but also review by the Zoning Director and Agencies. Future Land Use (FLU) amendments are excluded from reviews. Ms. Brinkman requested clarification whether a rezoning would be subject to these standards. Mr. MacGillis indicated the provisions for the rezoning applications were found elsewhere in Article 2.
- Part 2 regarding Application Procedures changes the numbering of variances by replacing roman numerals with arabic numbers, for consistency with other parts of the Code. It also clarifies that Administrative Variances are also subject the requirements in Art. 2.A.1.G.
- Part 3 about LDRAB Expertise deletes the Condominium/HOA position in the LDRAB Expertise table of Art. 2.G, as there is no one source from which to get nominations and this presents logistical difficulties. The add/delete reflects the need to keep the name of the Gold Coast Builders Association as the organization is planning to retain that name.

Mr. Berger provided background regarding the amendment to the Code Enforcement Special Masters and Hearing Officers appointed bodies in Part 4.

- The ULDC has provisions for Code Enforcement Special Masters and Hearing Officers to hear all types of Administrative Appeals and Hearings. Over time, from an operational standpoint, the processes have been consolidated whereby all persons are picked from one pool and are available for basically the same purposes. Although the names are different, essentially they are all selected through the Special Master

EXHIBIT A

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

Minutes of October 22, 2014 Meeting

process and they serve ex officio as Hearing Officers. Under this amendment the qualifications will be consolidated for consistency and good operational sense, but the two names will remain unchanged.

Motion to approve by Mr. Carpenter, seconded by Mr. Gulisano. Motion passed (13 - 0).

2. Exhibit C – Art. 11, Subdivision, Platting and Improvements

Ms. Keller, Land Development Director, explained the amendment removes density language from the subdivision code since density is governed by the Comprehensive Plan as well as by applicable plans pursuant to ULDC Art 2.A.1.G.3.d Master Plan, Art 2.A.1.G.3.e, Site Plan and Art 2.A.1.G.3.f, Subdivision Plan.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passed (13 - 0).

3. Exhibit D – Commercial Communication Towers - Non Residential Zoning District Separation and Setbacks

Ms. Cantor explained that in the course of working on the Use Regulations Project, staff identified minor glitches, irregularities and redundancies in Table 4.C.3.I, Distance for Towers Located in Non-Residential Districts, Separation and Setbacks, and the decision was taken to advance revision of the Table to Round 2014-02, instead of addressing this in the normal sequence of the Project. She clarified that the amendments were presented at a Commercial Communication Towers meeting on October 10, 2014 with LDRAB members, industry and interested parties.

Ms. Cantor indicated that the revisions include recommendation made by participants at the meeting to:

- Consolidate separation and setbacks from four tables into one: Public Facilities (IPF), Urban Center (UC) and Urban Infill (UI), Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Zoning Districts, as they were inadvertently omitted.
- Consolidate redundant standards repeated for each applicable zoning district; correct various typographical or clerical errors; clarify that setbacks for Multiple Use Planned Developments (MUPD) apply to Commercial Low (CL) and Institutional (INST) FLU.
- Delete reference to Industrial Future Land Use (FLU) designation applicable to towers in Mixed Use Planned Development (MXPD), as MXPD is not consistent with Industrial (IND) FLU designation.

Ms. Vinikoor raised the point that there is inadequate regulation to ensure that camouflage towers, like pines, are accomplishing the visual disguise that is required. She asked staff to consider adding standards to the Code to ensure that enough foliage is provided for this type of towers. Ms. Cantor explained that the issue was discussed at the Communication Towers meeting with industry and it will be added to the agenda for further discussion at the next meeting.

Mr. MacGillis confirmed that there are existing tower elevation requirements that are enforced by the Code Enforcement Division, but the point about increased vegetation is well taken.

In reply to Mr. Baumoehl's question as to whether the decision on this amendment will affect any future recommendations regarding Commercial Communication Towers, Ms. Cantor said that the amendments under consideration are mainly to address setbacks, and in the process, clean up any identified minor glitches. Ms. Cantor clarified that the comprehensive review of Article 4.C and the next meeting with industry will help to identify any issues, but presently no negative consequences are expected from these changes.

Mr. Gulisano questioned the possibility that owners of camouflage towers submit a picture once yearly to take some of the burden of monitoring from the County and ensure that the camouflage towers are still disguised.

Motion to approve by Mr. Gulisano, seconded by Ms. Katz. Motion passed (13 - 0).

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

Ms. Cantor commented that work on the Utilities category in the Use Regulations Project is ongoing. The date for presenting the changes to the subcommittee is yet to be determined.

EXHIBIT B

FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/05/14)

1
2 Part 1. ULDC Art. 2.D.3.C.1, Residential Lots of Three Units or Less [Related to Type IB
3 Administrative Variances] (page 43 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning]

1. Allowance for Type IB Variance from "Fences, Walls and Hedges" would include maximum fence or wall height, but not hedge height, which is located in Art. 7.D.3.B, Hedges [Related to Art. 7, Landscaping].

5 CHAPTER D ADMINISTRATIVE PROCESS

6 Section 3 Type IA and Type IB Administrative Variances

7 C. Type IB Administrative Variances

8 A pre-application meeting with staff shall be required prior to application submittal. Variance
9 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type IB
10 variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-
11 003]

12 1. Residential Lots of Three Units or Less

13 A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]

- 14 a. Reductions or increases of Property Development Regulations greater than five percent
15 of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-
16 003]
- 17 b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences,
18 Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks;
19 Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen
20 Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]
- 21 c. Relief from Art. 7.D.3.B.1, Residential Hedge Height.
- 22 d. Relief from Excavation Standards (Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C,
23 Type I B Excavation). [Ord. 2008-003]

24
25
26 Part 2. ULDC Art. 5.B.1.A.2, Fences, Walls and Hedges (pages 11 - 16 of 100), is hereby
27 amended as follows:
28

Reason for amendments: [Zoning]

1. Correct reference to standard used to measure fence or wall height.
2. Delete redundant hedge height requirements. These standards are located under Art. 7.D.3.B, Hedges which establishes standards for both residential and PDD/Non-residential projects.
3. Recognize different standards applicable to measurement within landscape buffer easements, which typically include berms, as well as Art. 7, Landscaping, standard for measuring differences between properties with different grades.

29 CHAPTER B ACCESSORY AND TEMPORARY USES

30 Section 1 Supplementary Regulations

31 A. Accessory Uses and Structures

32 2. Fences and, Walls and Hedges

33 a. Height Measurement

34 The height ~~of a fence or wall~~ shall be measured adjacent to either side of the fence or
35 wall, unless stated otherwise below: and the following in accordance with Article 7.F,
36 PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Hedges may be planted and
37 maintained along or adjacent to a lot line to a height not exceeding eight feet in the
38 required side (to the required front setback) and rear yards and not exceeding a height of
39 four feet in the required front yards. The height shall be measured adjacent to the hedge
40 from the lowest grade on either side of the hedge.

41 1) Located within a Perimeter Buffer

42 a) Located on Berm

43 Height shall be measured from the elevation of the berm where the fence or wall
44 is constructed, unless in conflict with standards for Grade Change below.

45 b) Grade Change

46 Height shall be measured in accordance with Art. 7.D.14, Height Measurement -
47 Grade Change.
48

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 B

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS

(Updated 11/05/14)

Reason for amendments: [Zoning]
4. Consolidate standards applicable to height, attachments (primarily height), and exceptions, to improve ease of use.
5. Recognize need to clarify maximum height within landscape buffer, which is referenced in text of Residential and Non-residential Districts below.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

b. Height and Related Standards

1) Residential Districts

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows:

a) Within required front setback:

(1) four feet, or [Ord. 2005-041]

(2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041]

b) *Within required side, side street, and rear setback: six feet. [Relocated from Art. 5.B.1.A.2.e, Residential Districts, below.]*

c) *Within a landscape buffer: six feet.*

(This space left blank intentionally)

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 B

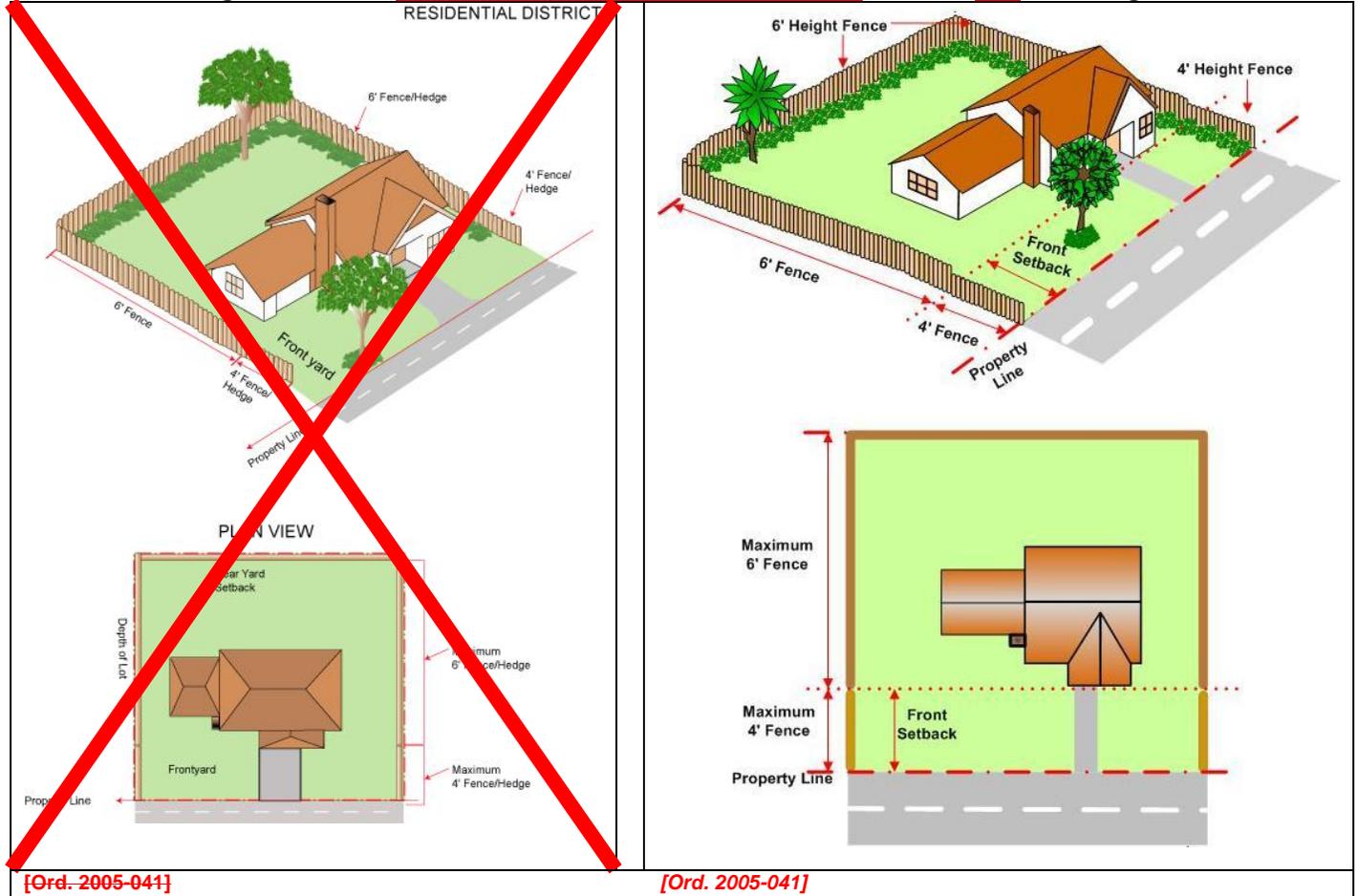
FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS

(Updated 11/05/14)

Reason for amendments: [Zoning]

- 6. Update Figure 5.B.1.A title to reflect that this is a typical example for residential purposes.
- 7. Delete figure and replace with new figure which deletes incorrect reference to "front yard", as the code provisions states setbacks not yard, and hedges which is illustrated in 7.D.3.B, Residential Hedge Height. Note that yard is defined as the area in-between the property line and the principal structure, which is often larger than the minimum required setback.

Figure 5.B.1.A – ~~Typical Example of Residential District Fence & and~~ Wall Height



2) Nonresidential Districts

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- a) Within the required front setback: six feet.
- b) Within the required side, side street, and rear setback: eight feet. [Relocated from Art. 5.B.1.A.2.f, Nonresidential Districts, below.]
- c) Within a landscape buffer: eight feet.

Reason for amendments: [Zoning]

- 8. Clarify that standards for wall or fence attachments applies to within all setbacks or a perimeter buffer, and that minimum spacing between attachments is measured on center.

3) Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in a setback or perimeter buffer shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart, measured on center. [Relocated from Art. 5.B.1.A.2.g, Attachments, below.]

(This space intentionally left blank).

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 B

FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

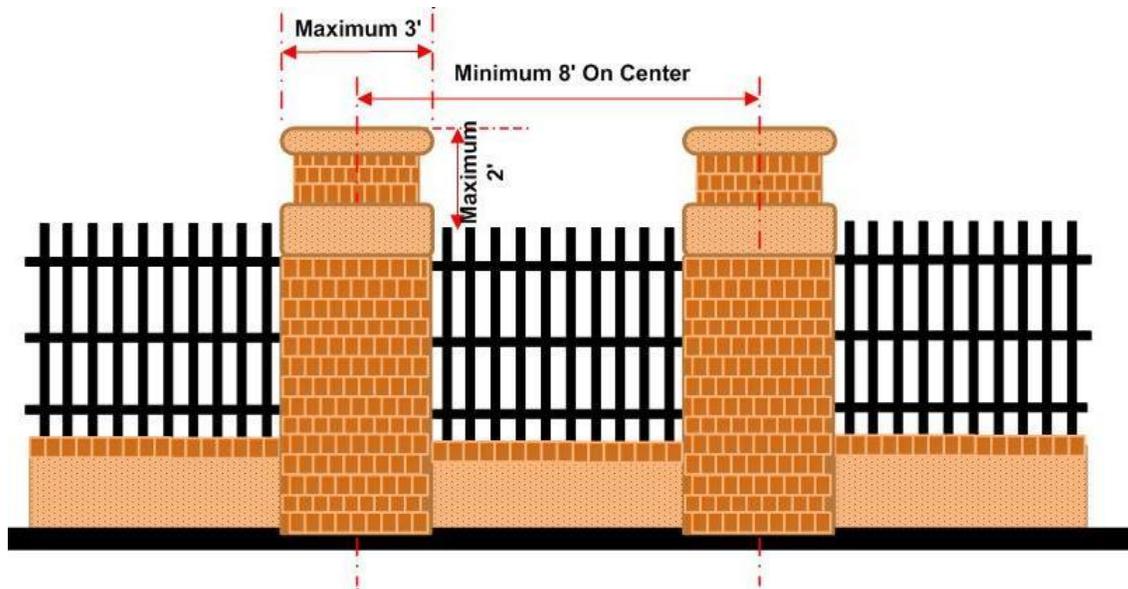
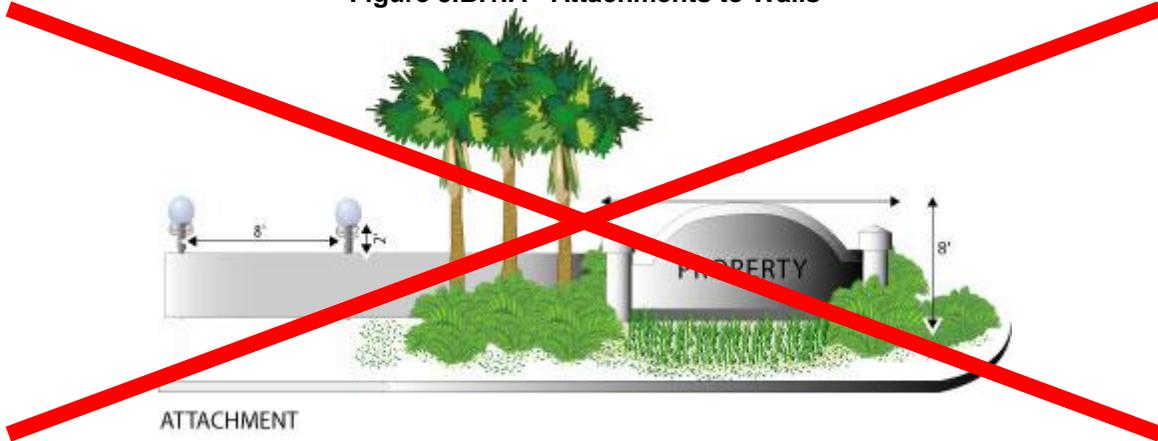
(Updated 11/05/14)

Reason for amendments: [Zoning]

9. Correct figure to reflect height of attachments.

10. Delete figure and replace with new figure, which deletes entrance wall sign, which is addressed in Art. and Figure 8.G.2.C – Entrance Signs, and corrects illustration of how height of attachment is measured.

Figure 5.B.1.A - Attachments to Walls



4) General Exceptions

- a) *Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course. [Relocated*
- b) *Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks. [Relocated*
- c) *The ZC and BCC may require increased heights ensure adequate screening and buffering between incompatible uses. [Relocated*
- d) *DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. [Ord. 2007-013] [Relocated from Art. 5.B.1.A.2.h, Exceptions, below]*

(This space intentionally left blank)

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 B

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS

(Updated 11/05/14)

Reason for amendments: [Zoning]

11. Recognize need to allow minor increases in fence or wall height for single family dwelling units as a result of grade changes. Note that Art. 18, Flood Damage Prevention, which is under the purview of the Building Official acting as the Flood Damage Prevention Administrator, establishes standards to address where fill and/or related retaining walls may not be permitted due to historical drainage patterns or adverse impacts to adjacent properties.

5) Residential District Grade Changes

The height of a fence or wall located within the front, side or rear setback of a lot supporting a single family dwelling unit, may be increased when located adjacent to a lot having a different grade, in accordance with the following:

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation where the fence or wall is constructed and the elevation of the abutting lot at the property line.

b) Maximum Height Increase

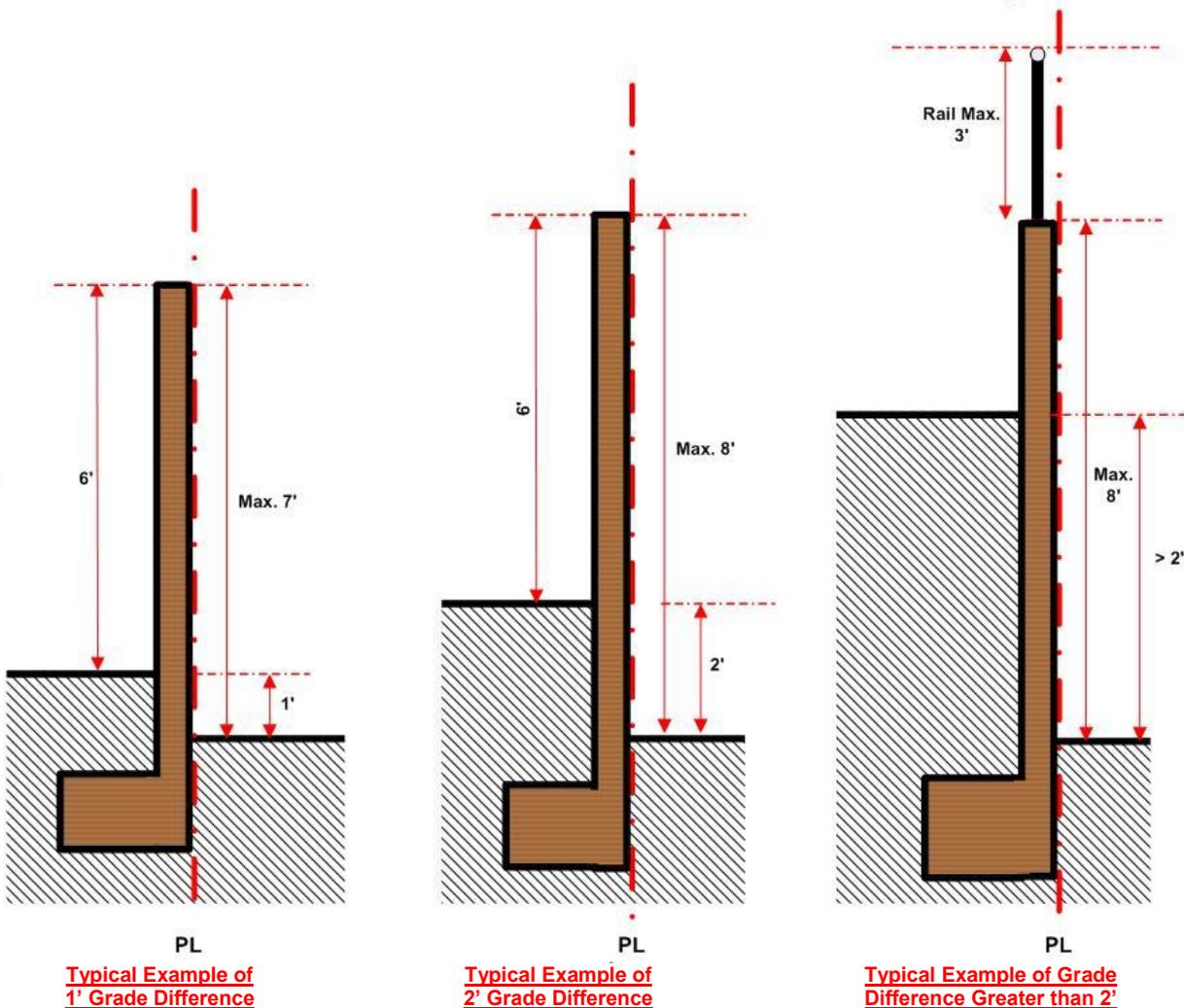
The height of the fence or wall may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows:

(1) Within the required front setback: Up to a maximum of six feet.

(2) Within a side or rear setback: Up to a maximum of eight feet.

(3) A guard railing not to exceed 3' in height may be permitted where the grade difference is greater than two feet, provided the mass of the railing does not exceed the mass necessary to meet the opening limitations and strength requirements of the Florida Building Code, Residential.

Figure 5.B.1.A – Residential District Grade Changes
Examples of Wall in the Side or Rear Setbacks



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 B

FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/05/14)

1
2 **cb. Walls - Appearance**

3 The exterior surface of a wall shall be finished with paint, stucco, or other commonly
4 accepted material, and continuously maintained in its original appearance.

5 **d. Sight Distance**

6 Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and
7 Corner Clips at Intersection.
8

9 **Reason for amendments:** [Zoning]

10 12. Relocate provisions for Dangerous Materials to the end of Art. 5.B.1.A.2, Fences, Walls and Hedges
11 to improve ease of use.

12 **ec. Dangerous Materials**

13

14 **e. Residential Districts**

15 ~~The maximum height for a fence or wall on or adjacent to a lot line or in a landscape~~
16 ~~buffer shall be as follows:~~

17 1) ~~Within required front setback:~~

18 a) ~~four feet, or [Ord. 2005-041]~~

19 b) ~~six feet for property owned by PBC for preservation or conservation purposes.~~
20 ~~[Ord. 2005-041]~~

21 2) ~~Within required side, side street, and rear setback: six feet.~~ **[Relocated above to**
22 **new Art. 5.B.1.A.2.b, Height and Related Standards]**

23 **f. Nonresidential Districts**

24 ~~The maximum height for a fence or wall on or adjacent to a lot line or in a landscape~~
25 ~~buffer shall be as follows:~~

26 1) ~~Within the required front setback: six feet.~~

27 2) ~~Within the required side, side street, and rear setback: eight feet.~~ **[Relocated above**
28 **to new Art. 5.B.1.A.2.b, Height and Related Standards]**

29 **g. Attachments**

30 ~~Gates, gateposts, decorative features, and lights attached to a fence or wall in the front~~
31 ~~setback shall not exceed three feet in any horizontal distance or two feet in height above~~
32 ~~the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet~~
33 ~~apart.~~ **[Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]**

34 **h. Exceptions**

35 1) ~~Fences and walls up to eight feet in height shall be permitted within a street buffer~~
36 ~~adjacent to a golf course.~~

37 2) ~~Fences around tennis courts may exceed six feet in height, subject to the setback~~
38 ~~requirements in Table 5.B.1.A, Tennis Court Setbacks.~~

39 3) ~~The ZC and BCC may require increased heights in order to ensure adequate~~
40 ~~screening and buffering between incompatible uses.~~

41 4) ~~DRO may approve increased fence heights and modify allowable locations for fences~~
42 ~~with and without barbed wire for minor utilities, water and wastewater treatment~~
43 ~~plants.~~ **[Ord. 2007-013]** **[Relocated above to new Art. 5.B.1.A.2.b, Height and**
44 **Related Standards]**

45
46 (This space intentionally left blank.)
47

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 B

FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/05/14)

Part 3. ULDC Art. 7.D.3.B, Hedges (pages 19 - 20 of 50), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Update reference to revised Art. 7.D.4, Height Measurement – Grade Changes, as shown in Part 4 of this Exhibit.

CHAPTER D GENERAL STANDARDS

Section 3 Shrubs and Hedges

B. Hedges

1. Residential Hedge Height

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005 – 002] [Ord. 2014-025]

- Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005 – 002] [Ord. 2014-025]
- Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005 – 002] [Ord. 2014-025]
- The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge. [Ord. 2005 – 002]

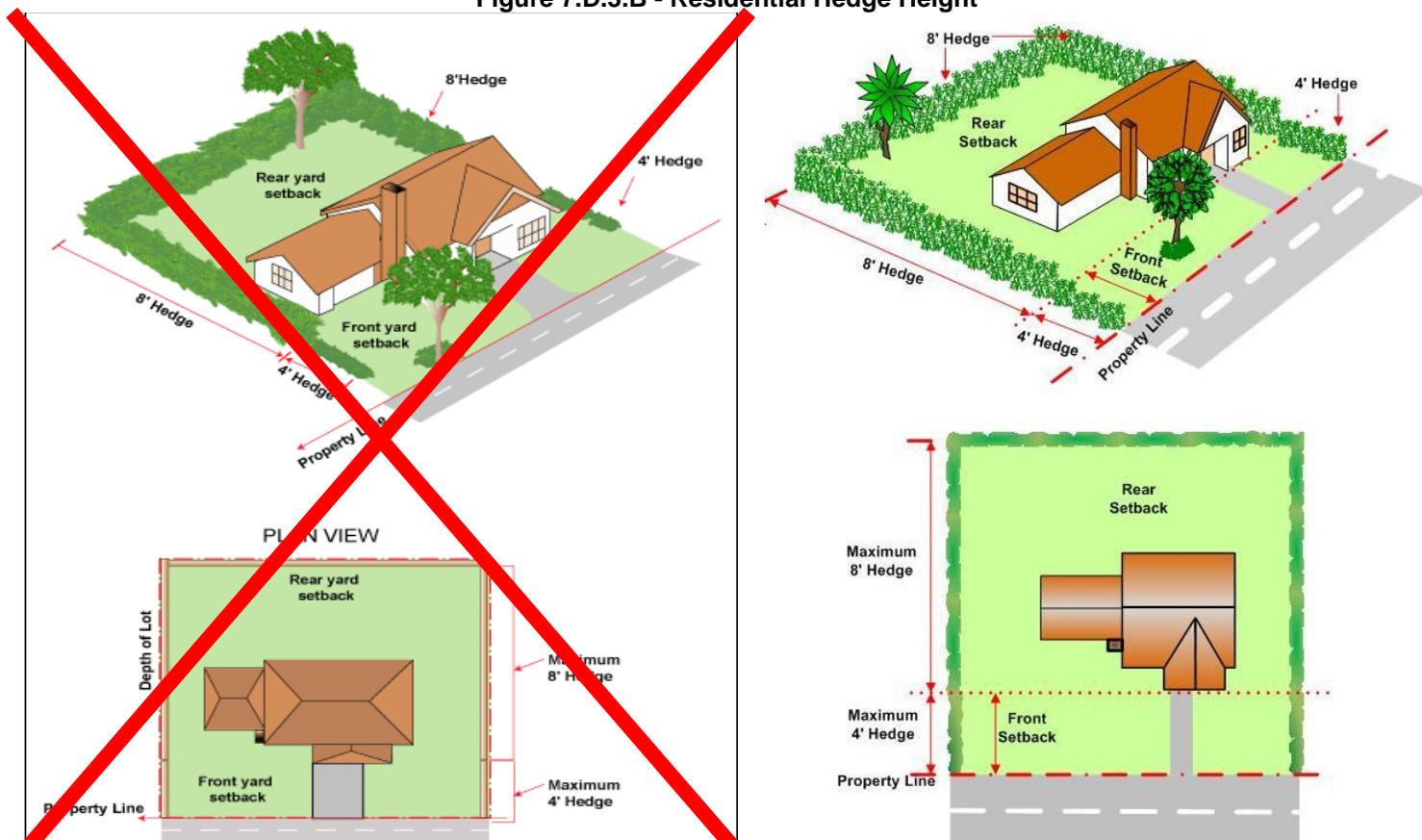
2. PDD and Non-residential Perimeter Buffer Hedge Height

- Hedges shall not exceed 12 feet in height. [Ord. 2005 – 002] [Ord. 2014-025]
- The hedge height in a landscape barrier shall be measured in accordance with Art. 7.D.14, Height Measurement - Grade Changes. [Ord. 2005 – 002]

Reason for amendments: [Zoning]

2. Relocate Figure 7.D.3.B, Residential Hedge Height to immediately below items B.1 and B.2 to improve ease of use. Illustration still applies to Art. 7.D.3.B.3, Shrubs, but is predominantly used for the above requirements.
3. Delete existing Figure and replace with new figure that deletes reference to “yard.”

Figure 7.D.3.B - Residential Hedge Height



[Ord. 2005-002]

[Ord. 2005-002]

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 B

FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/05/14)

Reason for amendments: [Zoning]

4. While this standard is currently located under Art. 5.B.1.A.2, Fences, Walls and Hedges, it only applies to "fences and walls." Hedges are also subject to these limitations in order to ensure traffic and pedestrian safety at intersections. Also, aforementioned section is being amended to remove redundant and confusing references to hedges (which are not an accessory structure or use).

3. Sight Distance

Hedges shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

43. Shrubs

....

Part 4. ULDC Art. 7.D.14, Grade Changes (pages 27 - 28 of 50), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Provisions are applicable to fences and walls, as well as hedges.

CHAPTER D GENERAL STANDARDS

Section 14 Height Measurement - Grade Changes

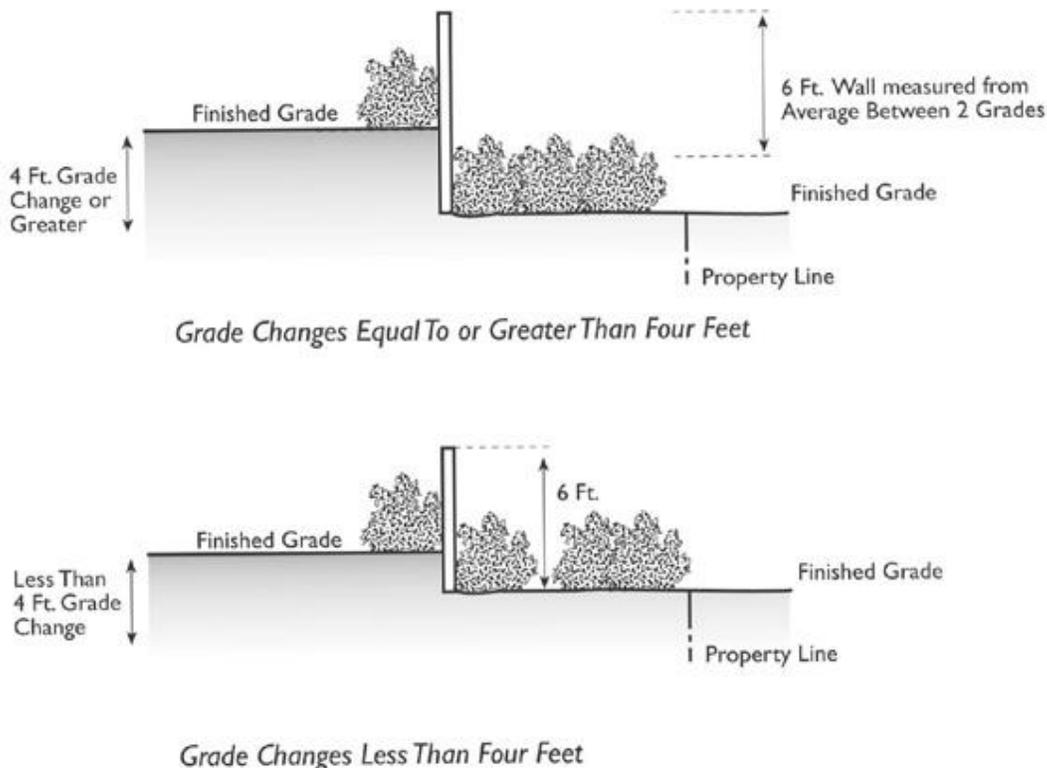
A. Grade Changes Equal to or Greater than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of four feet or greater, the height shall be measured from the average finished grade of the two sites.

B. Grade Changes Less than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of less than four feet, the height shall be measured ~~adjacent to the hedge~~ from the lowest grade ~~adjacent to~~ ~~on~~ either side of the ~~fence, wall or~~ hedge. [Ord. 2005 - 002]

Figure 7.D.14.B - Buffers with Grade Changes



U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. B - Fences Walls and Hedges.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 C

HOTEL ACCESSORY TO PUBLIC PARK SUMMARY OF AMENDMENTS

(Updated 11/4/14)

1
2 Part 1. ULDC Art. 4.B.1.A.72, Hotel, Motel, SRO and Rooming and Boarding House (page 63 of
3 171), is hereby amended as follows:
4

Reason for amendments: [Parks/FD&O/PZ&B]

1. On September 9, 2014, the BCC approved a Conceptual Master Plan for Morikami Park, which included a Japanese inn (“ryokan”). The Parks and Recreation Agenda Item noted that Board approval would enable staff to initiate an amendment to the ULDC to allow for the ryokan.
2. Parks, FD&O and PZ&B staff concur that in certain circumstances, a collocated hotel would be beneficial to furthering PBC Parks and Recreation goals of promoting heritage tourism, eco-tourism, or historical, cultural, scientific, educational or other similar purposes.
3. Recognize PBC Parks and Recreation terminology “park resource base” as referenced in the Comprehensive Plan. Further, establish which type of park and park resource base is most appropriately suited for a collocated hotel, noting that a Regional Park by definition generally exceeds 200 acres in size.
4. Establish frontage and access restrictions that will help to ensure that any hotel uses are appropriately located and situated within a qualifying park.
5. Allow a proposed collocated hotel that meets all criteria, subject to Class A Conditional Use approval.

5 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

6 **Section 1 Uses**

7 **A. Definitions and Supplementary Standards for Specific Uses**

8 **72. Hotel, Motel, SRO, and Rooming and Boarding House**

9 An establishment requiring a license by the State of Florida used, maintained or advertised
10 as a place where furnished sleeping accommodations are supplied for short term rent to
11 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and
12 rooming and boarding houses. [Ord. 2006-004]

13

14 **d. PO District**

15 An existing hotel located in the PO District shall be considered a conforming use. [Ord.
16 2009-040]

17 **1) Existing Hotel**

18 An existing hotel located in the PO District shall be considered a conforming use.
19 [Ord. 2009-040]

20 **2) Collocated Hotel**

21 **a) Approval Process - PARK FLU**

22 A hotel may be permitted as a collocated use to a PBC Regional Park with a
23 PARK FLU, subject to Class A Conditional Use approval.

24 **b) Park Resource Base**

25 The Regional Park shall include a resource base which promotes heritage
26 tourism, eco-tourism, or is otherwise planned to attract patrons from a
27 Countywide or greater population for historical, cultural, scientific, educational or
28 other similar purposes. Such resource base shall be operational prior to
29 approval of a hotel, or approved and permitted concurrently with a hotel.

30 **c) Conceptual Master Plan**

31 A hotel shall be a component of a Conceptual Master Plan or equivalent that is
32 approved by the Board of County Commissioners.

33 **d) Frontage and Access**

34 The Regional Park in which a hotel is located shall front on and access from an
35 Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from
36 any local residential street abutting the park.

37 **e) Site Plan – Affected Area**

38 When a site plan is not required for the overall park site, the required site plan for
39 the hotel shall regulate only the development area for the hotel and access
40 related thereto.

41

42
43
44
45
46 U:\Zoning\CODEREV\2014\LDRABMeetings\11-12-14\4 Final Packet\Exh. C - Hotel Accessory to Public Park.docx

Notes:

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

EXHIBIT D

MECHANICAL EQUIPMENT SCREENING EXEMPTIONS SUMMARY OF AMENDMENTS

(Updated 10/30/2014)

1
2 Part 1. ULDC Art. 5.B.1.A.19.a.2), Screening Requirements (pages 30 – 32 of 100), is hereby
3 amended as follows:
4

<p>Reason for amendments: [Zoning] Address unintended financial challenges for owners and condominium associations with older multi-family residential buildings, resulting from changes to Florida Building Code requirements for elevated mechanical equipment, and ULDC requirements for mechanical equipment screening.</p>
--

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 19. Mechanical Equipment

9 a. Applicability

10 2) Screening Requirements

11 a) New and replacement equipment, shall be screened on all sides by an opaque
12 barrier constructed of materials, and color compatible with the building or
13 structure, or equivalent landscaping for ground mounted equipment, to a
14 minimum height equal to the highest point of the equipment. [Ord. 2006-004]
15 [Ord. 2008-037] [Ord. 2011-016]

16 b) Type I Waiver - Roof Mounted Mechanical Equipment

17 (1) Screening shall not be required: [Ord. 2006-004] [Ord. 2011-016]

18 (a) if the equipment is less than one foot in height, measured from the roof
19 deck, and is painted to match the color of the structure it is attached to or
20 servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

21 (b) for any industrial use with industrial FLU designation if adjacent to a
22 parcel with an industrial use and industrial FLU designation; [Ord. 2011-
23 016]

24 (c) if an existing roof cannot structurally support additional weight associated
25 with required screening materials. A certified letter, from a structural
26 engineer or architect registered in the State of Florida, shall be submitted
27 with the applicable permit substantiating that the roof cannot support the
28 additional weight. [Ord. 2008-037] [Ord. 2011-016]

29 (2) Subject to approval of a Type I Waiver, the screening may not be required for
30 any industrial use with industrial FLU designation if the equipment cannot be
31 viewed from adjacent ~~R-O-W~~ **R.O.W.** In addition to the standards applicable
32 to Type I Waiver, a line of sight drawing may be required by the DRO to
33 ensure compliance with screening of equipment. [Ord. 2011-016] [Ord.
34 2012-027]

35 c) Screening Exemption

36 (1) Solar Energy Systems are exempted from the screening requirements. [Ord.
37 2014-001]

38 (2) Replacement of roof mounted mechanical equipment located on a multi-
39 family condominium may be exempt from new screening requirements,
40 subject to the following:

41 (a) Replacement equipment greater than one foot in height, measured from
42 the roof deck, shall be painted to match the structure it is attached to;

43 (b) Shall not be relocated closer to the edge of a roof, with exception to the
44 minimum necessary to accommodate current technology requiring larger
45 equipment, such as a heat pump or high efficiency air compressor; and,

46 (c) Increase in height shall only be permitted to accommodate elevated
47 stands required to comply with the Building Code or upon demonstration
48 that replacement equipment is larger due to current technology.
49
50
51
52
53
54
55
56
57

U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. D - Mechanical Equipment Screening.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

MINIMUM ACREAGE REQUIRED FOR CEMETERIES SUMMARY OF AMENDMENTS

(Updated 10/30/14)

1
2 Part 1. ULDC Art. 4.B.1.A.27, Cemetery (page 39 of 171), is hereby amended as follows:
3

Reason for amendments: [Zoning]

1. Delete reference to F.S. 497.027 for the following reasons: The minimum 15-acre requirement was relocated to F.S. 297.253 in the 1990's, and then to the current F.S. 497.270 in 2005, the latter of which included an increase to a minimum of 30 acres. The Florida Division of Funeral, Cemetery and Consumer Services, the State agency responsible for licensing and regulating the sale of cemeteries, indicates that older cemeteries established under the 15-acre minimum would be vested.
2. Update minimum acreage required for a cemetery from 15 to 30 to match Division of Funeral Cemetery and Consumer Services interpretation of minimum acreage required for any newly created cemeteries, or the sale of all or a portion of an existing cemetery. Add that prior approvals for cemeteries shall not be considered non-conforming where approved with less acreage.
3. Recognize the limited exceptions to minimum acreage requirements outlined in F.S. 497.260. However, as these standards are only applicable to State licensing requirements and do not preclude local home rule Zoning regulations, staff is recommending that each exception be specifically listed, in the event the State amends the Statutes at a later date, where the County may not concur.

4 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

5 **Section 1 Uses**

6 **A. Definitions and Supplementary Standards for Specific Uses**

7 **27. Cemetery**

8 Land used or intended to be used for human or animal interment. A cemetery may include
9 an office, chapel, mausoleum, or columbarium. **[Ord. 2013-001]**

10 **a. Frontage**

11 In all residential districts, a cemetery shall have frontage on and access from an arterial
12 or a collector street.

13 **b. Lot Size**

14 ~~In accordance with F.S. §497.027, a~~ A cemetery for human interment shall be located on
15 a site with a minimum contiguous area of ~~45~~ 30 acres. ~~An existing cemetery having less~~
16 ~~acreage shall not be considered a non-conforming use if the acreage shown is consistent~~
17 ~~with a prior approval. Exceptions to the minimum acreage requirement may be~~
18 ~~permitted, as follows:~~ **[Ord. 2013-001]**

19 1. Cemeteries owned and operated by a Place of Worship located within Palm Beach
20 County, whether collocated or remotely located, when less than 5 acres, but not less
21 than 2 acres, which provides only single-level ground burial.

22 2. County and municipal cemeteries.

23 3. Community and nonprofit association cemeteries, which provide only single-level
24 ground burial and do not sell burial spaces or burial merchandise.

25 4. Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23,
26 1976.

27 5. A columbarium consisting of less than one-half acre which is collocated with a Place
28 of Worship.

29 6. A mausoleum consisting of two acres or less which is collocated with a Place of
30 Worship.

31 7. A columbarium consisting of five acres or less which is located on the main campus
32 of a state university as defined in s. 1000.21(6).

33 **c. RM District**

34 In the RM district, a cemetery may include a funeral home or a crematory subject to
35 approval as a Class A Conditional Use, provided the use is restricted to those being
36 interred within that cemetery. **[Ord. 2013-001]**

37 **d. Pet Cemetery**

38 A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional
39 Use. **[Ord. 2013-001]**

40
41
42
43
44
45
46
47 U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. E - Minimum Acreage Required for Cemeteries.docx

Notes:

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

EXHIBIT F

ADULT ENTERTAINMENT SUMMARY OF AMENDMENTS

(Updated 11/04/14)

1
2 Part 1. ULDC Art. 4.B.1.A.2, Adult Entertainment (pages 25-26 of 171), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning/County Attorney] The County seeks to balance regulations limiting the location of adult entertainment uses while ensuring *“that there are a sufficient number of available locations for new adult entertainment uses.”* Adult entertainment uses have been found to be *“adverse to the public’s interest and the quality of life, tone of commerce, and the community environment of PBC.”* Subsequently, the use(s) is limited to the General Commercial (CG), Light Industrial (IL) and General Industrial (IG) Zoning districts, and includes minimum separations from uses such as schools, churches, parks. The County Attorney’s office has advised that regulations limiting improvements to non-conforming site elements and exterior building facades, or prohibitions on the location of restaurants or cocktail lounges within Industrial districts, may be an impediment that inadvertently conflicts with goal of ensuring sufficient available locations for adult entertainment uses.

1. Delete duplicated provision that relates to location of nonconforming Adult Entertainments. Current position of the language is out of place and does not relate to the Standards for Nonconformities.
2. Allow for renovations to building facades and site elements that would serve a public benefit by beautifying, or improving the function of, parking, lighting, architecture and landscaping, thus potentially mitigating some adverse impacts.
3. Recognize industry trend towards including dining options or food service, by allowing food service as an accessory use, provided that food service is provided in conjunction with limited Adult Entertainment uses, and not otherwise as a standalone use.
4. Recognize Cocktail Lounges as a typical collocated use as permitted by right (excluding any outdoor lounge areas). Noting that an Adult Entertainment use meets or exceeds the separations required for a lounge, including a minimum of 500 feet from a Residential district (double the 250 feet for a lounge), the same 750 foot separation from other lounges, 1,000 for schools (double that required by F.S. for a lounge), in addition to: 2,000 feet from other Adult Entertainment establishments; 1,000 feet from a Place of Worship; and, 500 feet from a Public Park.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 2. Adult Entertainment

9 k. Nonconformity

10

11 2) Standards for Nonconformance

12 A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k,
13 Nonconformity, above shall be subject to the following supplementary standards, in
14 addition to Article 1.F, NONCONFORMITIES. [Ord. 2004-051] [Ord. 2009-040]

15 a) ~~Location~~

16 ~~Was in operation as an adult entertainment use, was generally known and held~~
17 ~~out in the neighborhood and community as an adult entertainment establishment,~~
18 ~~and was open to the public as an adult entertainment establishment use; [Ord.~~
19 ~~2004-051] [Ord. 2009-040]~~

20 ~~ba) Landscape Buffer~~

21

22 [Renumber Accordingly]

23 3) Modification or Improvement to Site Elements

24 When an adult entertainment establishment has been determined to be a non-
25 conforming use, or is located within a non-conforming structure, modifications or
26 improvements to conforming or non-conforming site elements or exterior architecture
27 shall be permitted. The total cost associated with these improvements will not be
28 used in determining the allowable improvements to the interior of the structure,
29 pursuant to Art. 1.F.1.

30 l. Accessory Food Service in Industrial Districts

31 In the IL and IG Zoning districts, food service may be permitted as an accessory use to
32 Adult Entertainment, only in conjunction with and during the hours of operation for an
33 adult theater or an adult dancing establishment.

34 m. Collocated Cocktail Lounge

35 A cocktail lounge may be allowed as a collocated use permitted by right only when in
36 conjunction with and during the hours of operation for an adult dancing establishment.

37
38
39 U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. F - Adult Entertainment.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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

1
2 Part 1. ULDC Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals [Related to Administrative
3 Process for Modifications to Prior Development Orders], (pages 39 of 87), is hereby
4 amended as follows:
5

- | |
|--|
| <p>Reason for amendments: [Zoning]</p> <ol style="list-style-type: none"> 1. Clarify the Modification to Previous approvals thresholds under 2.D.1.G.1 apply to plans approved by the BCC, ZC and DRO. 2. Clarify that the relocation of approved square footage is limited to 25% of the total ZC or BCC approved square footage and a maximum relocation of 25% per individual building. 3. Reference PPM-ZO-O-049, Permits Not Subject to Concurrency Review to provide exemptions for free standing accessory structures which can be added to BCC/ZC/DRO plans. 4. Clarify that the Final DRO has the ability to approve the relocation or deletion of emergency access ways as defined as " a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer". 5. Partially relocate standard in Art. 5.C.1, Architectural Guidelines to Art. 2.D.1.G, Modifications to BCC/ZC Approvals that specifies amendments to architectural elevations are permitted through the DRO process. It also clarifies that amendments to architectural elevations which are not consistent with the architectural style of the Board approved elevations or are inconsistent with Art. 5.C, should not be considered by the DRO and shall be presented to the BCC or ZC for approval. |
|--|

6 CHAPTER D ADMINISTRATIVE PROCESS

7 Section 1 Development Review Officer (DRO)

8 G. Modifications to Prior Development Orders

9 1. Modifications to BCC/ZC Approvals

10 The DRO shall have the authority to approve modifications to a Development Order approved
11 by the BCC or ZC. An application for an amendment shall be submitted in accordance with
12 Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C,
13 Review Procedures. Applications must be submitted on deadlines established on the Zoning
14 Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to
15 the following: [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

16 a. The relocation of no more than 25 percent of the total approved square footage or other
17 area indicated as being covered by buildings or structures to portions of the site not
18 previously covered.

19 1) No modification shall relocate square footage to a building that enlarges the footprint
20 more than 25 percent of the BCC/ZC approved plan;

21 ~~2) Relocated square footage shall not be used to create additional freestanding~~
22 ~~buildings or structures; This shall not apply to accessory structures which are not~~
23 ~~subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not~~
24 ~~Subject to Concurrency Review;and,~~

25 ~~23) Exception:--The limitations in Art. 2.D.1.G.1.a These~~ shall not apply to a Renewable
26 Energy Facility (Wind) within the AP Zoning district. [Ord. 2011-016]

27 b. An increase in the square footage indicated on the most recently ZC or BCC approved
28 Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-
29 025]

30 1) Maximum of five percent or 5,000 square feet of any building, structure or outdoor
31 area considered as square footage, whichever is less; ~~and;~~[Ord. 2014-025]

32 2) Maximum 5,000 square feet of the total ZC or BCC approved square footage; ~~and,~~
33 [Ord. 2014-025]

34 3) The allowable five percent or 5,000 square feet shall not be used to create new
35 freestanding buildings or structures. This provision shall not apply to accessory
36 structures which are not subject to Concurrency review in accordance with PPM-ZO-
37 O-049.

38 ~~e. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no~~
39 ~~more than ten percent, up to a maximum of ten, of the number of wind turbines approved~~
40 ~~by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Relocated to new d below]~~

41 ~~ec.~~ Additions to or relocations of buildings and structures shall not be constructed closer to
42 perimeter property lines than shown on the plan approved by the BCC or ZC, unless the
43 FLU designation, Zoning district, or existing use of the adjacent parcel is compatible;
44 [Ord. 2009-040] [Ord. 2011-001]

45 1) For a Renewable Energy Facility (Wind) within the AP Zoning District, this shall apply
46 to the Project Boundary, provided they meet separation or setback requirements from
47 streets, and residential uses and districts. [Ord. 2011-016]
48

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

- 1 d. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no
- 2 more than ten percent, up to a maximum of ten, of the number of wind turbines approved
- 3 by the BCC. **[Ord. 2011-016] [Ord. 2014-025] [Relocated from c above]**
- 4 e. An overall increase of not more than ten percent of the height of any structure;
- 5 f. ~~Relocation of a~~Access pPoints; ~~and addition or deletion of internal access points~~; **[Ord.**
- 6 **2008-003]**
- 7 1) Relocation, addition, or deletion of internal access points;
- 8 2) Addition of emergency access ways, as required by PBC Fire Rescue,
- 9
- 10 **....**
- 11 p. Amendments to approved architectural elevations consistent with the Review Process
- 12 Methods Type 1 and Type 2 pursuant to Article 5.C, may be approved by the DRO
- 13 provided the amendments do not reduce compatibility with the surrounding properties;
- 14 comply with the architectural style of the approved elevations, and conditions of approval;
- 15 and, are subject to the standards in Article 5.C, Design Standards. **[Ord. 2009-040]**
- 16 **[Partially relocated from Art. 5.C.1.E.4, Administrative Amendments by DRO]**

17 **....**

18

19 **Part 2. ULDC Art. 2.D.1.G.2, Agency Review [Related to Expedited Administrative**

20 **Modifications to Prior Development Orders] (page 40 - 41 of 87), is hereby amended as**

21 **follows:**

22

Reason for amendments: [Zoning]

1. Thresholds addressed under 2.D.1.G.2.b relate to Amendments to plans final approved by the BCC, ZC, and Full DRO plans.
2. Reference PPM-ZO-O-049, Permits Not Subject to Concurrency Review to provide exemptions for free standing accessory structures which can be added to BCC/ZC/DRO plans.
3. Relocate standard for modifications to architectural elevations from Agency Review to Zoning Review since the review of elevations is only handled by the Zoning Division and no other agency is involved.
4. Delete part of the provision that limits Zoning Review amendments to a reduction in building size provided there are no changes to the elevations. Any reduction in building size requires a modification to the previously approved elevations.
5. Establish architectural elevation changes permitted through Zoning Review and clarify that amended elevations shall be within the requirements of Art. 5.C, Design Standards.

23

24 **CHAPTER D ADMINISTRATIVE PROCESS**

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

- 26 **G. Modifications to Prior Development Orders**
- 27 **2. Expedited Administrative Modifications**
- 28 **a. Purpose**
- 29 To establish procedures to allow for expedited approvals of specific minor corrections,
- 30 additions and amendments to ~~approved~~ Final Plans approved by the BCC, ZC or DRO.
- 31 **[Ord. 2007-001] [Ord. 2014-001]**
- 32 **b. Agency Review**
- 33 Agency Review is for applications that require amendment(s) to approved plan(s). This
- 34 type of application requires review, comments, and conditions by a maximum of five DRO
- 35 Agencies. The DRO shall determine which Agencies are required to review the
- 36 amendment based upon the request and compliance with County Ordinances. The
- 37 Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved
- 38 Site Plans, outlining a list of minor amendments and establishing items that are exempt
- 39 from the Expedited Administrative Modifications process.**[Relocated from Art.**
- 40 **2.D.1.G.2.d]** Amendments include the following, provided Art. 2.D.1.G.1, Modifications to
- 41 BCC/ZC Approvals, requirements are not exceeded: **[Ord. 2008-003] [Ord. 2011-001]**
- 42 **[Ord. 2014-001]**
- 43 1) Increases in building square footage; up to a maximum 2,500 square feet; Increases
- 44 in square footage shall not be used to create new freestanding buildings or
- 45 structures. This shall not apply to accessory structures which are not subject to
- 46 Concurrency review in accordance with PPM-ZO-O-049; **[Ord. 2008-003] [Ord.**
- 47 **2014-001]**
- 48 2) Relocation of building square footage;
- 49 3) Modifications to approved Alternative Landscape Plan (ALP) **[Ord. 2008-003] [Ord.**
- 50 **2014-001]**

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

- 1 4) Modifications to approved phase lines; [Ord. 2014-001]
- 2 5) New uses that require DRO approval, provided all improvements to the use are
- 3 interior to the structure, with the exception of the following minor exterior
- 4 improvements: [Ord. 2014-001]
- 5 a) Modifications to existing parking areas; [Ord. 2014-001]
- 6 b) Outdoor dining areas; [Ord. 2014-001]
- 7 c) Walk-in coolers; or, [Ord. 2014-001]
- 8 d) Above ground tanks. [Ord. 2014-001]
- 9 6) Palm Beach County School Board Projects; [Ord. 2008-003] [Ord. 2014-001]
- 10 7) Modifications to approved Type IB Excavation; [Ord. 2008-003] [Ord. 2011-001]
- 11 [Ord. 2014-001]
- 12 ~~8) Minor modifications to approved architectural elevations provided consistent with~~
- 13 ~~previously approved elevations and conditions of approval; and, [Ord. 2014-001]~~
- 14 **[Partially relocated to Art. 2.D.1.G.2.c.7]** Related to Zoning Review]
- 15 ~~9) Proposed or relocated guard houses. [Ord. 2014-001]~~
- 16 The applicant shall be responsible for obtaining the recommendation of approval and any
- 17 comments from the affected DRO agencies, in a form and manner established by the
- 18 Zoning Director. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]
- 19 **c. Zoning Review**
- 20 Zoning review is for applications that require only Zoning Division approval of: minor
- 21 corrections to tabular data, additions and amendments to ~~an~~ existing approved ~~site or~~
- 22 ~~subdivision~~ plans. Amendments include the following: [Ord. 2008-003] [Ord. 2014-001]
- 23 1) Change in sign location; [Ord. 2008-003]
- 24 2) Minor modifications to approved parking areas (such as relocation of handicapped
- 25 parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-
- 26 **003] [Ord. 2014-001]**
- 27 3) Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]
- 28 4) Reduction in building size, ~~provided there are no changes to approved architectural~~
- 29 ~~elevations;~~ [Ord. 2008-003]
- 30 5) Minor modifications to approved lot lines to be consistent with plat; [Ord. 2008-003]
- 31 **[Ord. 2014-001]**
- 32 6) Temporary sales trailers pursuant to a Special Permit); and, [Ord. 2008-003] [Ord.
- 33 **2014-001]**
- 34 7) Amendments to approved architectural elevations provided consistent with previously
- 35 approved elevations, conditions of approval, and standards in Art. 5.C, Design
- 36 Standards. The amendments shall be limited to the following changes: **[Partially**
- 37 **relocated from Art. 2.D.1.G.2.b.8) Related to Agency Review]**
- 38 a) Modifications to roof design features;
- 39 b) Exterior building material, texture or finishes of not more than 20 percent per
- 40 facade to another material of similar or equivalent texture or finish of the
- 41 approved elevations;
- 42 c) Molding or decorative features of a similar or equivalent material consistent with
- 43 the approved elevations;
- 44 d) Building color to one within the same palette of the approved elevations; and,
- 45 e) Recesses and projections, blank walls, storefront, fenestration, entries or
- 46 porches that do not change the character of the building;
- 47 ~~7) Other minor structures subject to approval by the DRO. [Ord. 2008-003] [Ord. 2014-~~
- 48 ~~001]~~
- 49 ~~d. The Zoning Director shall maintain PPM Z0-0-29, subject to periodic updates, outlining a~~
- 50 ~~list of minor amendments and establishing items that are exempt from the Expedited~~
- 51 ~~Administrative Modifications process. [Ord. 2014-001][Relocated to Art. 2.D.1.G.2.b,~~
- 52 ~~Agency Review]~~

(This space left blank intentionally)

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

Part 3. ULDC Art. 2.D.2, Special Permit (pages 41-42 of 87), is hereby amended as follows:

- Reason for amendments:** [Zoning]
1. Revise the purpose to add a reference to structures to clarify special permits are issued for both uses and structures.
 2. Revise Authorized Special Permits to addresses the additional use matrices in Article 3 and 4, where a special permit could be listed as an approval processes.
 3. Relocate and codify the new zoning review process for Special Permits by clarifying the following:
 - Consistency with the Code;
 - Special Permits which require a subsequent building permit need to be submitted to the Zoning Division a minimum of 30 days prior to the event to allow for adequate processing time;
 - Building inspections must be scheduled prior to issuance of the Special Permit;
 - Building, Fire, and Code Enforcement must review and signoff on the request for a Special Permit prior to issuance of the final permit.
 4. Create new reference to Sufficiency Review with a reference to General Application Procedures, Art. 2.A.1.G.1, Sufficiency Review.

CHAPTER D ADMINISTRATIVE PROCESS

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses and structures, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. ~~These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, business tax receipt, building permit, or commencement of activity.~~[Ord. 2007-013]

B. Authorized Special Permits

Only the uses identified in Table 4.A.3.A, Use Matrix, Table 3.B.15.F, IRO Permitted Use Schedule, Table 3.B.16.E, PRA Use Matrix, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development Permitted Use Schedule or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an "S" shall require a special permit. This designation ~~in Table 4.A.3.A, Use Matrix,~~ does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

~~C. Application Requirements~~

~~The application shall be submitted in a form established by the Zoning Director. The applicant shall provide proof of a business tax receipt and all permits must be posted on the site prior to commencement of operation. If a survey is required, the applicant shall comply with any requirements pursuant to the Technical Manual for application requirements.~~**[Partially relocated to Art. 2.D.2.D, below]**

C. Sufficiency Determination

All Special Permit requests are subject to the requirements of Art. 2.A.1.G.4, Sufficiency Review.

D. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code. Any Special Permit application requiring building permits shall be submitted a minimum of 30 days prior to the effective date of the Special Permit. Prior to issuance of the Special Permit, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department.
[Partially relocated from Art. 2.D.2.C, above] [Ord. 2007-013] [Ord. 2009-040]

[Renumber Accordingly]

(This space left blank intentionally)

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

1
2 Part 4. ULDC Art. 2.D.7, Reasonable Accommodation (page 46 - 48 of 87), is hereby amended
3 as follows:
4

Reason for amendments: [Zoning]
1. Create Applicability section to include provision related to exhausting all administrative options for filing the applicable Zoning Application, if possible, prior to a Reasonable Accommodation request.
2. Change reference to applicant from requesting party to be consistent with ULDC terminology.
3. Add reference to the length of time for sufficiency determination.
4. Breakdown timeframes under Request for Additional Information for ease of use.

5 CHAPTER D ADMINISTRATIVE PROCESS

6 Section 7 Reasonable Accommodation

7 A. Purpose and Intent

8 The purpose of this section is to establish procedures for processing requests for Reasonable
9 Accommodation from the County's Unified Land Development Code and related rules, policies,
10 practices and procedures, for persons with disabilities as provided by the Federal Fair Housing
11 Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities
12 Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities,
13 may request a Reasonable Accommodation, pursuant to the procedures set out in this section.

14 B. Applicability

15 An applicant shall be required to apply for all applicable Development Review processes
16 available in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance
17 with available Development Review processes would deprive the applicant, or persons with
18 disabilities served by the applicant, of an equal opportunity to use and enjoy housing. **Ord. 2011-**
19 **016]**

20 **BC.** Notice to the Public of Availability of Accommodation

21 The County shall endeavor to provide notice to the public, advising that disabled individuals or
22 qualifying entities may request a Reasonable Accommodation. **[Ord. 2011-016]**

23 **CD.** Application Procedures

24 The application forms and requirements for submitting a request for Reasonable Accommodation
25 shall be on forms specified by the County Administrator or designee. **[Ord. 2011-016]**

26 1. Application Contents

27 The following considerations shall be applicable for any application information or
28 documentation required: **[Ord. 2011-016]**

29 a. Confidential Information

30 Upon submittal of any medical information or records, including but not limited to
31 condition, diagnosis, or history related to a disabled individual, an applicant may request
32 that the County, to the extent allowed by law, treat the information or records as
33 confidential. The County shall thereafter endeavor to provide notice to the disabled
34 individual, or their representative, of any request received by the County for disclosure of
35 the medical information or documentation previously requested to be treated as
36 confidential. The County will cooperate with the disabled individual, to the extent allowed
37 by law, in actions initiated by such individual to oppose the disclosure of such medical
38 information or documentation, but the County shall have no obligation to initiate,
39 prosecute or pursue any such action, or to incur any legal or other expenses, whether by
40 retention of outside counselor, or allocation of internal resources in connection therewith,
41 and may comply with any judicial order without prior notice to the disabled individual.
42 **[Ord. 2011-016]**

43 b. Address of Applicant

44 Address of the applicant is requested, ~~U~~unless governed by 42 U.S.C. §290d.d., in which
45 case the address shall not be required, but the applicant may be requested to provide
46 documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]**

47 c. Address of Housing

48 Address of housing or other location at which accommodation is requested unless
49 governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the
50 applicant may be requested to provide documentation to substantiate a claim verifying
51 applicability. **[Ord. 2011-016]**

52 2. Sufficiency Determination

53 The County Administrator or designee shall determine whether the application is sufficient or
54 insufficient within ten days of submittal by reviewing the information required in the
55 application. If staff determines the application is not sufficient, a written notice shall be sent to
56 the applicant specifying the deficiencies within the ten day determination timeframe set forth
57 herein.

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

23. Fee

There shall be no fee imposed by the County for a request for Reasonable Accommodation under this section or an appeal of a determination on such request, and the County shall have no obligation to pay a ~~applicant's requesting party's~~, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016]

34. County Assistance

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016]

45. Findings for Reasonable Accommodation

In determining whether the Reasonable Accommodation request shall be granted or denied, the ~~applicant requesting party~~ shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show: [Ord. 2011-016]

- a. a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016]
- b. a record of having such impairment; or [Ord. 2011-016]
- c. that they are regarded as having such impairment. [Ord. 2011-016]

The ~~applicant requesting party will shall have to~~ demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the appropriate PBC official. [Ord. 2011-016]

56. Authority

The determination of which appropriate PBC official has the authority to consider and act on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016]

67. Action by Appropriate PBC Official

A written ~~determination response~~ shall be issued ~~by the appropriate PBC official~~ within 45 days of the date of ~~sufficiency advising the applicant of the PBC official's action. receipt of an application, (when determined to be sufficient).~~ [Ord. 2011-016]

a. Request for Additional Information Timeframes

If additional information is required to make a final decision, the following shall apply:

- 1) ~~If reasonably necessary to reach a determination on the request for Reasonable Accommodation, the appropriate PBC official, may, prior to the end of said~~ Within 45 days of sufficiency determination period, request a written notice requesting additional information may be requested from the requesting party, specifying in sufficient detail what information is required. [Ord. 2011-016]
- 2) ~~The applicant requesting party shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of sufficiency after the date of the request for additional information to provide the requested information. [Ord. 2011-016]~~
 - a) ~~In the event a request for~~ If the additional information provided by the applicant satisfies staffs' request, is made, the 45 day period to issue a written determination shall no longer be applicable, and the appropriate PBC official shall issue a written determination shall be issued within 30 days after receipt of the additional information. [Ord. 2011-016]
 - b) ~~If the applicant requesting party fails to provide the requested additional information within said 15 days period, the appropriate PBC official shall issue written notice advising that the requesting party had failed to timely submit the additional information, and therefore the request for Reasonable Accommodation a letter shall be issued to the applicant advising the applicant that the application is considered withdrawn. deemed abandoned or withdrawn and no further action by the County with regard to said Reasonable Accommodation request shall be required. [Ord. 2011-016]~~

....
[Renumber Accordingly]

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 G

ARTICLE 2.D, ADMINISTRATIVE PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

1
2 Part 6. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision
3 Plan or Regulating Plan (page 156 of 229), is hereby amended as follows:
4

<p>Reason for amendments: [Zoning]</p> <p>1. Clarify that in a PDD, the DRO has the ability to approve the relocation or deletion of emergency access ways as defined as " a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer". Should a emergency access way be added at Off the Board DRO at the request of the Fire Department, Zoning will have the authority to address the opening in the buffer and will require it to be gated in a manner in which to limit access to emergency fire access only.</p> <p>2. Delete standard that allows intensity increase applicable to Planned Development Districts as it already addressed under Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals and is duplicative language.</p>

5
6 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

7 Section 1 General

8 E. Modifications

9 Modifications to a planned development with a valid development order shall comply with Art.
10 2.A.1.G.3, Plan Requirements and Article 2.D.1, Development Review Officer. [Ord. 2009-040]

11 1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating
12 Plan

13
14 f. Access

15 Access shall not be added to roads external to the project, internal roads indicated on the
16 Thoroughfare Identification Map, or to roads external to a pod, except for a residential
17 pod and the addition of emergency access ways as required by PBC Fire Rescue.
18 Access to roads external to a residential pod, but internal to the project, may be added in
19 accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED
20 IMPROVEMENTS.

21
22 ~~j. Intensity Increase~~
23 ~~The GFA of each building shown on a site plan approved by the BCC may be increased~~
24 ~~by five percent provided the increase does not exceed 1,000 gross square feet and~~
25 ~~complies with Article 2.F, CONCURRENCY (Adequate Public Facility Standards).~~

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 U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. G - Article 2.D, Administrative Processes.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 H

ARTICLE 5.C. – DESIGN STANDARDS SUMMARY OF AMENDMENTS

(Updated 10/29/14)

1
2 Part 1. ULDC Art. 2.A.1.G.3, Plan Requirements (page 15 - 16 of 87), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] On May 22, 2014, the Zoning Commission (ZC) requested the Board of County Commissioners (BCC) permission to amend Article 5.C, Design Guidelines of the Unified Land Development Code (ULDC). The proposed amendment will require the submittal of architectural elevations for those applications that are subject to the approval by the ZC or a recommendation by the ZC to the BCC. The intent of the proposed amendment is to ensure quality and consistency of architecture that address compatibility issues. The issue was discussed by the Land Development Regulation Advisory Board (LDRAB) Architectural Subcommittee on September 10, 2014, which recommended requesting architectural elevations for use approval applications subject to public hearings.

1. Delete standards that require architectural elevations to be part of the Final Regulating Plan as they are typically provided as a separate set of plans consistent with the requirements of the Technical Manual.
2. Clarify that architectural plans, where applicable, are also within the other types of plans required as part of any development order application. Specific standard to clarify when elevations are required to be submitted and the application requirements are indicated in Article 5.C.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures

8 3. Plan Requirements

9 g. Regulating Plans

10 2) Final Regulating Plan (FRP) for Public Hearing Approval or Administrative 11 Approval

12 c) In addition to the requirements indicated in Art. 2.A.1.G.3.g.1, Preliminary
13 Regulating Plan (PRP) for Public Hearing Approval, the following items shall be
14 shown on the FRP, as applicable: [Ord. 2009-040]

15
16 ~~(6) Elevations, if submitted pursuant to Art. 5.C, Design Standards; [Ord. 2009-
17 040]~~

18 h. Other Types of Plans

19 3) Architectural Plans

20 Architectural plans shall be consistent with Art. 5.C, Design Standards.

21
22
23
24
25 Part 2. ULDC Art. 5.C.1, Architectural Guidelines (page 39 and 41 of 100), is hereby amended
26 as follows:
27

Reason for amendments: [Zoning] Amend to make submittal of architectural elevations mandatory for applications subject to the BCC and ZC as noted in this exhibit reason Part 1.

28 CHAPTER C DESIGN STANDARDS

29 Section 1 Architectural Guidelines

30 E. Review Process

31 1. Methods

32 An applicant or PBC may request review for compliance with this Chapter in accordance with
33 any one of the following methods: [Ord. 2005 – 002]

34 a. Type 1 - Projects Requiring BCC Approval

35 A request for a determination of compliance with the requirements of this Chapter ~~may~~
36 shall be submitted with the application. A written determination of compliance with this
37 Chapter shall be made in the staff report containing the recommendation for the
38 development order. The request for a determination shall be submitted no less than 30
39 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]

40 b. ~~Type #2-~~ Projects Requiring ZC Approval

41 A request for a determination of compliance with the requirements of this Chapter ~~may~~
42 shall be submitted with the ZC application. A written determination of compliance with
43 this Chapter shall be made in the staff report containing the recommendation for the

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 H

ARTICLE 5.C. – DESIGN STANDARDS SUMMARY OF AMENDMENTS

(Updated 10/29/14)

development order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing. [Ord. 2009-040]

c. ~~III-3~~ - Projects Requiring DRO or Site Plan Approval

....

d. ~~IV 4~~ - Projects Requiring Building Permit Approval

....

Reason for amendments: [Zoning]

1. Provide cross reference to Article 2, Development Review Procedures, particularly to 2.D.1.G, Modifications to Prior Development Order, which is the section that contains specific language related to the DRO and administrative amendments to architectural elevations.
2. Partially relocate standard that allows the DRO to modify architectural elevations approved by the BCC or ZC to Article 2.D.1.G.1, Modifications to BCC and ZC Approvals in order to consolidate with similar standards.
3. Delete standard that allows DRO changes in building height up to 25 percent or ten feet through the architectural elevation modifications contained in Art. 5.C.1. This standard is inconsistent with provisions in Article 2.A.2.G.1.i, that allows the DRO to increase the building height no more than ten percent.
4. Delete standard that allows for modification to elevations based on “equal or enhances approved elevations” as that represents subjectivity and is not enforceable. Deletes standard that allows modifications to elevations by the DRO consistent with Art. 5.C. as this reference is not consistent with the new title. The concept is carried over to the Zoning Review amendment in Art. 2.

4. **Administrative Amendments by DRO to Approved Elevations**

Amendments to BCC, ZC or DRO approved elevations shall comply with the standards contained in Art. 2.D.1.G, Modifications to Prior Development Orders.

~~Minor amendments to BCC or ZC approved architectural elevations pursuant to Review Types I and II may be approved by the Zoning Director provided the changes do not reduce compatibility with surrounding properties. Changes shall be limited to the following: [Ord. 2009-040]~~ [Partially relocated to 2.D.1.G.1.p]

~~a. A maximum increase of 25 percent or ten feet in overall building height, from finished grade to highest point, whichever is less;~~

~~b. Modifications to the architectural composition which are equal to or enhance the approved elevation; and,~~

~~c. Modifications to ensure consistency with this Chapter.~~

F. Application Requirements

The application form and requirements for Architecture Review, including Unique Structure and Green Architecture shall be submitted on forms specified by the PBC official responsible for reviewing the application. All application documents shall be consistent with the Technical Manual. [Ord. 2009-040]

....

U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. H - Architectural Elevations.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

NONCONFORMING USE SUMMARY OF AMENDMENTS

(Updated 11/05/14)

1
2 Part 1. ULDC Art. 1.F.4.A.2, Minor [Related to Nonconformance Use Classification] (page 22 of
3 119), is hereby amended as follows:
4

Reason for amendments: [Zoning] Clarify existing definition of Minor nonconforming use by indicating that the current language applies to any or all of the circumstances currently listed instead to all of them as it presently reads.

5 **CHAPTER F NONCONFORMITIES**

6 **Section 4 Nonconforming Use**

7 **A. Nonconforming Use Classifications**

8 **2. Minor**

9 A minor nonconforming use is a use that was legally established in a zoning district under a
10 prior ~~e~~Code and one or more of the following applies:- ~~T~~the use has been changed to a more
11 restrictive review and or approval process under the terms of this Code; ~~and where any~~
12 DOAs or improvements to the use would exceed the development and approval thresholds; ~~;~~
13 or, the use does de not meet the property development regulations of this Code.. Minor
14 nonconforming uses do not create or threaten to create incompatibilities injurious to the
15 public welfare. An applicant who is requesting modification or improvement to a minor
16 nonconforming use is encouraged to apply pursuant to the review and approval process now
17 in effect to correct the nonconforming status of the use for the benefit of future development
18 order amendments and other types of improvements. **[Ord. 2010-005]**
19

20
21
22 Part 2. ULDC Art. 1.I.2, Definitions (page 80 of 119), is hereby amended as follows:
23

Reason for amendments: [Zoning] See reason in Part 1.
--

24 **CHAPTER I DEFINITIONS & ACRONYMS**

25 **Section 2 Definitions**

26 **N. Terms defined herein or referenced Article shall have the following meanings:**

27 34. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally
28 established in a zoning district under a prior ~~e~~Code and one or more of the following applies:-
29 ~~T~~the use has been changed to a more restrictive review and or approval process under the
30 terms of this Code; ~~and where any~~ DOAs or improvements to the use would exceed the
31 development and approval thresholds; ~~;~~ or, the use does de not meet the property
32 development regulations of this Code. Minor nonconforming uses do not create or threaten to
33 create incompatibilities injurious to the public welfare. **[Ord. 2010-005]**
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\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. I - Nonconformities.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

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 10/22/14)

1
2 Part 1. ULDC Art. 2.A.1.G.3, Application Procedures [Related to Plan Requirements], (page 13
3 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] Pursuant to 2.A.1.D.1, clarify that the Plan Requirements identified under the General Application Procedures applies to other Zoning Division processes not only those subject to review by the Development Review Officer (DRO). Clarify FLU amendments are exempt from the Plan Requirements.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures

8 3. Plan Requirements

9 All applications or applicants submitting for a Public Hearing or an administrative approval
10 process, excluding FLU Amendments, shall submit a plan to the DRO or Zoning Director.
11 The type of plan shall be based upon the type of application request(s), and shall be
12 prepared to include graphics and tabular data consistent with the Technical Manual
13 requirements and standards. The plan shall provide sufficient information for County
14 Agencies to review in order to render ~~DRO~~ comments on the project for compliance with
15 applicable standards of the Code pursuant to Art. 2.B.1.B, Standards, Art. 2.B.2.B,
16 Standards, or Art. 2.D.1.E, Standards for Administrative Approval. In addition, the plan shall
17 be prepared in compliance with the following: [2009-040]
18

21 Part 2. ULDC Art. 2.D.3, Type IA and Type IB Administrative Variances (page 42-43 of 87), is
22 hereby amended as follows:
23

Reason for amendments: [Zoning]
1. Revise process name for Type 1A and Type 1B Variances to use Arabic numbers instead of Roman numerals for consistency.
2. Add reference to the general application procedures consolidated under Art. 2.A.1.G., to clarify the Application Procedures that are applicable to all development orders established in the ULDC including Type 1A and Type 1B Administrative Variances.

24 CHAPTER D ADMINISTRATIVE PROCESS

25 Section 3 Type ~~1A~~ and Type ~~1B~~ Administrative Variances

26
27 **B. Application Procedures**
28 All Type 1A and Type 1B Administrative Variances are subject to Art. 2.A.1.G, Application
29 Procedures.

30 **CB. Type ~~1A~~ Administrative Variances**
31 Type ~~1A~~ variances may be considered for the following: [Ord. 2006-036]
32

33 [Renumber Accordingly]
34
35
36
37

(This space intentionally left blank)

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

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 10/22/14)

Part 3. ULDC Table 2.G.3.A, LDRAB Expertise (page 71 of 86), is hereby amended as follows:

Reason for amendments: [Zoning] Delete Condominium/HOA Association LDRAB position due to logistical considerations necessary to contact each individual HOA/COA, and doing so would likely result in an inordinate number of nominations. This seat was carried over from the Code Task Force (CTF), the predecessor to current Land Development Regulation Advisory Board (LDRAB).

Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Florida Surveying and Mapping Society.
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress
[Ord. 2010-022]	

Part 4. ULDC Art. 2.G.3 Appointed Bodies, (pages 73 and 76-77 of 87), are hereby amended as follows:

Reason for amendments: Consolidate qualifications for Code Enforcement Special Masters and Hearing Officers to ensure consistency; eliminate redundant Special Masters "Powers and Duties" section already provided in code enforcement provisions in Article 10; and, eliminate Hearing Officer requirement to produce reports for the BCC to reflect current practice.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

B. Code Enforcement Special Masters

1. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master.

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

~~3. Powers and Duties~~

~~Special Master shall have the following powers and duties:~~

- ~~a. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such as nature that it cannot be corrected;~~

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

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 10/22/14)

- ~~b. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;~~
 - ~~c. to issue subpoenas compelling the production of evidence at code enforcement hearings;~~
 - ~~d. to take testimony under oath;~~
 - ~~e. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;~~
 - ~~f. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;~~
 - ~~g. to lien property; and~~
 - ~~h. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.~~
- [Renumber accordingly]**

....
G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Article 2.G.3.B. Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Master~~s, as established and appointed pursuant to Article 2.G.1.A, Powers and Duties,~~ may serve ex officio as Hearing Officers as set forth in this Section. ~~Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered. [Ord. 2010-022]~~

~~**2. Minimum Qualifications**~~

~~A hearing officer shall have the following minimum qualifications:~~

- ~~a. be a graduate of a law school accredited by the American Bar Association;~~
- ~~b. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and~~
- ~~c. hold no other appointive or elective public office or position in PBC during the period of appointment.~~

23. Duties

A hearing officer shall have the following duties:

- a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
- ~~b. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;~~
- bc.** to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
- cd.** to perform such other tasks and duties as the BCC may assign.

U:\Zoning\CODEREV\2014\LDRAB\Meetings\11-12-14\4 Final Packet\Exh. J - Art 2 - Development Review Procedures.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 K

ARTICLE 11 – SUBDIVISION, PLATTING AND IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 07/07/2014)

1 Part 1. ULDC Art. 11.A.7.E., Sequence of Phases (page 11 of 47), is hereby amended as
2 follows:
3

Reason for amendments: [Land Development] To remove density language from the subdivision code since density is governed by the Comprehensive Plan as well as by applicable plans pursuant to ULDC Art 2.A.1.G.3.d Master Plan, Art 2.A.1.G.3.e Site Plan and Art 2.A.1.G.3.f Subdivision Plan.

4 CHAPTER A GENERAL REQUIREMENTS

5 Section 7 Phased Developments

6 E. Sequence of Phases

7 When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence
8 must be adhered to:

9 1. All required recreation areas and facilities to serve the entire development shall be platted or
10 otherwise provided pursuant to the procedures and phasing provisions of Article 5.F, LEGAL
11 DOCUMENTS; and,

12 ~~2. The gross density of an individual plat shall not exceed the maximum density permitted for
13 the entire development unless the remaining total of all previously recorded plats of record
14 and the plat under review produces an average density less than or equal to the approved
15 maximum density for the entire development; and~~

16 3.2. Where all or any portion of a water management tract is required to serve a proposed phase
17 of development, and has not been previously recorded and constructed, said water
18 management tract and its associated lake maintenance easement(s) shall be included and
19 constructed in their entirety as part of the plat and required improvements for that phase.

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
58
59
60

U:\Zoning\CODEREV\2014\LDRABMeetings\11-12-14\4 Final Packet\Exh. K - Art 11 - Land Development.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 L

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1 Part 1. Table 4.C.3.I, Distance for Towers Located in Non-Residential District Separation and
2 Setbacks (pages 126 -128 of 171), is hereby amended as follows:
3

Reason for amendments: [Zoning] As part of the Use Regulations Project (URP), a two-year project to update the use definitions, approval processes and supplementary standards contained in the Unified Land Development Code (ULDC), staff identified scrivener's errors and minor glitches in the Commercial Communication Towers section. The Zoning Director has determined that several minor revisions to Table 4.C.3.I, Distance for Towers Located in Non-Residential Districts Separation and Setback, should be advanced in the 2014-02 ULDC Round of Amendments, as follows:

1. Ordinance 2010-022, which established the Urban Redevelopment Area Overlay (URAO) with the new zoning districts Urban Center (UC) and Urban Infill (UI), and Ordinance 2010-005, which established the Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Zoning Districts, inadvertently omitted standards for Commercial Communication Towers separation and setbacks.
2. Include Institutional and Public Facilities (IPF) Zoning District in the setbacks and separation table. Ordinance 2000-015 that introduced for the first time IPF Zoning District inadvertently omitted the district from the Commercial Communication Towers section during the rewrite of the Code in 2003.
3. Revise table title to better clarify that contents establish "Minimum" setbacks and separations, which also allows for the deletion of the redundant use of "Not Less Than".
4. Consolidate redundant standards repeated for each applicable zoning district and delete a related legend that was used inconsistently making the current table difficult to understand. This amendment looks to improve ease of use while allowing for the current three-page table to be reduced to one page.
5. Correct various typographical or clerical errors resulting from reformatting in 2003 as part of the Managed Growth Tier System (MGTS) Code Rewrite (Ord. 2003-067), including:
 - Residential districts were incorrectly included in table for Stealth, Camouflage and Monopole towers.
 - Several non-residential district columns were omitted in the table for Stealth, Camouflage and Monopole towers, including: Mixed Use Planned Development (MXPDP), Planned Industrial Park Development (PIPD), and Preservation/Conservation (PC) Zoning Districts.
 - Several monopole tower height categories were omitted, including: less than 60 feet, more than 100 feet and less or equal to 150 feet, and more than 250 feet.
6. Clarify that setbacks for Multiple Use Planned Developments (MUPD) includes Commercial Low (CL) and Institutional (INST) FLU designations for consistency with use approval tables.
7. Delete duplicated standard contained in footnotes "B" and "C" and renumber accordingly.
8. Delete reference to Industrial Future Land Use (FLU) designation from footnote #2 applicable to towers in MXPDP shown in the old table. MXPDP is not consistent with Industrial (IND) FLU designation.
9. Delete note #4 in existing table related to Industrial FLU designation as it does not relate to any reference in the table. The note reference does not have any link since Ordinance 1998-1.
10. Delete note "> More Than", "< Less than" and "NMT Not More Than" in the footnote of the table as they are revised to better explain the applicable setbacks and separation standards for each tower type.
11. Clarify that separation and setbacks applicable to Self Support towers, Guyed towers adjacent to Existing and Vacant Residential as well as Monopole towers, are the same as those contained in the Residential Zoning Districts Separation and Setback table.

4
5
6
7

(This space intentionally left blank)

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 L

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts
Separation and Setback**

TOWER TYPE	AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND	
Stealth Towers	residential existing (3)	150% but NLT 100% from PL										
	residential vacant	NLT 100% from PL										
	non-residential Public ROW	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater
Camouflage Towers	residential existing (3)	150%, NLT 100% from PL	150%, but NLT 100% from PL	150%, NLT 100% from PL								
	residential vacant	NLT 100% from PL										
	non-residential Public ROW	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater

2

**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts
Separation and Setback – Continued**

Tower Type	AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≥ 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 150' and ≤ 200'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 200' and ≤ 250'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A

3
4
5
6
7

(This space intentionally left blank)

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 L

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts
Separation and Setback – Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Self-Support Towers ≤ 60'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 60' and ≤ 100'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 100' and ≤ 150'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 150' and ≤ 200'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 200' and ≤ 250'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 250'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D

2
3
4
5
6

(This space intentionally left blank)

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 L

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.1 - Distance for Towers Located in Non-Residential Districts
Separation and Setback - Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Guyed Towers ≤ 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers >60' and ≤ 100'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 100' and ≤ 150'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 150' and ≤ 200'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 200' and ≤ 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FDOT	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	G	G	G	G	G	G	G	G	G	G	G	G	G	G
FPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	H	H	H	H	H	H	H	H	H	H	H	H	H	H

Notes:

- A = Greater of district setback or 20% of tower height [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Monopole Tower adjacent to non-residential]
- B = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- C = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- D = Lesser of 100% of tower height or minimum district setback substantiated by breakpoint calculations [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Guyed Towers and Self Support Towers adjacent to non-residential]
- F = Minimum of 150 feet from abutting residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT and FPL adjacent to residential]
- G = Minimum of 75 feet from abutting non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT adjacent to non-residential]
- H = Minimum of 100 feet from any non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FPL adjacent to non-residential]
- (1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #3 applicable to MUPD]
- (2) = MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #4 applicable to MXPD]
- (3) = Percent measured as a separation between tower and adjacent residential structures [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to "Residential Existing" in all tower types]
- (4) = Limited to Industrial (IND) FLU Designation
- % = Separation or setback as a percentage of tower height [Relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table footnote]
- < = Less than
- > = More than
- > = More than
- NMT = Not more than

2
3
4
5
....

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 L

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

Table 4.C.3.1 – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
Stealth Towers	Residential Existing (1)	150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Non-Residential]																		
Camouflage Towers	Residential Existing (1)	150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% from setback Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Non-Residential Public ROW]																		
Monopole Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	20% or district setbacks whichever is greater																		
Self Support Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
Guyed Towers	Residential Existing (1)	Lesser of 600% or 1,500' separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
FDOT	Residential	150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	75' setback from abutting non-residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (G)]																		
FPL	Residential	150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	100' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (H)]																		
Notes:																				
(1) Percentage measured as a separation between tower and adjacent residential structures [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (3)]																				
(2) Measured from property line of tower location.																				
(3) Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (1)]																				
(4) Limited to Commercial High (CH) Designation [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (2)]																				
% Separation or setback as a percentage of tower height [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (%)]																				

2
3
4
5
6
7
8
9
10
11
12
13
14

U:\Zoning\CODEREV\2014\LDRAW\Meetings\11-12-14\4 Final Packet\Exh. L - Comm Towers.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.