



INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
Planning, Zoning & Building

TO: The Honorable Shelley Vana, Mayor
And Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA
Zoning Director 

DATE: October 8, 2015

RE: Unified Land Development Code (ULDC)
Use Regulations Project Update - Utility Uses

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

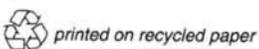
**Palm Beach County
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Overview

To continue providing an update on the status of the ULDC Use Regulations Project, Zoning staff will be presenting Utility Uses to the Board on October 22, 2015 at the BCC Zoning Hearing, under the Zoning Director Comments.

The Board was last updated on September 24, 2015, on Residential Use classification. At that briefing staff reminded the Board of the objectives of the ULDC Use Project which includes: identifying and eliminating redundancies or glitches; recognizing new industry trends; streamlining the approval processes where feasible; and, ensuring consistency with the Comprehensive Plan. The Board was also informed of the different opportunities for community engagement and participation in the Project. Zoning staff also clarified that Use Regulations that pertain to Agricultural Reserve (AGR) related Zoning Districts are not being modified as part of the Use Regulations Project, but may be addressed as a separate ordinance, pending additional feedback from the Board.

Previously, on February 27, 2014 at the BCC Zoning hearing, staff presented status of the proposed amendments to Industrial and Recreation Uses.

Current Status of Project

The ULDC has 7 use classifications. The BCC has seen drafts for 3 use classifications, Industrial, Recreational, and Residential, and will review Utility Uses at the October 22, 2015 Zoning Hearing.

The tentative timeline for adoption Hearings for the project is spring 2016.

BCC Update on Proposed Amendments:

Utilities and Excavation Uses:

The Utility and Excavation Use classification, as currently used in the Code, has been subdivided through this Project into 3 categories: Utility Uses, Excavation Uses and Commercial Communication Towers. Staff will be presenting only Utility Uses at the October 22, 2015 BCC Zoning Hearing.



Utility Uses

- Public Survey - February 3 to February 21, 2014, to solicit input on recommended changes to the Utility Uses and review process.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee on June 11, 2015.
- Presentation of Proposed Amendments to LDRAB on June 22, 2015, (Vote 14-0).

Excavation Uses

- Public Survey - February 3 to February 21, 2014, to solicit input on recommended changes to the Utility Uses and review process.
- Land Development Regulation Advisory Board (LDRAB) Subcommittee on June 11, 2015.
- Presentation of Proposed Amendments to LDRAB on June 22, 2015. The review included updates on the reformatting of the regulations for consistency with the construction of Article 4, Use Regulations; clarification of authority for interpretation; introduction of definitions on most excavation types; and, update of hauling regulations.
- The BCC will be reviewing amendments to the Use Matrices for Agricultural Excavation and Type 2 Excavation in the ULDC Amendment Round 2015-02 to simply reflect the most restrictive approval process in the new single Use Matrix. This change is made for consistency with existing Supplementary Use Standards already applicable to the uses noted above.
- On October 19, 2015, a public meeting is scheduled to provide updates to the public on Agricultural Excavation and Type 2 Excavation Use Matrices and address any questions related to this amendment in Round 2015-02.
- On December 3, 2015, Staff will present an update of the Excavation Uses, as well as the Excavation Use Matrices that is part of Round 2015-02.

Commercial Communication Towers

- Minor revisions and reformatting of Commercial Communication Towers provisions will be presented to the public and interested parties at an upcoming Public Meeting on January 2016.

Status of Pending Use Classifications:

Staff is still reviewing the remaining 3 Use Classifications as outlined below.

1. Public and Civic Uses:

Transportation Uses, currently under the Public and Civic Use classification, were pulled out to be a new use classification.

Institutional, Public and Civic Uses

- Public Survey - July 14 to August 1, 2014.
- An initial draft for Public and Civic Uses is being reviewed by Planning and Zoning staff for a tentative LDRAB Subcommittee meeting and LDRAB meeting in October 2015.
- Staff presentation of the update for Public and Civic Uses to the BCC has been tentatively scheduled for December 3, 2015.

Transportation Uses

- Public Survey - July 14 to August 1, 2014.
- Uses to be presented to LDRAB Subcommittee tentatively in November 2015.



2. **Commercial Uses:**

- Public Survey - April 31 to May 30, 2014.
- Kick-Off Meeting with Industry and Interested Parties on May 15, 2014.
- Adult Entertainment use is not to be considered in the analysis of uses.
- Staff is currently researching Commercial Uses.

Temporary Uses

- This new classification includes mainly relocated Commercial Uses.
- Survey - April 31 to May 30, 2014.
- An initial draft for Temporary Uses is being reviewed by Zoning staff to be presented along with Commercial Uses to the LDRAB Subcommittee at a tentative meeting in early 2016.

3. **Agriculture Uses:**

- Public Survey - October 1 to October 31, 2014 and April 6 to 24, 2015 (to accommodate agricultural community participation).

Staff has scheduled meetings with each Commissioner in advance of the October 22, 2015 BCC Zoning Hearing to discuss this update. If you have any questions before the October Hearing, please contact me at 561-233-5234 or William Cross, Principal Site Planner at 561-233-5206.

JM/MC

Attachments: Attachment 1, Utility Uses

C: Verdenia C. Baker, County Administrator
Rebecca D. Caldwell, Executive Director, PZ&B
Wesley Blackman, AICP, Chairman of the Land Development Regulation Advisory Board (LDRAB)
Robert Banks, Chief Land Use County Attorney
Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, AICP, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Code Revision Staff

ATTACHMENT 1

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 10/8/15)

AIR CURTAIN INCINERATOR AND COMMUNICATION CELL SITES ON WHEELS (COW) HAVE BEEN RELOCATED TO ART. 4.B.11, TEMPORARY USES TO BE ADDRESSED AT A LATER TIME.

COMMERCIAL COMMUNICATION TOWERS AND COMMERCIAL COMMUNICATION PANEL OR ANTENNAS HAVE BEEN CONSOLIDATED AND RELOCATED TO NEW USE CLASSIFICATION ART. 4.B.9, COMMERCIAL COMMUNICATION TOWERS, TO BE ADDRESSED AT A LATER TIME.

AGRICULTURAL EXCAVATION, TYPE 1 EXCAVATION, TYPE 2 EXCAVATION, TYPE 3A EXCAVATION AND TYPE 3B EXCAVATION HAVE BEEN RELOCATED TO NEW USE CLASSIFICATION IN ART 4.B.10, EXCAVATION INDICATED IN SEPARATE EXHIBIT.

Part 1. New ULDC Art. 4.B.5, Industrial Uses, is hereby established as follows:

CHAPTER B USE CLASSIFICATION

SECTION 5 INDUSTRIAL USES

C. Definitions and Supplementary Use Standards for Specific Uses

10. Recycling Center

HISTORY: The Recycling Center use definition and supplemental standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and supplemental standards were amended by Ord. 2003-067 and 2013-001, respectively.

Reason for amendments: [Zoning]

1. Revise the definition standard to:
 - Delete limited processing of recyclable materials as the activity of processing is more intense than a Recycling Center. The revision will clarify that processing of recyclable materials will be addressed by the Recycling Plant use.
 - Pursuant to Florida Administrative Code (FAC) 62.722, revise the definition to delete the term "recyclable" as it includes the collection and processing of solid waste and utilize the term recovered as it does not include solid waste.
2. Relocate and consolidate Standards for Screening and Buffering to Article 5.B, Accessory and Temporary Uses.
3. Update the "DRO Approval Exception" standard to be consistent with updates reflecting most restrictive approval process in the Use Matrix. The revision will:
 - Clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the Development Review Officer (DRO).
 - Establish a new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential zoning districts and will be consistent with similar uses.

a. Definition

A permanent facility designed and used for collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recyclable recovered materials that are not intended for disposal. ~~A recycling center shall be used for limited processing of recyclable materials, such as can and glass crushing and sorting.~~[Ord. 2013-001]

a. Access

~~Access from a Local Residential Street shall be prohibited. Access from a Local Commercial Street that also serves residential uses shall be prohibited.~~ [Ord. 2013-001]

b. Screening

~~All outdoor recycling collection, processing, loading, storage or other similar activities shall be screened from view from streets or adjacent lots. In no case shall recyclable or recovered materials or non-recyclable residue stored in outdoor areas exceed 15 feet in height.~~ [Ord. 2013-001][Relocated to Art. 5.B.1.A.3, Outdoor Storage and Activities]

bc. DRO Approval Exception

A ~~Recycling Center~~ that is subject to Class A Conditional Use approval located in an MUPD with a CH-FLU designation, the Commercial Pod of a PIPD or the CG Zoning district, where the use is permitted by Table 3.E.3.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, may be approved by the DRO, provided that the use recycling center complies with one of the following: [Ord. 2013-001]

Notes:

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- 1) Located completely within enclosed buildings; or, [Ord. 2013-001]
- 2) ~~Does not abut an adjacent parcel or land with the following uses or FLU designations: residential, civic, institutional, recreation or conservation. An exception shall be permitted when the recycling center, including all outdoor recycling collection, processing, storage or other similar activities, is located a minimum of 500 feet from the applicable parcel or land. Measurement shall be made by drawing a straight line from the designated recycling center use area to the perimeter of the applicable parcel or land. [Ord. 2013-001] The use shall be located a minimum of 500 feet from a parcel with a residential, civic, institutional, recreation or conservation FLU designation, zoning district or use.~~

4. Revise the Access standard to clarify proposed language that requires a Recycling Center access from local commercial street not serving residential is applicable to residential "lots". The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.1, Definitions and Acronyms.
5. Establish Operation Functions standard related to site plan and dust control provisions to clarify requirements for submittal. The standard would be in addition to Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
6. Establish Solid Waste Authority (SWA) Permit standard to clarify zoning approval is required prior to SWA permit review for this use.

c. Access

Access shall be limited to arterial, collector, or local commercial streets which do not serve residential lots. [Ord. 2013-001] [Ordinance reference Relocated from Access standard above]

d. Operation Functions

The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials stored including but not limited to the following:

1) Site Plan

The plan shall illustrate how the operation functions including circulation routes; and, the location and size of the operation areas, and storage piles.

2) Dust Control

A plan to address how dust generated from traffic and storage areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

3) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

Reason for amendments: [Zoning]

- 1. Change the approval process in the Light Industrial (IL) Zoning District, Multiple Use Planned Development (MUPD) with Industrial (IND) Future Land Use (FLU) designation and Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD) from Permitted by Right to Class A Conditional Use to indicate the most restrictive approval process in the Matrix. The existing "DRO Approval Exception" standard has been amended to clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the DRO. The revision will also address potential adverse impacts to residential zoning districts.
- 2. Delete the approval process in the Neighborhood Commercial (CN) Zoning District. A Recycling Center does not meet the intent of the definition of a neighborhood serving commercial facility.

Part 2. New ULDC Art. 4.B.7, Utility Uses, is hereby established as follows:

Reason for amendments: [Zoning]

- 1. Formerly Utilities and Excavation uses, this classification was split to address Utility uses separately from Excavation Uses and Commercial Communication Towers. For consistency with the Comprehensive Plan that calls out separately Excavation Uses and Communication Towers complexity requires a separate use matrix for ease of use. Standards for these use classifications are already done in the ULDC.

CHAPTER B USE CLASSIFICATION

Section 7 Utility Uses

A. Utility Use Matrix

Use Matrix goes here. It has been provided as a separate handout for ease of use.

Notes:

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SUMMARY OF AMENDMENTS
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B. General Utility Standards
Space reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching

HISTORY: The Chipping and Mulching use definition and supplemental standards were first referenced as part of the 1992 ULDC Ord. 1992-020. The definition was amended by Ord.1997-064, 1999-037 and 2003-067. The supplemental standards were amended by Ord.1997-064, 1999-037, 2003-067, 2003-068, and 2005-002.

Reason for amendments: [Zoning]

- 1. Revise definition to clarify that Chipping and Mulching is limited to tree limbs, yard trash or brush. Delete reference to wood construction debris as it will be addressed under the Recycling Plant use. Addition of yard trash to definition for consistency with Florida Statute (F.S.) 403.703.

a. Definition

An establishment using equipment designed to cut tree limbs, yard trash, or brush ~~or wood construction debris~~ into small pieces for use as mulch.

- 2. Add a new use standard to clarify a Chipping and Mulching use is Permitted by Right in the Agricultural Production (AP) Zoning District when accessory to a Bona Fide Agricultural Use.
- 3. Access standards:
 - Clarify proposed language that requires Chipping and Mulching access from local commercial street not serving residential is applicable to residential “lots”. The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.1, Definitions and Acronyms.
 - Clarify that gate setback from the road is determined by the County Engineer.
- 4. Clarify that Chipping and Mulching can operate in a Recycling Plant as collocated use subject to the standards contained in the use and DRO approval since the principal use, Recycling Plant, is Class A Conditional Use where allowed. This less restrictive approval process recognizes that Chipping and Mulching is commonly included in Recycling Plants.
- 5. Standard related to Potting Soil manufacturing accessory to Chipping and Mulching to be relocated to the Potting and Soil Manufacturing for consistency with construction of the Code that identifies when a principal use may be utilized as accessory use to another principal use.

b. Approval Process

1) AP Zoning District

A Chipping and Mulching Use accessory to a Bona Fide Agricultural use shall be Permitted by Right.

2) AR Zoning District in the RSA

May be permitted in the AR Zoning District of the RSA with a SA FLU designation, subject to a Class A Conditional Use approval. [Ord. 2005 – 002] [Relocated from AR/RSA below]

c. Access

Access shall be limited to arterial, collector, or local commercial streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons. [Partially relocated from Access standard below]

ad. Lot Size

A minimum of five acres.

be. Setbacks Separation Distance

The use shall be located a A-minimum of 500 feet from ~~any property line abutting a parcel with residential FLU designation, zoning district or use.~~

f. Collocated Uses to Recycling Plant

Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.

g. Accessory Uses

Potting soil manufacturing may be allowed as an accessory use to chipping and mulching. [Relocated to Art. 4.B.6.C.15, Potting Soil Manufacturing]

d. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice

Notes:

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~~that only authorized persons are allowed on the site. [Ord. 2005-002] [Partially relocated to Access standard above]~~

- 6. Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation:
 - Delete references to unprocessed under outdoor storage, as SWA and the Health Department do not differentiate between the two. The 45 day limitation will apply to all outdoor storage material.
 - Add bollard requirements to delineate location of storage piles, maximum height and ground elevation.
 - Delete AP Zoning District exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.

eg. Outdoor Storage

- 1) ~~Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.~~
- 2) ~~Bollards shall be provided to delineate pile locations.~~
- 3) ~~The pile height of storage materials shall be limited to 15 feet. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.~~
- 4) ~~Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.~~

fh. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

- 7. Rename Supplemental Application Requirements to Operation Functions and revise standards related to site plan and justification statement to clarify requirements for submittal. The standard would be in addition to ULDC Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
- 8. Establish SWA permit standard to clarify zoning approval is required prior to SWA permit review for this use.
- 9. Establish new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential districts and will be consistent with similar uses.

gi. Supplemental Application Requirements Operation Functions

~~The Zoning application shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:~~

- 1) **Site Plan**
~~The plan shall illustrate A site plan illustrating how the operation functions including circulation routes; and their locations, square footage, height and location of buildings, and, the location and size of loading and processing areas, and storage piles.~~
- 2) **Waste Volume**
An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
- 3) **Dust Control**
A plan to address how dust control generated from ~~in~~ traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate. ~~Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.~~
- 4) **SWA Permit**
~~Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.~~

~~**h. AR/RSA**~~

~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated to Approval Process standard above]~~

Reason for amendments in the Matrix: [Zoning] Change the approval process from Permitted by Right to Class B Conditional Use in MUPD with an IND FLU & IND/L Pod of a PIPD and Permitted by Right to DRO in an IND/G Pod of a PIPD. The changes provide consistency with the approval process in the Standard IL and IG Zoning Districts.

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2. Composting Facility

HISTORY: The Composting Facility use definition and supplemental were first referenced as part of the 1992 ULDC, Ord.1992-020. The definition was amended by Ord. 2003-067. The supplemental standards were amended by Ord. 1997-064, 1999-037 and 2003-067.

Reason for amendments: [Zoning]

1. Revise definition to clarify that a Composting Facility can compost clean wood in accordance with F.S. 62.709 (5). Pursuant to F.S. 62.709, clean wood is defined as “*wood, including lumber, tree, and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments*”. Delete reference to food as the use is not intended to address outdoor or commercial food waste composting and will not be permitted by SWA.

a. Definition

A facility designed and used for transforming ~~food~~, yard waste, clean wood and other organic material into soil or fertilizer through biological decomposition. ~~This use does not include backyard composting bins serving individual families.~~ **[Partially relocated to Backyard Composting standard below]**

2. Introduce standard to clarify Composting Facility use will be permitted by right in the AP Zoning District when accessory to a Bona Fide Agricultural use.

3. Access standards:
• Clarify proposed language that requires a Composting Facility access from Local Commercial Street not serving residential is applicable to residential “lots”. The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms.
• Clarify that gate setback from the road is determined by the County Engineer.

4. Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation:
• Delete references to unprocessed under outdoor storage, as SWA and the Health Department do not differentiate between the two.
• Add bollard requirements to delineate location of storage piles, maximum height and ground elevation. Pursuant to FAC 62-709, the maximum height is limited to 12 feet due to the combustible nature of the materials.
• Delete AP exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.

5. Revise the site plan requirements as follows: Delete square footage, height and location of buildings as they are commonly associated with site plan elements and reviewed through the DRO or Building Permit Process.

6. Rename Supplemental Application Requirements to Operation Functions and revise standards related to site plan and justification statement to clarify requirements for submittal in addition to Article 2.A.1.G.3 and the Palm Beach County Zoning Technical Manual.

b. Approval Process

1) AP Zoning District

A Composting Facility Use accessory to a Bona Fide Agricultural use shall be Permitted by Right.

2) AR Zoning District in the RSA

May be permitted in the AR Zoning District in the RSA with a SA FLU designation, subject to a Class A Conditional Use approval. [Ord. 2005 – 002] [Relocated from AR/RSA standard below]

c. Access

Access shall be limited to arterial, collector, or local commercial streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

da. Lot Size

A minimum of five acres.

be. Setbacks Separation Distance

The use shall be located on a A-minimum of 500 feet from a parcel with residential FLU designation, zoning districts and uses or use.

c. Access

~~An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local street shall be prohibited. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.~~

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df. **Outdoor Storage**

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.
- 2) ~~Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.~~
- 3) The pile height of storage materials shall be limited to 12 feet.
- 4) The height of materials shall be tied to a finished grade benchmark delineated on site.
- 5) Bollards shall be provided to delineate pile locations.

eg. **Hours of Operation**

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

fh. **Supplemental Application Requirements Operation Functions**

The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) **Site Plan**

The plan shall illustrate A site plan illustrating how the operation functions including circulation routes; and their locations, square footage, height and location of buildings, and, the location and size of chipper loading and processing areas and storage piles.

2) **Waste Volume**

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) **Dust Control**

A plan to address how dust control generated from in traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

7. Establish SWA permit standard to clarify Zoning approval is required prior to SWA permit review for this use.
8. Establish new separation distance requirement. The revision will also address potential adverse impacts to residential zoning districts and will be consistent with similar uses.
9. All measurements of distance shall be consistent with Article 1.C, Rules of Construction and Measurement.

4) **SWA Permit**

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

g. **AR/RSA**

~~May be permitted in the AR/RSA District with a SA-FLU, subject to Class B conditional use approval. [Ord. 2005-002]~~ **[Relocated to Approval Process standard above]**

i. **Backyard Composting**

~~This use does not include backyard-composting bins serving individual families.~~ **[Relocated from Composting Facility Definition above]**

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.



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3. Electric Distribution Substation

Reason for amendments: [Zoning]
1. Relocate standards for Electric Distribution Substations and establish as a separate and distinct use from Minor Utility, to avoid confusion related to F.S. 163.3208, which specifically regulates substations less than 69 kilovolts in size and is not applicable to other Minor Utility uses.
2. Correct kilowatts to kilovolts to be consistent with industry and statutory terminology regarding maximum capacity of distribution lines converted by an Electric Distribution Substation.
3. Clarify landscape material shall not exceed mature height of 14' at any time when located under overhead lines pursuant to F.S. 163.3208
4. Clarify landscape buffering in non-residential areas for consistency with landscape provisions implemented by the local government for consistency with F.S. 163.3208 which relates to Substation approval process to maintain, encourage and ensure adequate an reliable electric infrastructure in the state.
5. Clarify landscape buffering in residential areas. Further define standard for native landscaping as referenced in F.S. 163.3208 by providing reference to design principles in Art. 7.B.3.B.1, Design Principles and the PBC's Preferred Species List.
6. Clarify setbacks requirements are applicable from the property line.
7. Clarify an Electric Distribution Substation shall not be accessory to or collocated with Neighborhood Recreation Facilities for safety reasons.

a. Definition

Defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. [Ord. 2007-013] [Partially relocated from Electric Distribution Substation standard under Minor Utilities]

b. Landscaping

1) Landscape Buffering – General

Pursuant to F.S. 163.3208, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet of height. [Ord. 2007-013] [Relocated from Electric Distribution Substation standard under Minor Utilities]

2) Landscape Buffering in Non-Residential Areas

Where located in or adjacent to parcels with non-residential FLU designation, zoning district or use, the Electric Distribution Substation must comply with the landscape buffer criteria in Art. 7, Landscaping.

3) Landscape Buffering in Residential Areas

Pursuant to F.S. 163.3208 as may be amended from time to time, where located in or adjacent to parcels with residential FLU designation, zoning district or use, landscape buffering shall be upgraded as follows: [Ord. 2007-013] [Relocated from Electric Distribution Substation standard under Minor Utilities]

a) An eight-foot high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from the property line. [Ord. 2007-013] [Partially Relocated from Electric Distribution Substation standard under Minor Utilities]

b) An open green space shall be maintained between required security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line. [Ord. 2007-013] [Partially relocated from Electric Distribution Substation standard under Minor Utilities]

c) Landscape installation shall be based on applicable design principles in Art. 7.B.3.B.1, Design Principles and utilize the PBC's Preferred Species List.

c. Standard Residential Zoning Districts

Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

Reason for amendments in the Matrix: [Zoning] Relocate standards for Electric Distribution Substations and establish as a separate and distinct use from Minor Utility. The approval process for standard zoning districts remains unchanged from Minor Utility. However, in Planned Development Districts the approval has been changed to DRO Approval to ensure the use is site planned and deleted from the Civic pod of a PUD for safety reasons. The approval process is consistent with F.S. 163.3208, Substation Approval Process which states "New distribution electric substations shall be a permitted use".

Notes:

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4. Electric Power Plant Facility

HISTORY: The Electric Power Plant use definition and supplemental standards first referenced as part of the 1992 ULDC (Ord.1992-020). The definition was amended by Ord. 2003-067, 2006-004 and 2009-040. The supplemental standards were amended by Ord. 1999-037, 2003-067, 2006-004, 2007-001 and 2011-001.

Reason for amendments: [Zoning]

1. Recognize Florida Power and Light (FPL) suggestion to update the use name to be consistent with Florida Statutes 403.503(14) under definitions related to Florida Electrical Power Plant Siting Act.
2. Clarify setbacks from an Electric Power Plant pertains to residential and civic use, zoning districts or Future Land Use (FLU) designation to be consistent with standardized formatting protocol.
3. All measurements of distance shall be consistent with Article 1.C, Rules of Construction and Measurement.
4. Clarify reference to poles under setbacks pertains to electric power poles to be consistent with other Electric Power Plant use terminology.
5. Delete reference to Alternative Landscape Plan (ALP) provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Article 7.F.9, Incompatibility Buffer.
6. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.

a. Definition

Any electric generating facility that uses any process or fuel, and includes any associated facility that directly supports the operation of the electrical power facility. [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]

ab. Setbacks

- 1) An electric power plant facility, for electrical generation only, shall not be located within 1,000 feet of a parcel with a residential zoning district FLU designation, zoning district or use.
- 2) Principal uses and structures (excludes electric poles) shall be setback a minimum of 500 feet from all property lines.
- 3) Accessory uses and structures (excluding electric poles) shall be setback a minimum of 50 feet from all property lines.

b. Screening and Perimeter Buffers

~~A Type III incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Palms may not be substituted for required canopy trees. This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP). [Ord. 2006-004] [Relocated to Landscaping standard below]~~

c. Ash disposal and wood recycling facilities - AP Zoning District

Ash disposal and wood recycling facilities shall be permitted on sites in the AP Zoning District as an accessory use to biomass ~~e~~Electric ~~p~~Power Plant facilities. The primary use for the site shall be consistent with the underlying zoning designation. [Ord. 2007-001]

- 1) Ash disposal facilities shall not exceed 220 feet in height measured from the existing grade at the base of the facility. [Ord. 2007-001]
- 2) Ash disposal facilities shall be used only for the disposal of ash produced onsite by the biomass ~~e~~Electric ~~p~~Power Plant facilities. [Ord. 2007-001]
- 3) Ash disposal facilities shall not be constructed until the plans for its construction and operation have been reviewed and approved by all applicable governmental agencies. [Ord. 2007-001]
- 4) Ash disposal facilities shall be constructed as a Class I landfill in compliance with the applicable standards adopted by the Florida Department of Environmental Protection and set forth in Section 403.707, Florida Statutes and Chapter 62-701, F.A.C., for Class I landfills. [Ord. 2007-001]

bd. Screening and Perimeter Buffers

~~A Type 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation, use or zoning district. Palms may not be substituted for required canopy trees. [Ord. 2006-004] [Partially relocated from Screening and Perimeter Buffers standard above]~~

de. Collocated Use - Electric Transmission Substation Facility

An ~~E~~lectric Transmission Substation Facility collocated with a new request or DOA for an ~~E~~lectric generation facility Power Plant may be reviewed and approved as one application. ~~The transmission facility and~~ shall comply with the requirements of Art. ~~4.B.1.A.44-2~~ 4.B.7.C.75, Electric Transmission Substation Facility. [Ord. 2006-004]

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~~e. Barbed Wire~~
~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord. 2011-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]~~

Reason for amendments in the Matrix: [Zoning] Change the approval process from Permitted by Right (P) to Class A Conditional Use (A) in the Public Ownership (PO) Zoning District. The change provides an opportunity for the public to discuss any potential impacts from an Electric Power Plant before the Board of County Commissioners.



5. Electric Transmission Substation Facility

HISTORY: The Electric Transmission use definition and supplemental standards were first referenced as part of Ord. 2006-004. The supplemental standards were amended by Ord. 2011-001.

Reason for amendments: [Zoning]

1. Update use name for consistency with terminology used by industry to match use definition.
2. Revise Definition to delete reference to Electric Distribution Substation, which is being established as a separate use, and the Maximum Gross Floor Area (GFA) as the square footage limitation was added in error and does not apply to Electric Distribution Substations. Clarify the use is limited to the transfer of bulk electricity.
3. Revised setback provision to include distribution line and electric power poles are excluded from meeting the Property Development Regulations (PDRs) pursuant to F.S. 553.73.
4. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.
5. Delete reference to Alternative Landscape Plan (ALP) provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.
6. Clarify an Electric Transmission Substation Facility shall not be collocated with Neighborhood Recreation Facilities for safety reasons.

a. Definition

~~Mechanical equipment~~ A facility associated with the transfer of bulk electrical energy from Electric Power Plants to Electric Distribution Substations transmission networks, including transmission voltage facilities or switching substations, ~~and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts.~~ [Ord. 2006-004]

ab. Setbacks

Notwithstanding the requirements of Table 3.D.1.A, Property Development Regulations, setbacks for ~~e~~Electric ~~t~~Transmission Substation ~~f~~Facilities, excluding transmission and distribution lines and electric poles, shall be as follows: [Ord. 2006-004]

~~1) Buildings~~

~~1)~~ Buildings used for ~~e~~Electric ~~t~~Transmission Substation ~~f~~Facilities shall be setback a minimum of 50 feet from all property lines. [Ord. 2006-004]

~~2) Mechanical Equipment and Related Structures~~

~~2)~~ Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial or residential FLU designation, or use or zoning district. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if the applicant can demonstrate that structures will not be visible from residential or public use areas. [Ord. 2006-004]

~~3) Maximum Height~~

~~3)~~ One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet. [Ord. 2006-004]

bc. Screening and Perimeter Buffers Landscaping

A Type ~~III~~ 3 incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU designation, zoning district or use. Palms shall not be substituted for required canopy trees. ~~This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP).~~ [Ord. 2006-004]

~~c. Barbed Wire~~

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord. 2011-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]~~

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d. Standard Residential Zoning Districts

An Electric Transmission Substation Facility shall not be collocated with Neighborhood Recreation Facilities.

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.



6. Sanitary Landfill or Incinerator

HISTORY: The Sanitary Landfill or Incinerator use definition and supplemental standards were first referenced as part of Ord. 1973-002. The use was amended by Ord. 1977-008 and 1989-005. The definition and supplemental standards were amended by Ord. 1992-020 and 2003-067.

Reasons for amendments: [Zoning]

1. Revise definition to be consistent with the definition of Landfill found in F.S. 403.703 Landfills are no longer referred to as "sanitary" landfills. The revision of the definition also includes the addition of "incineration". Incineration is another process of treating solid waste.
2. Delete the Public Ownership (PO) Zoning District standard as the Use Matrix already identifies the use approval process.
3. Delete the "Accessory Incinerator" standard to Hospital or Medical Center use. Hospital or Medical Center already addresses Incinerator associated to a medical facility.
4. Establish SWA Permit standard to clarify Zoning approval is required prior to SWA permit review for this use.

a. Definition

~~A facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.~~ A facility for the disposal or incineration of solid waste for which a permit is required by the Florida Department of Environmental Protection, which receives solid waste for disposal in or upon the land. The term does not include a land-spreading site, injection well or surface impoundment.

a. PO District

~~A sanitary landfill or incinerator shall only be located in the PO district.~~

b. Accessory Incinerator

~~An incinerator may be an accessory use to a hospital.~~

b. SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.



7. Utility, Minor Utility

HISTORY: The Minor Utility use definition and supplemental standards were first referenced as part of the 1992 ULDC, Ord.1992-020. The definition was amended by Ord. 2003-067, 2006-004 and 2007-013. The supplemental standards were amended by Ord. 2000-015, 2001-001, 2003-067, 2004-040, 2007-013, 2011-001 and 2012-027.

Reason for amendments: [Zoning]

1. Revise the definition to clarify a Minor Utility is a facility (whether manned or unmanned) and differentiate between mechanical equipment that can be classified as an accessory structure referenced in Article 5, Accessory Uses and Structures.
2. Revise the Floor Area standards and add "structures" for consistency with the definition. Clarify that tanks and unoccupied facilities and structures are not subject to Art. 5.B.1.A.1, General which limits accessory uses and structures to 30 percent of the total square gross footage.
3. Delete the Buffer standard. Screening, buffering and setbacks are addressed in other parts of the Code. Screening is subject to Article 5.B.1.A.19, Mechanical Equipment; buffering is subject to Article 7, Landscaping and setbacks are subject to Article 3.D.1.A, Property Development Regulations (PDRs).
4. Relocate Electric Distribution Substations from Minor Utility and create new use to avoid confusion related to F.S. 163.3208 which specifically regulates substations less than 69 kilovolts in size.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.

a. Definition

~~Mechanical equipment~~ An above-ground facility associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed

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throughout their service area other than electric generation and transmission facilities.
[Ord. 2006-004] [Ord. 2007-013]

b. Typical Uses

Gas and water regulators, ~~electrical distribution substations~~, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004] [Ord. 2007-013]

a-c. Floor Area

1) Residential Zoning Districts [Ord. 2004-040]

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied ~~accessory~~ facilities and structures. [Ord. 2004-040] [Ord. 2007-013]

2) Non-residential Zoning Districts

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied ~~accessory~~ facilities and structures. [Ord. 2004-040] [Ord. 2007-013]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use ~~or a Requested Use~~. [Ord. 2004-040]

b. Buffer

~~A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility.~~ [Ord. 2004-040]

ed. Lift Station

1) New Subdivisions

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

d. Electric Distribution Substations

~~For the purposes of this section, shall be defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following: [Ord. 2007-013] [Partially Relocated to new use Electric Distribution Substation]~~

1) Exemptions

~~Electrical substations are exempt from the floor area limitations.~~ [Ord. 2007-013]

2) Landscape Buffering in Residential Areas

~~Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows: [Ord. 2007-013] [Relocated to new use Electric Distribution Substation]~~

~~a) An eight foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native. [Ord. 2007-013] [Relocated to new use Electric Distribution Substation]~~

~~b) An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. [Ord. 2007-013] [Partially relocated to new use Electric Distribution Substation]~~

3) Landscape Buffering - General

~~Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height. [Ord. 2007-013] [Relocated to new use Electric Distribution Substation]~~

e. States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2007-013] [Ord. 2012-027]

f. Barbed Wire

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord. 2011-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]~~

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Reason for amendments in the Matrix: [Zoning] Change approval process from Permitted by Right to DRO in all Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) except for the Agricultural Reserve (AGR) preserve area of a Planned Unit Development (PUD) and Traditional Marketplace Development (TMD) as well as the Recreation pod of PUD. This use is necessary to any development and the DRO approval process will ensure update of approved site plan to track location of the use. The change is also consistent with approval process already applied to standard zoning districts.

8. Renewable Energy ~~Solar Facility~~, *Solar*

HISTORY: The Renewable Energy Solar Facility use definition and supplemental standards were first referenced as part of Ord. 2009-040. The supplemental standards were amended by Ord. 2010-022.

Reason for amendments: [Zoning]

1. Delete repetitive language under minimum setback requirements as acreages are referenced in titles.
2. Change reference to side corner setback to side street setback in accordance with current terminology.
3. Revise Perimeter Buffers and Interior Tree Requirements standard to clarify a 6 foot hedge is required for Right of Way Right-Of-Way (R-O-W) and compatibility buffers in addition to the required landscaping outlined in Article 7.F, Perimeter Buffer Landscape Requirements.
4. Delete reference to Substation as Article 4 allows for collocated uses and the standard does not need to be repeated under the individual use.
5. Delete reference to ALP provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.

a. Definition

A facility that uses photovoltaic, thermal or other systems with a principal use of producing electric or thermal power from the sun. **[Ord. 2009-040]**

ba. ~~Minimum Lot Size~~

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. **[Ord. 2009-040]**

cb. ~~Minimum Setbacks Requirements~~

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below: **[Ord. 2009-040]**

1) Lots 50 Acres or Greater

~~Facilities located on lots 50 acres or greater in sizes~~ **Setbacks** shall be ~~setback~~ a minimum of 25 feet from the side and rear property lines. The facility shall comply with the minimum front and side ~~corner street~~ setbacks of the applicable zoning district. **[Ord. 2009-040]**

2) Lots Less than 50 Acres

~~Facilities located on lots less than 50 acres in sizes~~ **Setbacks** shall be ~~setback~~ a minimum of 15 feet from the side and rear property lines. The facility shall comply with the minimum front and side ~~corner street setbacks~~ of the applicable zoning district. **[Ord. 2009-040]**

3) Lots Adjacent to Existing Residential Uses

~~Facilities located on lots adjacent to existing residential uses~~ **Setbacks** shall be ~~setback~~ a minimum of 35 feet or the district setback, whichever is greater. along the affected property line. **[Ord. 2009-040]**

4) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 20 feet. **[Ord. 2009-040]**

dc. Perimeter Buffers and Interior Tree Requirements

1) A six foot high hedge shall be incorporated into the required compatibility or ROW buffer ~~required in addition to the requirements pursuant to of~~ Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Palms may be substituted for 50 percent of the required canopy trees. ~~This buffer may be modified pursuant to Article 7.B.3, ALTERNATIVE LANDSCAPE PLAN (ALP).~~ **[Ord. 2009-040]**

2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2009-040]**

d. Substation

~~Substations associated with the facility shall be subject to the requirements of Article 4.B.1.A.134, Utility Minor.~~ **[Ord. 2009-040]**

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e. Collocation with Existing Electric Power ~~Facilities~~ Plant

Solar facilities located on a site with an existing ~~e~~Electric ~~p~~Power facility Plant shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a Development Order Amendment pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2009-040] [Ord. 2010-022]

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.

9. Renewable Energy ~~Wind Facility~~, Wind

HISTORY: The Renewable Energy Wind Facility use definition and supplemental were first referenced as part of Ord. 2010-005 and amended by Ord. 2011-016.

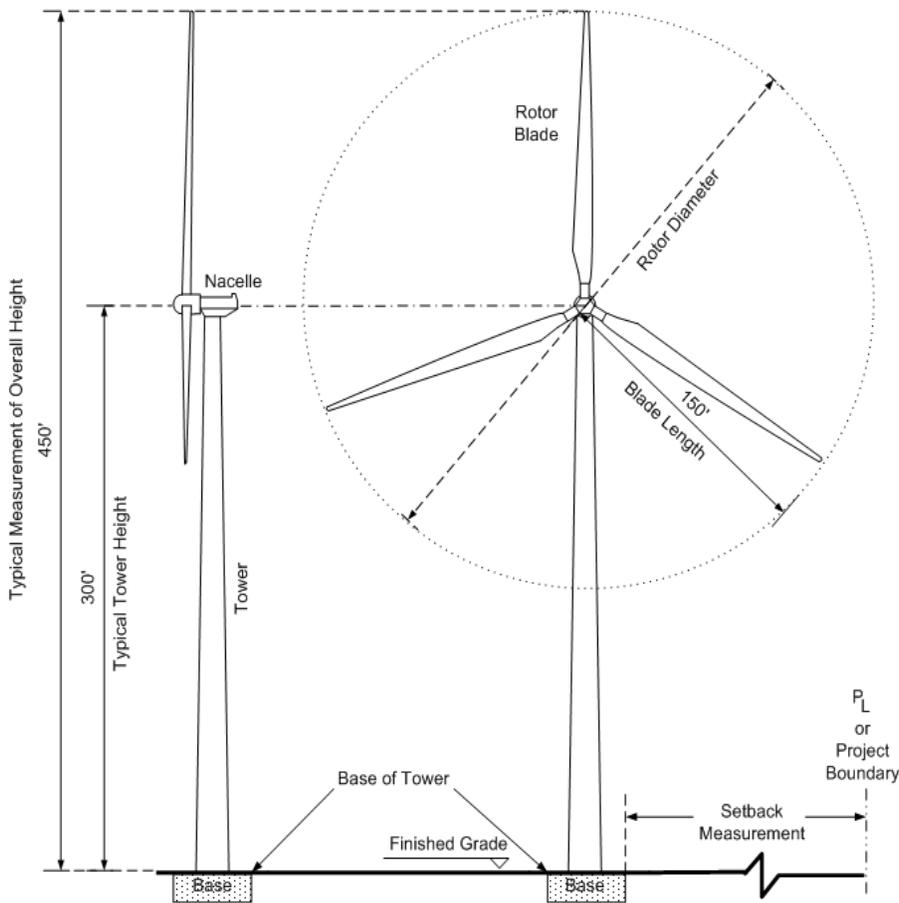
Reason for amendments: [Zoning]

1. Delete Environmental Permitting standard pursuant to F.S. 163.3164 that reads as follows: "The County may not require a condition of processing or issuing a development permit, that an applicant obtain a permit or approval from any state or federal agency, unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit".
2. Delete reference to Substation as Article 4, Use Regulations allows for collocated uses and the standard does not need to be repeated under individual use.
3. Delete reference to ALP provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Art 7.F.9, Incompatibility Buffer.

a. **Definition**

A facility that uses one or more wind turbines, Meteorological (MET) Towers or other systems with a principal use of producing electric or mechanical power from the wind. [Ord. 2010-005] [Ord. 2011-016]

Figure: 4.B.1.A – Typical Renewable ~~Energy~~ Wind Turbine



[Ord. 2010-005] [Ord. 2011-016]

be. **Environmental Permitting – Letters of Engagement**

The applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement,

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or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The Letter of Engagement shall include, at a minimum: **[Ord. 2010-005]** **[Ord. 2011-016]**

- 1) Identify organization as Federal, State or Local; **[Ord. 2011-016]**
- 2) Key individuals involved in review; **[Ord. 2011-016]**
- 3) Role in review process (i.e. studies, review or permitting); and, **[Ord. 2011-016]**
- 4) Identify any permits or approvals required, critical dates, input in review process and possible conditions of approval, where applicable. **[Ord. 2011-016]**

~~bc. Environmental Permitting – Final Site Plan Approval~~

~~The applicant shall provide proof of all State and Federal permitting and other applicable final approvals needed for siting and operation prior to Final Site Plan approval. **[Ord. 2011-016]**~~

~~ed. Minimum Lot Size~~

~~Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy ~~Wind~~ Facility (~~Wind~~) if the overall project boundaries meet the minimum standards for the district. **[Ord. 2010-005]** **[Ord. 2011-016]**~~

~~de. Minimum Setback or Separation Requirements~~

~~Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. **[Ord. 2010-005]**~~

~~1) Measurement of Height~~

~~1) The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade. **[Ord. 2011-016]**~~

~~2) Minimum Setbacks or Separations~~

~~1) Facilities shall comply with the minimum setback requirements of the applicable Zoning district unless stated otherwise in the following Table. **[Ord. 2010-005]** **[Ord. 2011-016]**~~

Table 4.B.17.AC, Minimum Renewable Energy Wind Energy (Wind) Facility Setbacks or Separations

Structures	Minimum Separation (1) (2)			Minimum Setback (1)		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Project Boundary		Public R-O-W
				Non-residential FLU	Residential or Conservation FLU	
Wind Turbines, MET Towers or other similar Wind Energy Systems	1.1 x Height	2.5 x Height	2.5 x Height	1.5 x Height	2.0 x Height	2.5 x Height
Accessory or Collocated Buildings or Structures	Apply district or accessory use PDRs as applicable.					
[Ord. 2011-016]						
Notes:						
1. Setback or separation from Wind Turbines, MET Towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.						
2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.						

32) Type II Variance for Setbacks or Separations

Requests for Type II Variances from the Setback or Separation requirements listed above shall be permitted in accordance with Art. 2, Development Review Procedures, and the following: **[Ord. 2011-016]**

- a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure; **[Ord. 2011-016]**
- b) The applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable ~~Wind~~ Energy ~~Wind~~ Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the Variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect, Landscape Architect, or other similar professional, including scientists specializing in Renewable ~~Wind~~ Energy ~~Wind~~ technology. **[Ord. 2011-016]**

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ATTACHMENT 1

UTILITY USES
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(Updated 10/8/15)

4.3) Setback within Multi-Parcel Renewable Energy Wind Facilities in AP

Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary. **[Ord. 2011-016]**

*4) The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade. **[Ord. 2011-016]*** **[Relocated from Measurement of Height standard above]**

e. Perimeter Buffers and Interior Tree Requirements

1) A Type I incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential FLU designation, zoning district or use. In addition, a Type II incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. ~~These buffers may be modified pursuant to Article 7.B.3, Alternative Landscape Plan.~~ **[Ord. 2010-005]**

2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning ~~d~~District shall be exempt from the landscaping requirements above. **[Ord. 2011-016]**

3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2010-005]**

f. Substation

~~Substations associated with the facility shall be subject to the requirements of Article 4.1.A.134, Utility Minor.~~ **[Ord. 2010-005]**

fg. Collocation with Existing Electric Power Facilities Plant

Renewable Energy Wind ~~f~~Facilities located on a site with an existing ~~e~~Electric ~~p~~Power ~~facility-Plant~~ shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.H, Development Order Amendment. **[Ord. 2010-005]**

gh. Removal

A Renewable Energy Wind ~~Energy~~ project ("Project"), when deemed "abandoned", shall be removed in accordance with the provisions of this subsection (h). For the purposes of this section, the term Project shall also include individual Wind Turbines or MET Towers located within a larger ~~Wind-Renewable~~ Energy Wind Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project Owner") is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed "abandoned", the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall: **[Ord. 2011-016]**

1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade; **[Ord. 2011-016]**

2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and **[Ord. 2011-016]**

3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every five years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of: **[Ord. 2011-016]**

(a) The date which is ~~10~~ten years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or **[Ord. 2011-016]**

(b) The 90th day following the date the Project is deemed "abandoned". **[Ord. 2011-016]**

ih. MET Tower Approval Process Exceptions

Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Wind Facility ~~(Wind)~~. **[Ord. 2011-016]**

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ATTACHMENT 1

UTILITY USES
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(Updated 10/8/15)

1) DRO Approval

A temporary MET Tower located on a parcel with an AP FLU ~~D~~designa**tion** and Zoning ~~D~~district, to be erected for a period of not more than three years, may be approved by the DRO. [Ord. 2011-016]

2) Permitted by Right

A temporary MET Tower located on a parcel with an AP FLU ~~D~~designa**tion** and Zoning ~~D~~district, to be erected for a period of not more than three years, where located ~~one~~a mile or more from a public R-O-W, or ~~parcels~~ with a conservation (when open to the public), commercial, public, civic, or residential use, FLU designation or zoning district shall be permitted by right. [Ord. 2011-016]

ii. Microwave Path Analysis

At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems. [Ord. 2011-016]

kj. Aircraft Hazard

To ensure the safety of low flying aircraft, any application ~~for a Wind Facility~~ shall demonstrate compliance with 14 CFR Part 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied: [Ord. 2011-016]

- 1) Paint will be applied to the top 1/3 of the MET Tower in alternating bands of international orange and white. [Ord. 2011-016]
- 2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower. [Ord. 2011-016]
- 3) 10 foot yellow florescent sleeves will be attached on either side of each marker sphere. [Ord. 2011-016]
- 4) A low-intensity flashing red light will be mounted at the top of the MET Tower. [Ord. 2011-016]
- 5) 10 foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower. [Ord. 2011-016]

lk. Color

Towers, turbines and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Change in color shall be permitted subject to DRO approval, where required by regulatory agency permitting or other similar approvals. Signage, equipment or project logo or labeling shall be prohibited on Wind Turbines, MET Towers or other similar wind energy systems. [Ord. 2011-016]

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.



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ATTACHMENT 1

UTILITY USES
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(Updated 10/8/15)

10. Solid Waste Transfer Station

HISTORY: The Solid Waste Transfer Station use definition and supplemental standards were first referenced as part of Ord. 1973-002. The use was amended by Ord. 1977-008, 1990-021 and 1991-015. The definition was amended by Ord. 1992-020 and 2003-067. The supplemental standards were amended by Ord. 1992-020, 2003-067, 2011-001, and 2012-027.

Reason for : [Zoning]

1. Revise the definition to:
 - Add yard waste to the definition to clarify stand alone yard waste collection facilities shall be approved as a Solid Waste Transfer Station.
 - Clarify temporary storage of solid waste is permitted on site.
2. Revise setback requirement applicable to structures, ramps, parking, etc and all property lines to help mitigate any potential adverse impacts caused by the use.
3. Relocate and consolidate screening requirements for outdoor storage in Article 5.B, Accessory and Temporary Uses.
4. Revise SWA Permit standard to clarify Zoning approval is required prior to SWA permit review.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.

a. Definition

A facility where solid waste or yard waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. ~~Solid waste may be sorted but not processed at a transfer station.~~ **[Relocated to Storage Areas standard below]**

ab. Location Frontage

The facility shall front on and have access from an arterial or collector street.

bc. Setbacks

All portions of a transfer station, including structures, ramps, parking and on site circulation areas, shall be setback a minimum of ~~25~~ 50 feet or the district setback, whichever is greater, from all property lines, lakes, canals, water management tracts, retention/detention areas, drainage swales, and other water bodies.

~~**c. Screening**~~

~~All storage areas shall be screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.~~ **[Relocated to Art. 5.B.1.A.3, Outdoor Storage and Activities]**

d. Buffer

A minimum width of 50 ~~foot feet~~ incompatibility buffer shall be provided adjacent to an existing residential use, district or FLU designation: Required landscaping not visible from adjacent lots or streets may be waived through a Type I Waiver. **[Ord. 2012-027]**

e. Storage Areas

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a transfer station. **[Relocated from Solid Waste Transfer Station Definition above]**

~~**f. Supplemental Application Requirements Operation Functions**~~

1) Access

A graphic and written analysis of access routes to the site.

2) Type

An explanation of the type of facility requested including a description of the materials to be handled, methods of operation, handling procedures, whether sorting will occur, and runoff treatment plans.

3) Waste

The quantity of waste to be received, expressed in cubic yards per day or tons per day.

4) Hours of Operation

A statement specifying the hours of operation.

5) SWA Permit

~~Prior to approval by the DRO, the applicant shall obtain a permit from, and post a bond with the SWA.~~

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

~~**g. Barbed Wire**~~

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.~~ **[Ord. 2014-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]**

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Reason for amendments in the Matrix: [Zoning] Delete use from MUPD with a Commercial High Office (CHO) and Commercial Recreation (CR) FLU designation as the use is too intense when compared with other uses allowed in commercial zoning districts.



11. Water or Wastewater Treatment Plant

HISTORY: The Water or Treatment Plant use definition and supplemental standards were first referenced as part of the 1992 ULDC, Ord.1992-020. The definition was amended by Ord. 1993-004, 2003-067 and 2007-013. The supplemental standards were amended by Ord. 2003-067 and 1999-037.

Reason for amendments: [Zoning]

1. Revise the Odor standard consistent with F.S. 386, Part I to clarify that enforcement is primarily the responsibility of the Florida Department of Health.
2. Revise the Package Treatment Facility standard to be consistent with the Comprehensive Plan, Utilities Element (UT), Objective 1.8, Package Treatment Plants for facilities in the Urban Service Area (USA) and the Limited Service Area (LSA).
3. Update reference to Florida Administrative Code (F.A.C.) 17-602 with new F.A.C. 62-699 and 62-602 applicable to staffing and operator requirements.
4. Update reference to F.A.C. 17-640 with new F.A.C. 62-640. Revise the Dewatered Domestic Water Residual Land Application (DDWRLA) standard consistent with F.A.C. 62-640. The revised F.A.C. replaces Dewatered Domestic Wastewater Residual (DDWR) with Requirements for Land Application of Class AA, A and B Biosolids.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.

a. Definition

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

ab. Location

In the AGR Zoning District, a water or ~~w~~Wastewater ~~t~~Treatment ~~p~~Plant shall not be located west of SR 7/ US 441.

bc. ~~Odor~~ Sanitary Nuisances

Facilities shall be designed and operated to minimize objectionable odors. Potential sanitary nuisances shall be addressed by the PBC Health Department pursuant to F.S. Chapter 386, Part I, as may be amended from time to time.

cd. Compatibility Setbacks - Wastewater and Water Treatment Plant

For purposes of this Section, the AR Zoning district is not considered a residential district. Required setbacks, ~~screening and buffering~~ are as follows:

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ATTACHMENT 1

**UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 10/8/15)**

1

Table 4.B.47.AC– Wastewater Treatment Facility Plant Setbacks

Type/Capacity	Type of Facility Plant	Setback from Residential and Commercial Zoning District	Setback From Non-Residential and Non-Commercial Zoning District
Wastewater Treatment facilities Plants over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet (2)	200 feet (1)
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater Treatment facilities Plants up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet(1)	100 feet (1)
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet
Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) (3) (4)	Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater
Membrane Bio-Reactor (MBR) System	Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications	50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater	50 feet front; 15 feet side; 25 feet side street; and 20 feet or the minimum district setback, whichever is greater
Notes:			
<p>1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.</p> <p>2. Tertiary filters do not require odor control.</p> <p>3. If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table. [Ord. 2007-013]</p> <p>4. A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply. [Ord. 2007-013]</p>			

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ATTACHMENT 1

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 10/8/15)

1

Table 4.B.17.AC - Water Treatment Facility Plant Setbacks for Open Treatment Process

Type/Capacity	Type of Facility Plant	Setback
Water treatment facilities over two millions gallons per day capacity	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet (1)
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet (2)
	Accessory units	100 feet
[Ord. 2004-054] [Ord. 2007-013]		
Notes:		
1. Odor Control. Unless treatment for removal of sulfides for odor control is included. [Ord. 2004-054]		
2. Maximum building height. Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004-054] [Ord. 2007-013]		
a. The minimum yard setback of this section; and		
b. An additional one foot setback for each one foot in height exceeding 35 feet.		

2

Table 4.B.17.AC - Water Treatment Facility Plant Setbacks For Enclosed Treatment Process without Gas Chlorine

Type/Capacity	Yard	Setback
Water treatment facilities over two million gallons per day capacity	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet (1)
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet
Note:		
1. Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning district and INST FLU designation, or AP Zoning district and FLU designations.		

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e. Accessory Use

A Water or Wastewater Treatment Plant may be collocated with a Public School installed in accordance with all applicable federal, state and local utility standards. [Relocated from Accessory Uses standard under Schools Elementary or Secondary use]

1) Location/Buffering

The facility shall be located and buffered to ensure compatibility with surrounding land use. [Relocated from Accessory Uses standard under Schools Elementary or Secondary use]

2) Duration

The use of the facility shall only be permitted until such time as central water or waste water service is available from the appropriate utility. [Relocated from Accessory Uses standard under Schools Elementary or Secondary use]

f. Landscaping

1) Buffer

Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet. [Ord. 2007-013].

2) Trees

A single row of trees shall be planted all landscape buffers at a ratio of one 14 foot tall tree for each 25 linear feet. [Ord. 2007-013]

3) Screening

Screening consisting of a hedge, berm, or fence wall which will present a visual screen at least six feet in height within one year of installation shall be provided around the perimeter of the site. [Ord. 2007-013]

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ATTACHMENT 1

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 10/8/15)

dg. Package Treatment Facility

Package ~~water or wastewater~~ treatment facilities shall comply with the following additional standards:

1) ~~USA~~

~~If a package treatment facility is proposed to be developed in the designated Urban Service Area (USA), confirmation shall be provided from the appropriate utility that central water or wastewater service is not available at the time the application for development permit is submitted and that service is projected to be unavailable within four years of that date.~~

12) Limited Service Area (LSA)

a) Package treatment facility shall be prohibited in the LSA except for use by schools or located in the United Technology Corporation Protection Overlay or the North County General Aviation Facility.

b) If a package treatment facility is proposed to be developed in the ~~Limited Service Area (LSA)~~, confirmation shall be provided from the PBCHD that use of a package treatment plant is necessary to protect water quality. The PBCHD shall certify that the uses proposed can be adequately served with a package treatment plant.

23) Rural Service Area (RSA)

If a package treatment facility is proposed to be developed in the ~~Rural Service Area (RSA)~~, there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapters ~~47-602 62-699 and 62-602~~, F.A.C., the BCC, may require a higher level of operator coverage.

eh. Effect on Previously Approved Facilities-Plants

Water and ~~w~~Wastewater ~~t~~Treatment Facilities-Plants approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks ~~lower~~ less than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable. [Ord. 2007-013]

fi. Dewatered Domestic Wastewater Residual Biosolids Land Application

Class A or B ~~Dewatered Domestic Wastewater Residuals (DDWR) biosolids~~, as defined by Chapter ~~4762-640~~, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR Zoning Deistricts. Class AA ~~DDWR biosolids~~, as defined by Chapter ~~4762-640~~, F.A.C., has unlimited distribution pursuant to Chapter ~~4762-640~~, F.A.C. Nothing herein shall preclude disposal of ~~DDWR biosolids~~ at a ~~l~~Landfill or at a ~~w~~Wastewater ~~t~~Treatment ~~facility-Plant~~ in compliance with applicable Federal, State and local regulations nor effect any ~~DDWR biosolid~~ operation approved prior to the effective date of this Code.

1) AP and AGR Zoning Districts

A Class A or B ~~DDWR biosolid~~ shall be permitted by right on the site of a bona fide agricultural operation ~~as a matter of right~~ in the AP and AGR Zoning Deistricts in compliance with FDEP standards in Chapter ~~4762-640~~, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

2) AR Zoning District

Land application for a Class A or B ~~DDWR biosolid~~ shall be permitted in the AR Zoning Deistrict on the site of a bona fide agricultural operation following approval by the DRO. An applicant shall demonstrate compliance with FDEP standards except that the required separation from buildings and other property lines shall be as specified below. In the case of several adjacent properties which apply for a ~~DDWR biosolid~~ the properties may be combined for the purpose of measuring the required separation and the separation may be measured from the boundary of the most exterior property.

a) External Separation

There shall be a minimum separation of 500 feet from any off-site structure occupied on a daily or frequent basis by people. This distance shall be measured from the perimeter of the ~~DDWR biosolid~~ application area outward toward the structure.

b) Internal Separation

Internal to the site, there shall be a minimum 200 foot separation from the perimeter of the ~~DDWR biosolid~~ application area to the property line of the parcel.

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(Updated 10/8/15)

c) Setbacks

These setbacks may be reduced or increased by the Director of the PBCHD.

~~g. Barbed Wire~~

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord. 2011-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]~~

Reason for amendments in the Matrix: [Zoning] No change to the approval process is being proposed.

Part 3. ULDC Art. 4, Use Regulations [Related to Air Stripper] is hereby deleted from Article 4 to relocate in Art. 5 as follows:

Reason for amendments: [Zoning]

1. Relocate use from Article 4, Use Regulations and relocate standards under Article 5.B.1.A.22, Air Stripper, as the Department of Environmental Protection (DEP) and the Palm Beach County (PBC) Health Department regulate air strippers.

~~Air Stripper~~

~~A temporary remedial system which treats contaminated groundwater. [Partially relocated to new Art. 5.B.1.A.22 under Accessory Uses and Structures]~~

~~a. Duration~~

~~The length of time a remedial system may remain on a site shall be determined by ERM. [Relocated to new Art. 5.B.1.A.22 under Accessory Uses and Structures]~~

~~b. Setback~~

~~If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening. [Relocated to new Art. 5.B.1.A.22 under Accessory Uses and Structures]~~

Reason for amendments in the Matrix: [Zoning] This use is being relocated to Art. 5.B, Accessory Uses, as its typically accessory to remediation of contamination caused by other uses, such as fuel storage, gas stations and dry cleaners.

RECYCLING DROP OFF BIN USE HAS BEEN RELOCATED TO ART. 4.B.11, TEMPORARY USES TO BE ADDRESSED AT A LATER TIME.

Part 4. New ULDC Art. 5.B.1.A.22, Air Stripper, is hereby relocated from Art. 4 as follows:

Reason for amendments: [Zoning] Relocate standards under Article 5.B.1.A.22, Air Stripper. It is both an accessory use and structure which is permitted by right on a vacant lot. The DEP and the PBC Health Department regulates air strippers for onsite contaminants.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

22. Air Stripper

A remedial system which treats contaminated groundwater. [Relocated from Art. 4.B.1.A.11, Air Stripper under Utility Uses]

a. Duration

The length of time a remedial system may remain on a site shall be determined by ERM. [Relocated from Art. 4.B.1.A.11, Air Stripper under Utility Uses]

b. Setback

If the applicant is unable to meet the property development regulations, in lieu of a variance, the Zoning Division shall be authorized to determine the location of the structure and set necessary conditions for landscaping and screening. [Relocated from Art. 4.B.1.A.11, Air Stripper under Utility Uses]

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Notes:

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ATTACHMENT 1

**UTILITY USES
SUMMARY OF AMENDMENTS**

(Updated 10/8/15)

Part 5. ULDC Table 7.F.9.B, Required Incompatibility Buffer Types, is hereby amended as follows:

Reason for amendments: [Zoning] Delete footnote number one and defer to Article 7, Landscaping requirements for buffers for Minor Utilities.

Table 7.F.9.B - Required Incompatibility Buffer Types

Building Height Difference Between Adjacent Uses		Required Buffer Type
14 to 28 ft.		Type 1
28 to 35 ft.		Type 2
Greater than 35 ft.		Type 3
Existing Use Type	Proposed Use Type	Required Buffer Type
Single-Family	Multi-Family, Type II CLF	Type 1
Residential	Commercial	Type 2
Residential	Recreational	Type 2
Residential	Civic	Type 2
Residential	Agricultural	Type 3
Residential	Industrial	Type 3
Residential	Utility	Type 3
[Ord. 2008-003]		
Notes:		
1. Buffer for minor utilities shall be determined by the DRO. 2. If the height and use differences in Table 7.F.7.B are not applicable, then a compatibility buffer shall be required. (See Art. 7.F.8, Compatibility Buffer) 3. Determination of use types subject to Art. 4.A.3.A, Use Matrix.		

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