

April 27, 2011

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda
(Updated 04/25/11)

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#1	Page 7, Exhibit B, Part 1, line 3 Reason for Amendments: [Traffic Division] Correct introductory portion of Part 1 to clarify that language is to be amended and not to be deleted.
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2
3 Part 1. **ULDC Art. 1.1.2.C.110, CRALLS [Related to Definitions] (page 49 of 114), is hereby**
4 ~~deleted~~ amended as follows:
5
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#2	Page 7, Exhibit B, Part 2, line 14 Reason for amendments: [Traffic Division] Correct part used as a reference in the reason for the amendments. ...and is being deleted under Part 4213 . Consequently, all references ...
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#3	Page 9, Exhibit B, Part 7, line 38 Reason for amendments: [Traffic Division] Correct part used as a reference in the reason for the amendments. ...and is being deleted under Part 4213 . Consequently, all references ...
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#4	Page 18, Exhibit B, Part 15, lines 37 - 41 Reason for amendments: [Traffic Division] Delete previous reason for the amendments to be as follows: <u>This section of Article 12 is being converted into a separate chapter because the subject matter of "Modification or Elimination of Link or Intersection" is unrelated to the subject matter of "Constrained Facilities" with which it was previously combined.</u>
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#5	Page 38, Exhibit G, Part 3, lines 2, 4, 7, 11, 12, 14, 23, 42, 54, 57 and Page 39, Exhibit G, Part 3, line 15. Reason for amendments: [Co. Atty./Zoning] Correct scrivener's errors and amend to include minor corrections in several portions of the new section for consistency with the reason of the proposed language.
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14 **CHAPTER D ADMINISTRATIVE PROCESS**
15 **Section 7 Reasonable Accommodation**

16 **A. Purpose and Intent**

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

23 **B. Notice to the Public of Availability of Accommodation**

24 The County shall endeavor to provide notice to the public, advising that disabled individuals or
25 qualifying entities may request a Reasonable Accommodation.

26 **C. Application Procedures**

27 The application forms and requirements for submitting a request for Reasonable Accommodation
28 shall be on forms specified by the County Administrator or designee.

29 **1. Application Contents**

30 The following considerations shall be applicable for any application information or
31 documentation required:

32 **a. Confidential Information**

33 Upon submittal of any medical information or records, including but not limited to
34 condition, diagnosis, or history related to a disabled individual, an applicant may request
35 that the County, to the extent allowed by law, treat the information or records as
36 confidential. The County shall thereafter endeavor to provide notice to the disabled
37 individual, or their representative, of any request received by the County for disclosure of

Notes for Amendments to the Agenda:

Double underlined language indicates new language.

Language ~~double crossed-out~~ indicates language proposed to be deleted.

Underlined language indicates proposed new language.

Language ~~crossed-out~~ indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

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1 the medical information or documentation previously requested to be treated as
2 confidential. The County will cooperate with the disabled individual, to the extent allowed
3 by law, in actions initiated by such individual to oppose the disclosure of such medical
4 information or documentation, but the County shall have no obligation to initiate,
5 prosecute or pursue any such action, or to incur any legal or other expenses, whether by
6 retention of outside counselor, or allocation of internal resources, in connection therewith,
7 and may comply with any judicial order without prior notice to the disabled individual.

8 **b. Address of Applicant**

9 Unless governed by 42 U.S.C. §290d.d., in which case the address shall not be required,
10 but the applicant may be requested to provide documentation to substantiate a claim
11 verifying applicability.

12 **c. Address of housing**

13 Address of housing or other location at which accommodation is requested ~~unless~~
14 governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the
15 applicant may be requested to provide documentation to substantiate a claim verifying
16 applicability.

17 **2. Fee**

18 There shall be no fee imposed by the County for a request for Reasonable Accommodation
19 under this section or an appeal of a determination on such request, and the County shall
20 have no obligation to pay a requesting party's, or an appealing party as applicable, attorneys'
21 fees or costs in connection with the request, or an appeal.

22 **3. County Assistance**

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

28 **4. Findings for Reasonable Accommodation**

29 In determining whether the Reasonable Accommodation request shall be granted or denied,
30 the requesting party shall be required to establish that they are protected under the FHA or
31 ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA.
32 Although the definition of disability is subject to judicial interpretation, for purposes of this
33 ordinance the disabled individual must show:

34 a. a physical or mental impairment which substantially limits one or more major life
35 activities;

36 b. a record of having such impairment; or

37 c. that they are regarded as having such impairment.

38 The requesting party will have to demonstrate that the proposed accommodations being
39 sought are reasonable and necessary to afford disabled persons equal opportunity to use
40 and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a
41 decision upon a Reasonable Accommodation request made by the appropriate PBC official.

42 **5. Authority**

43 The determination of which appropriate PBC official has the authority to consider and act on
44 requests, or appeals of a decision, for Reasonable Accommodation, shall be consistent with
45 Art. 1.B.1.A, Authority.

46 **6. Action by Appropriate PBC Official**

47 A written determination shall be issued by the appropriate PBC official within 45 days of the
48 date of receipt of an application (when determined to be sufficient).

49 **a. Additional Information**

50 If reasonably necessary to reach a determination on the request for Reasonable
51 Accommodation, the appropriate PBC official, may, prior to the end of said 45 day period,
52 request additional information from the requesting party, specifying in sufficient detail
53 what information is required. The requesting party shall have 15 days after the date of
54 the request for additional information to provide the requested information. In the event a
55 request for additional information is made, the 45 day period to issue a written
56 determination shall no longer be applicable, and the appropriate PBC official, shall issue
57 a written determination within 30 days after receipt of the additional information. If the
58 requesting party fails to provide the requested additional information within said 15 day
59 period, the appropriate PBC official, shall issue written notice advising that the requesting
60 party had failed to timely submit the additional information and therefore the request for
61 Reasonable Accommodation shall be deemed abandoned or withdrawn and no further
62 action by the County with regard to said Reasonable Accommodation request shall be
63 required.

64 **b. Determination**

65 In accordance with Federal law, the appropriate PBC official, shall:

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April 27, 2011

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda

(Updated 04/25/11)

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- 1) grant the accommodation request;
- 2) grant a portion of the request and deny a portion of the request;
- 3) impose conditions upon the grant of the request; or
- 4) deny the request. Any such denial shall be in writing and shall state the grounds therefore.

c. Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested.

7. Appeal

Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by petition for writ of certiorari.

8. Stay of Enforcement

While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the applicant.

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Notes for Amendments to the Agenda:

Double underlined language indicates new language.

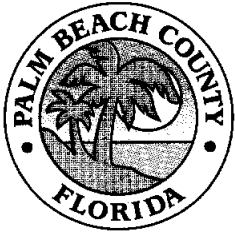
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Department of Planning,

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

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**Palm Beach County
Board of County
Commissioners**

Karen T. Marcus, Chair

Shelley Vana, Vice Chair

Paulette Burdick

Steven L. Abrams

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
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April 20, 2011

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

RE: April 27, 2011 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, April 27, 2011.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: April 27, 2011 LDRAB Agenda

c: Verdenia C. Baker, Deputy County Administrator
Barbara Alterman, Esq., Executive Director, PZB
Lenny Berger, Assistant County Attorney
Bob Banks, Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
Maryann Kwok, Chief Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Bryan Davis, Principal Planner, Planning
John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 27, 2011

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Vacant (League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jose Jaramillo (A.I.A.)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Michael Cantwell (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

Robert Schulbaum (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Patrick Gleason (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Karen T. Marcus
Chair, District 1

Shelley Vana
Vice Chair, District 3

Paulette Burdick
Commissioner, District 2

Steven L. Abrams
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, APRIL 27, 2011 AGENDA

2300 NORTH JOG ROAD

1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of March 23, 2011 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Article 12 – Traffic Performance Standards
2. Exhibit C Article 13 – Impact Fees
2. Exhibit D Article 15 – Health Regulations
3. Exhibit E Gas and Fuel, Retail
4. Exhibit F Day Care
5. Exhibit G Reasonable Accommodation

C. PUBLIC COMMENTS

D. STAFF COMMENTS

1. Produce Stand/Green Market Subcommittee (Round 2011-02)

E. ADJOURN

EXHIBIT A

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

Minutes of March 23, 2011 Meeting

On Wednesday, March 23, 2011 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Second Floor Meeting Room (VC-2E-55), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Jose Jaramillo (AIA)
Rosa Durando (Environmental Organization)
Michael Cantwell (PBC Board of Realtors)
Gary Rayman (Fl. Soc. of Prof. Land Surveyors)
Terrence Bailey (Florida Eng. Society)
Joanne Davis (District 1)*
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Martin Klein (District 7)
Patrick Gleason (Member At Large, Alternate)

Members Absent: 3

David Carpenter (District 2)
Maurice Jacobson (Condominium Association)
Mike Zimmerman (District 6)
Member At Large: 1 (Not Attending)
Robert Schulbaum (Member At Large, Alternate)
Vacancies: 2
Vacant (League of Cities)
Vacant (Assoc. General Contractors of America)

County Staff Present:

Bob Banks, Assistant County Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Ann DeVeaux, Zoning Technician, Zoning
John Rupertus, Senior Planner, Planning
Robert Kraus, Senior Site Planner, ERM
Glenn Mark, Registered Land Surveyor, Survey Div.

2. Additions, Substitutions, and Deletions

Mr. Cross introduced Patrick Gleason as the new Member at Large Alternate.

3. Motion to Adopt Agenda

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0).

4. Adoption of February 23, 2011 Minutes (Exhibit A)

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0).

B. ULDC Amendments

1. Exhibit B: Article 1 – General Provisions

Mr. Kraus explained that the definition for Coastal Construction is being amended to reflect applicability to a limited portion of Article 14 that pertains to ERM's role in regulating development where associated with Sea Turtle Protection or Sand Preservation.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0*).

2. Exhibit C: Article 2 – Development Review Procedures

Ms. Cantor stated that the amendment deletes requirements related to the Annual Public Facilities Update Report which was deleted in Ordinance 2010-022, Exhibit L.

Motion to adopt by Raymond Puzzitiello, seconded by Jose Jaramillo. The motion passed unanimously (12-0*).

3. Exhibit D: Article 6 – Parking

Ms. Cantor explained that the amendment in Part 1 includes references to the Florida Building Code, Chapter 11, and Florida Accessibility Code for Building Construction, to increase the number of parking spaces for persons who have disabilities when medical

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of March 23, 2011 Meeting

uses serve persons with mobility impairment; and, Part 2 corrects the dimensions for the striping illustrated in Figure 6.A.1.D, Striping Standards to be consistent with the language in Art. 6.A.1.D.14.b.5, Stripes.

Mr. Jaramillo mentioned that Chapter 11 will be pulled out of the Building Code and a new American with Disabilities Act (ADA) Code will be forthcoming.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0*)

4. Exhibit E: Article 8 – Signage

Ms. Cantor stated that the amendment relates to a minor glitch in Ordinance 2007-013 to correct symbols used for the R-O-W width dimensions that determine the maximum height of freestanding signs. It includes greater than or equal to symbols shown separately to facilitate reading of the table.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0*).

* Joanne Davis arrives at 2:13 p.m.

5. Exhibit F: Article 11 – Subdivision, Platting and Required Improvements

Mr. Mark explained that the proposed amendment revises references for consistency with Florida Minimum Technical Standards applicable to surveys; revises the Chapter number in the Florida Administrative Code (F.A.C.) that is applicable to Florida Surveyors and Mappers; and, clarifies the type of survey required for subdivision submittals.

Mr. Rayman asked if the abstracted boundary survey in Part 3 still requires the survey to be signed and sealed. Mr. Mark answered that a survey always needs to be signed and sealed regardless if it is certified or not.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

6. Exhibit G: Criteria for Rezoning

Mr. Cross summarized that the amendment reorganizes language and clarifies that a parcel's Zoning District shall be consistent with its Future Land Use Designation; and, clarifies that any request for a Development Order is subject to review to determine consistency with rezoning.

From the public, Ms. Thuy Shutt of Westgate Belvedere Homes CRA questioned how variances and rezoning are handled when multiple zoning districts are involved. Joni Brinkman of Urban Design Kilday Studios questioned if authorization to rezone is not given, can the platting process still be pursued.

Mr. MacGillis clarified that the intent of the regulations is not to be a barrier to redevelopment. If the lowest zoning district is chosen and the parcel is not a legal lot of record, a variance would not be required.

Ms. Durando expressed concerns regarding how land use is determined and if 25 percent of agricultural land is still preserved for agricultural use. Mr. Cross explained that land use is determined by the Comprehensive Plan which is implemented by the ULDC. Any use that existed prior to 1957 is vested. Mr. Rupertus clarified that the land use for a 25 percent preservation parcel reserved for agricultural use was changed through a public hearing process to RR-10.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed (12-1). Ms. Durando voted nay.

7. Exhibit H: Generators

Ms. Cantor explained that the amendment corrects the square footage requirement for club houses in TDDs from 2,500 to 20,000 to provide a permanent generator. This change was inadvertently omitted in Ordinance 2007-013 when the original change of the square footage was approved. Ms. Cantor further explained the amendment also

EXHIBIT A

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

Minutes of March 23, 2011 Meeting

replaces the term “current assessed value” for “Improvement Value” to match Art. 1 E, Prior Approvals.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

8. Exhibit I: Mechanical Equipment

Ms. Cantor stated that the amendment clarifies inconsistencies in the exemption from requirements for mechanical equipment screening located on structures adjacent to non-industrial uses. Discussion ensued regarding proposed language requiring a line of sight drawing in order to demonstrate that mechanical equipment would not be visible from a R.O.W. The consensus was to change the language in page 27 of 27, Article 5.B.1.A.19.a.2).b), Exemption as follows: line 21, change the word “may” to “shall” and make it numeral (1), place below (1) the language under lines 23 to 25, Art. 5.B.1.A.19.a.2).b).(1) to be (1)(a), lines 29 to 30, Art. 5.B.1.A.19.a.2).b).(3) to be ~~(3)~~(1)(b), and, lines 35 to 39, Art. 5.B.1.A.19.a.2).b).(4) to be ~~(4)~~(1)(c). It was proposed to have numeral (2), Article 5.B.1.A.19.a.2).b).(2), lines 26 to 28, as a separate statement and include the following underlined text at the beginning of the sentence: “Subject to Zoning Director discretion, the screening may not be required for any industrial use with ...”

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

Mr. Knight mentioned a recent article in the Palm Beach Post that referenced the State spending money to create jobs while small businesses are being shut down simultaneously for Code violations. He expressed that revisions to Code language should be viewed from the standpoint of acting in the best interest of the public and job creation versus the possible elimination of jobs, particularly for cases involving farmers markets. Mr. Cross commented that Zoning staff supported the concept of locally grown produce and uses that provided such to be available in neighborhoods or to the general public. Mr. Cross reiterated that staff had mentioned they would be convening a subcommittee on farmers market and produce stands in the next round. The following LDRAB members expressed interest in participating on the subcommittee: Lori Vinikoor, Wes Blackman, Joanne Davis and Jim Knight.

C. Public Comments

No public comments were heard at the meeting.

D. Staff Comments

Mr. Cross gave an update on the following subcommittees and the Mining consensus building workshops:

- Excavation-Mining – The Consensus Resolution Process involving environmentalist and land owners is ongoing. The third workshop is scheduled for March 25 and a workshop with the BCC has been scheduled for April 12, 2011.
- Renewable Energy (Wind) - The next meeting is March 30 to present a draft exhibit that incorporates feedback obtained from the subcommittee on March 2.
- Urban Redevelopment Area (URA) – The Planning Division is presenting proposed text amendments to the Planning Commission on March 25, and will be presented to the BCC on March 28 for Transmittal to DCA. The 1st subcommittee meeting is March 30.
- Pain Management Clinics – A Zoning In Progress (ZIP) has been initiated to regulate the dispensing of targeted drugs by Doctors and pharmacies. The next meeting is scheduled for April 18.

E. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:02 p.m.

Recorded tapes of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: Ann DeVeaux, Zoning Tech. _____ 4-14-11
Name (signature) **Date**

U:\Zoning\CODEREV\2011\LDRAB\Meetings\4-27-11\4 Final packet for LDRAB\Exhibit A - LDRAB March Minutes 4-14.docx

EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

1
2 Part 1. ULDC Art. 1.1.2.C.110, CRALLS [Related to Definitions] (page 49 of 114), is hereby
3 deleted as follows:
4

Reason for amendments: [Traffic Division] Since Article 12, Chapter G (Affordable Housing) is being deleted in Part 12, the next Chapter (Constrained Facilities) will be renumbered to become Chapter G.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 C. Terms defined herein or referenced Article shall have the following meanings:
8 110. **CRALLS** - constrained roadway at a lower LOS - a Major Thoroughfare on which a lower
9 LOS is set pursuant to Art. 12. ~~HG~~, Constrained Facilities, herein.
10

11
12 Part 2. ULDC Art. 1.1.2.P.92, Project to Provide Affordable Housing [Related to Definitions]
13 (page 83 of 114), is hereby deleted as follows:
14

Reason for amendments: [Traffic Division] The TPS methodology shown in Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and is being deleted under Part 12. Consequently, all references to Article 12.G also need to be deleted.

15 CHAPTER I DEFINITIONS & ACRONYMS

16 Section 2 Definitions

17 P. Terms defined herein or referenced Article shall have the following meanings:
18 ~~92. Project to Provide Affordable Housing – for the purposes of Art. 12, a Project eligible for~~
19 ~~the special applicability in Art. 12.G, Affordable Housing, pursuant to either:~~
20 ~~a. BCC determination, upon the recommendation of the Commission on Affordable~~
21 ~~Housing, both based upon the criteria developed by the Commission on Affordable~~
22 ~~Housing and adopted by ordinance of the BCC; or~~
23 ~~b. Art. 12.G.1, Applicability, of this Section.~~
24 [Renumber Accordingly]

25
26
27 Part 3. ULDC Art. 5.G.1.E.2.a, WHP Special Methodologies [Related to Traffic Performance
28 Standards Mitigation under Workforce Housing Program (WHP) Incentives] (page 64 of
29 90), is hereby amended as follows:
30

Reason for amendments: [Traffic Division] The reference to the TPS methodology for Workforce Housing Program projects is corrected to no longer refer to ULDC Article 12.G.6 but to Comprehensive Plan Transportation Element Policy 1.2-d (4).

31 CHAPTER G DENSITY BONUS PROGRAMS

32 Section 1 Workforce Housing Program (WHP)

33 E. WHP Incentives
34 2. Traffic Performance Standards Mitigation
35 a. WHP Special Methodologies
36 TPS mitigation shall be permitted for WHP projects in accordance with ~~Art. 12.G.6,~~
37 ~~Workforce Housing County Comprehensive Plan Transportation Element Policy 1.2-d (4).~~
38 [Ord. 2006-055]
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Notes:
Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].
~~Stricken~~ indicates text to be **deleted**.
Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

1
2 Part 4. ULDC Art. 5.G.2.D.2.a, AHP Special Methodologies [Related to Traffic Performance
3 Standards Mitigation under Affordable Housing Program (AHP) Incentives] (page 71 of
4 90), is hereby amended as follows:
5

Reason for amendments: [Traffic Division] The reference to the TPS methodology for Affordable Housing Program projects is corrected to no longer refer to ULDC Article 12.G.6 but to Comprehensive Plan Transportation Element Policy 1.2-d (4).

6 CHAPTER G DENSITY BONUS PROGRAMS

7 Section 2 Affordable Housing Program (AHP)

8 D. AHP Incentives

9
10 2. Traffic Performance Standards Mitigation

11 a. AHP Special Methodologies

12 TPS mitigation shall be permitted for AHP projects in accordance with ~~Article 12.G.6,~~
13 ~~Affordable Housing County Comprehensive Plan Transportation Element Policy 1.2-d (4).~~
14 [Ord. 2009-040]
15
16
17

18 Part 5. ULDC Art. 12.A.3.B, Credits Against Project Traffic [Related to Credit Against Project
19 Traffic for Previously Approved or Captured Nonresidential Projects] (page 10 of 60), is
20 hereby amended as follows:
21

Reason for amendments: [Traffic Division] An incorrect reference to “Previously Approved” Project in this paragraph is being deleted. A “Previously Approved” Project’s credit for traffic is 100% and is covered in an earlier paragraph under Article 12.A.3.B.1.

22 CHAPTER A GENERAL

23 Section 3 Applicability

24 B. Credits Against Project Traffic

25
26 3. A Project shall be eligible for a 100 percent credit against Project Traffic if the ~~Previously~~
27 ~~Approved or~~ Previously Captured non-residential Project has received CO for interior tenant
28 improvements for at least 80 percent of the gross leasable area for more than five years or
29 the ~~Previously Approved or~~ Previously Captured residential Project has received building
30 permits for 80 percent of the units as set forth in the master plan or site plan as applicable.
31 [Ord. 2007-013]
32
33
34

35 Part 6. ULDC Art. 12.A.3.C, Non-Applicability [Related to Subsequent or Amendments to
36 Development Orders and Requirements for Application and Supporting Data Required
37 for Approval] (page 11 of 61), is hereby amended as follows:
38

Reason for amendments: [Traffic Division] This clarifies an existing paragraph which dealt with two unrelated subjects by dividing it into two separate paragraphs (#5 and #6) and rewording the text with proper terminology. With respect to “Previously Captured Projects”, Paragraph 6 clarifies that TPS does not apply if a change to the uses, densities, or intensities does not result in additional traffic. However, if the traffic remains the same but some other type of change (i.e. to a development order phasing condition) is proposed, then the Previously Captured Project is required to be readdressed under TPS. Paragraph 8 is being deleted because it is more appropriately included under Article 12.D.2.B (Procedure) --- see below.

47 CHAPTER A GENERAL

48 Section 3 Applicability

49 C. Non-Applicability

50 5. ~~Subsequent or Amendments to Development Orders~~ *Subsequent Implementing*
51 *Development Orders*

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

a. Subsequent Implementing Development Orders

~~For a Previously Captured Project, the standards of this Article shall not apply to a subsequent implementing Development Order. Site Specific Development Orders which are subsequent implementing Development Orders to Previously Approved Site Specific Development Orders which were captured by this Section or Ordinance 90-6 (Traffic Performance Standards Municipal Implementation Ordinance), but which are required by Local Government as part of the Development approved under the captured or Previously Approved Site Specific Development Order.~~ Examples of these subsequent implementing Site Specific Development Orders are subdivision approvals and building permits issued in a Planned Unit Development (PUD) ~~where the PUD is a Previous Approval or met the requirements of this Article (either directly or through the Traffic Performance Standards Municipal Implementation Ordinance).~~

6b. Amendments to Previously Captured Approvals Previously Captured Projects

~~Amendments to Site Specific Development Orders the uses, densities or intensities of a Previously Captured Project which were captured by this Article or Ord. 90-6 (Traffic Performance Standards Municipal Implementation Ordinance) which do not increase the captured Site Specific Development Orders Net Trips or Net Peak Hour Trips on any Link or Major Intersection (including increases resulting from redistribution) shall not be subject to the standards of this Article. For purposes of this determination, the generation rates and capture rates of the captured Site Specific Development Order Previously Captured Project shall be updated to current generation and capture rates, if applicable, and shall be used to calculate whether there is any increase. If there is an increase, Net Trips shall be subject to the standards of this Article. In making this determination, all parcels or lots in their entirety taken together of any Previously Captured Approval Previously Captured Project shall be considered if it was approved as a single Project. [Ord. 2010-022]~~

[Renumber accordingly]

~~**8. Requirements**~~

~~The exceptions to the standards of this Article (LOS Standards) do not obviate the requirement to report the Site Specific Development Order, or provide the Traffic Impact Study (where required), to the County Engineer.~~

Part 7. ULDC Art. 12.A.3.C.7, Exceptions [Related to Non-applicability] (page 11 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] The TPS methodology shown in Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and is being deleted under Part 12. Consequently, all references to Article 12.G also need to be deleted.

CHAPTER A GENERAL

Section 3 Applicability

C. Non-Applicability

~~**7g. Exceptions**~~

The standards of this Article shall not apply to Site Specific Development Orders for the Coastal Residential use as set forth in Article 12.I, COASTAL RESIDENTIAL EXCEPTION; ~~the small 100 percent very low and low income housing Project as set forth in Article 12.G, AFFORDABLE HOUSING~~ and the special events, as set forth in Article 12.A.3.C.4, Special Events.

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

1
2 **Part 8. ULDC Art. 12.B.2.A.1, Part One - Intersections [Related to the Nearest Point of Entry or**
3 **Exit from the Project’s Accessed Link] (pages 13 of 61), is hereby amended as follows:**
4

5 **Reason for amendments:** [Traffic Division] Because TPS has changed to a peak directional traffic
6 standard, the calculation of Project Traffic Significance at intersections for purposes of Test One/Part One
7 (Intersections) needed to be revised correspondingly. With two-way peak traffic, analysis of intersections
8 was required when both entering and exiting Project Traffic exceeded the 1% of adopted level-of-service
9 threshold. Since the peak directional traffic standard evaluates traffic in only one direction, the
10 corresponding version of this requirement should be that the 1% threshold be measured only in one
11 direction, either as entering or exiting.

12 **CHAPTER B STANDARD**

13 **Section 2 Project Buildout/Five Year Standard**

14 **A. Buildout Test - Test 1- Part One and Two**

15
16 **1. Part One – Intersections**

- 17
18 a. The following major intersections shall be analyzed: **[Ord. 2007-013]**
19 1) The Major Intersections in each direction nearest to the point at which the Project’s
20 Traffic enters each Project Accessed Link, and where the Project Traffic entering ~~and~~
21 or exiting the intersection is significant. The intersections analyzed shall not exceed
22 two intersections per Project Accessed Link. **[Ord. 2007-013]**
23
24

25
26 **Part 9. ULDC Art. 12.B.2.A.1, Part One - Intersections [Related to Signalized Intersections]**
27 **(pages 13 of 61), is hereby amended as follows:**
28

29 **Reason for amendments:** [Traffic Division] Because of the unique operational characteristics and
30 signal timing/phasing associated with grade separated interchanges, the signalized intersections with the
31 ramps cannot be accurately analyzed with the HCM 1985 Planning Methodology (CMA). The HCM
32 Operational Analysis is a much more detailed methodology which takes the special characteristics of the
33 interchange intersections into consideration.

34 **CHAPTER B STANDARD**

35 **Section 2 Project Buildout/Five Year Standard**

36 **A. Buildout Test - Test 1- Part One and Two**

37 No Project shall be approved for Site Specific Development Order unless it can be shown to
38 satisfy the requirement of Parts One and Two of Test 1 as outlined below. **[Ord. 2009-040]**

39 **1. Part One – Intersections**

- 40
41 b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, ~~or~~ TRIP
42 funded facilities, or grade-separated interchanges, analyze the Major Intersections using
43 the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). In the event
44 that one or more intersections exceed the Critical Volume threshold identified in Table
45 12.B.2.C-2 1B, are grade-separated interchanges, or the intersections are part of the SIS,
46 SIS Connectors, FIHS, or TRIP funded facilities, the applicant shall conduct the
47 intersection analysis of those intersections using the HCM Operational Analysis using the
48 most recent version of the HCM. **[Ord. 2007-013] [Ord. 2009-040]**
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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

1
2 Part 10. ULDC Art. 12.C.1.C.4, Background Traffic (pages 25 of 61), is hereby amended as
3 follows:
4

5 **Reason for amendments:** [Traffic Division] The description of "Background Traffic" is modified in
6 recognition of the fact that the TPS Database is an imperfect tool for compiling approved development
7 information. Errors and omissions have occurred and will continue to occur. However, if corrected
8 information is provided by the applicant's consultants or by County staff prior to the final approval of a
9 traffic study, it can be included with minimal effort and delay, resulting in a more accurate forecast of
10 traffic impacts. This will also provide an incentive for updating the TPS Database with more accurate
11 information. In some cases, it may also be necessary to account for additional Projects which Staff has
12 not yet had time to add to the TPS Database but which have received traffic concurrency approval
13 letters/signoffs from the County.

14 CHAPTER C TRAFFIC IMPACT STUDIES

15 Section 1 Traffic Impact Studies

16 C. Traffic Volume Components

17 The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and
18 the Five Year Analysis Period as outlined for Test 1 and Test 2. [Ord. 2006-043] [Ord. 2007-
19 013]

20 4. Background Traffic

21 a. General

22 Existing traffic volumes will likely change during the Buildout Period of the proposed
23 Project and during the five-year Test 2 analysis period. The traffic study must account for
24 this change in traffic based on Background Traffic during the Buildout Period of the
25 proposed Project and five-year Test 2 analysis periods. The Projection of Background
26 Traffic shall generally be based upon the information set forth in the TPS Database, and
27 shall be established in accordance with the requirements set forth in this Article and
28 accepted engineering principles. It is recognized that errors and omissions may occur in
29 the TPS Database which will need to be accounted for in a traffic study if identified prior
30 to that study's final approval. This change in traffic shall be shown as it relates to the
31 proposed phasing. The Projection of Background Traffic during the Buildout Period of the
32 proposed Project and five-year Test 2 analysis period shall generally be based upon the
33 TPS Database, and subject to the review and approval of the County Engineer, using the
34 following criteria: [Ord. 2006-043]

- 35 1) Historical growth shown on tables of County Engineer;
- 36 2) Characteristics of growth in the Radius of Development Influence;
- 37 3) Extent of existing, approved, and anticipated development in the Radius of
- 38 Development Influence;
- 39 4) Types and sizes of development in the area;
- 40 5) Traffic circulation in the area;
- 41 6) Major Projects' impact;
- 42 7) New and assured road construction.

43
44 c. TPS Database

45 Using the TPS Database and any supplementary information, all traffic from the unbuilt
46 portion of Projects which have received a concurrency reservation prior to the County
47 Engineer's approval of the proposed Project's traffic study which will add significant trips
48 to any Link within the proposed Project's Radius of Development Influence during the
49 Buildout Period of proposed Project shall be specifically accounted for in projecting
50 Traffic for Test 1. For major intersections, the TPS Database shall specifically account
51 for all Project Traffic volumes if at least one approach to the intersection has a Project
52 Traffic volume greater than or equal to 1% of the adopted LOS D. No double counting of
53 trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the
54 Projects as set forth above which are projected to be built during the Five-Year Analysis
55 Period shall be considered. [Ord. 2005-002] [Ord. 2006-043] [Ord. 2009-040]

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

1
2 **Part 11. ULDC Art. 12.D.2.B, Municipal Review (pages 27 of 61), is hereby amended as follows:**
3

4 **Reason for amendments:** [Traffic Division] This sentence substitutes for the language deleted under
5 Article 12.A.3.C.8 above which requires a Municipality still notify the County Engineer of Projects
6 determined to be exempt from TPS. This provides the County with information to add these Projects to
7 the TPS Database if necessary.

8 **CHAPTER D PROCEDURE**

9 **Section 2 Review of Traffic Impact Study**

10 **B. Municipal Review**

11 On all other proposed Projects the Municipality shall perform such review unless the Municipality
12 provides in writing, delivered to the County, that the Municipality elects to require review by the
13 County Engineer. If the Municipality elects to perform the review, it shall be done by a Municipal
14 Engineer. The review shall be in accordance with the requirements of this Article. In the case of
15 Municipal review, 30 days prior to approval of the application for the Site Specific Development
16 Order, the Traffic Impact Study, along with the determination of the reviewing traffic engineer,
17 shall be sent to the County Engineer, c/o Traffic Division, 2300 North Jog Road, West Palm
18 Beach, Florida, 33411. A Municipality shall also provide notice to the County Engineer prior to
19 approval of the application for the Site Specific Development Order which claims Non-
20 Applicability to this Article pursuant to Article 12.A.3.C, Non-Applicability. A statement that the
21 Municipality is considering an application for a Site Specific Development Order shall also be sent
22 to any Municipality within the Project's Radius of Development Influence involved 30 days prior to
23 issuance of the Site Specific Development Order for all proposed Projects generating more than
24 one 100 Gross Peak Hour Trips. All documents under this Article shall be sent by U.S. Mail, or
25 hand delivered.
26
27

28 **Part 12. ULDC Art. 12.F.1, Board (pages 28 of 61), is hereby amended as follows:**
29

30 **Reason for amendments:** [Traffic Division] This language is being added for clarification purposes to
31 note that appeals of traffic engineering decisions heard by the TPSAB must be related to ULDC Article
32 12.

33 **CHAPTER F APPEALS**

34 **Section 1 Board**

35 Except as specifically provided in this Article, appeals from the decisions of the County Engineer or
36 Municipal Engineer, and from all traffic engineering decisions made pursuant to this Article, shall be taken
37 to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of
38 Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a
39 professional traffic engineer employed by a municipality as a traffic engineer, a professional traffic
40 engineer employed by another Florida County, a professional traffic engineer employed by the FDOT,
41 District IV, and a professional traffic engineer who generally represents developers. Any individual serving
42 on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or
43 is retained by a party to the appeal or a person who would be directly affected by the matter being
44 appealed or the Proposed Project to which the appeal relates.
45
46

47 **Part 13. ULDC Art. 12.G, Affordable Housing (pages 29-32 of 61), is hereby deleted as follows:**
48

49 **Reason for amendments:** [Traffic Division] Currently the ULDC refers to Article 12.G.6 for the TPS
50 methodology applicable to the Workforce Housing Program (WHP) (Article 5.G.1.E.2.a.) and for the
51 Affordable Housing Program (AHP) (Article 5.G.2.D.2.a.). However, the TPS methodology shown in
52 Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and
53 therefore needs to be deleted. Also, the references in Article 5 needs to be changed and are shown
54 separately.
55

56 ~~**CHAPTER G—AFFORDABLE HOUSING**~~

57 ~~**Section 1—Applicability**~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

~~A.—Applicability~~

~~This Chapter applies to "Projects to Provide Affordable Housing." Income limits for purposes of this shall be as set forth in the Plan, Housing Element, using the median income as established by the U.S. Department of Housing and Urban Development, Subsection 8 Income Guidelines, West Palm Beach – Boca Raton – Delray Beach, Florida.~~

~~B.—Definition~~

~~Affordable housing shall be that housing where mortgage payments, taxes, insurance, and utilities on owner-occupied housing; and contract rent and utilities on renter-occupied; is less than or equal to 30 percent of the applicable Adjusted Gross Income as described in the preceding paragraph.~~

~~Section 2 — Eligibility~~

~~In order to be eligible for Traffic Concurrency Relief under this Section, a Project must provide one of the following:~~

~~A. Mixed housing which enhances or balances the proportions of very low and low income and market-rate housing within the surrounding area as designated by a sector. A sector is defined in the Supporting Document of Transportation Element of the Plan and is provided here for convenience. A sector is "...a geographic area that shall include and be relative to the size and location of the proposed development. It shall consist of one or more neighborhoods that contain a school, an integrated network of residential and collector streets bounded by arterial roads, civic uses, and localized shopping and employment opportunities. The sector will include a minimum of one census tract but shall not extend beyond important physical boundaries which may include a major arterial roadway or wildlife refuge." [Ord. 2005—002]~~

~~B. Meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below. [Ord. 2005—002]~~

~~1. A mixed housing Project shall not exacerbate an existing imbalance of very low/low income housing opportunities within the sector of the proposed development, but shall achieve an economic balance of households, as measured by household income, within a designated sector and shall promote the following ranges of housing opportunities:~~

Table 12.G.2-11 – Ranges of Housing Opportunities

Very low (up to 50 percent of the median)	10—40 percent
Low (from 50 percent to 80 percent of the median)	10—40 percent
Moderate (from 80 percent to 120 percent of the median)	20—70 percent
Middle (from 120 percent to 150 percent of the median)	10—20 percent
High (over 150 percent of the median)	05—30 percent
[Ord. 2005-002]	

~~Section 3 — Application Review of Special Methodologies Projects~~

~~A.—Submittal~~

~~An application shall be submitted, in duplicate, to the Planning Division to be considered for traffic concurrency under this Special Methodologies Section. The form of this application shall be prepared by the Planning Division, in coordination with the Commission on Affordable Housing.~~

~~1. The application shall be reviewed for sufficiency by the Planning Division, and the applicant shall be notified of any deficiencies within five working days of receipt of the application. Further processing of the application shall be suspended until the required items and information are provided.~~

~~B.—Review~~

~~The complete application shall be reviewed by both the Planning Division and the Commission on Affordable Housing staff who shall determine if a Project qualifies as either a 100 percent very low and low Housing Project or a Mixed Housing Project.~~

~~1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:~~

~~a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element Policy 1.2-b of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality,~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

- 1 neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, open
- 2 space, parks and landscaping.
- 3 ~~b. Whether the Project furthers the balance of housing opportunities within a sector by~~
- 4 ~~providing units which meet the minimum required housing in the very low, low and~~
- 5 ~~moderate categories determined by the existing percentage of very low, low and~~
- 6 ~~moderate income housing in that sector. The following table shows the proportions of~~
- 7 ~~households as described by income:~~
- 8 ~~2. When determining whether a Project qualifies as a Workforce Housing Project, the staff shall~~
- 9 ~~meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below.~~
- 10 ~~[Ord. 2005 – 002]~~
- 11

~~Table 12.G.3.B – 12 – Proportions of Households as Described by Income~~

Income Category	Percent of Affordable Housing Existing Within a Sector and Minimum Very Low and Low Housing Required *,**				
	Very Low And Low	Existing	Under 20 percent	20-40 percent	40-50 percent
Required		40 percent	30 percent	20 percent	10 percent
Percent of Moderate Income Housing Existing Within a Sector and Minimum Moderate Housing Required					
Moderate and Above	Existing	Under 20 percent	20-60 percent	Above 60 percent	
	Required	20 percent	10 percent	0 percent	
[Ord. 2005 – 002]					
* The distribution of very low and/or low required in a Project is 50 percent of each type of housing with the exception of Projects with only owner-occupied units which shall be required only to provide low income units. These Projects may fulfill the minimum requirement of very low and low income units with the provision of all low income units.					
** Minimum percentages as applied to a number of units to be constructed will be rounded down to the nearest whole unit number or one unit, whichever is greater.					
Note: The Commission of Affordable Housing, in conjunction with the Planning Division, shall identify and periodically update the criteria to be used for evaluating the appropriate mix of very low, low, and other housing in a Project that is to be reviewed for compliance with the Special Methodologies provisions. Upon request, this information shall be made available to an applicant.					

12 **Section 4 – Approval**

- 13 ~~A. In the event the Project is found to qualify as a Mixed Housing Project, the Planning Director shall~~
- 14 ~~notify the County Traffic Engineer that this Project need not meet the LOS Standards if the~~
- 15 ~~Project Traffic is less than or equal to three percent of the Average Daily Traffic LOS D Standard~~
- 16 ~~on any Link; provided however, that the cumulative traffic from Mixed Housing Projects on any~~
- 17 ~~Link does not exceed three percent of Adopted LOS D Standard. [Ord. 2005 – 002]~~
- 18 ~~B. The relief provided under this special Methodology Section shall be considered in determining~~
- 19 ~~whether or not there are adequate road facilities for this Project in accordance with this Code. In~~
- 20 ~~the event that is a determination of sufficiency, any Concurrence reservation issued by the Zoning~~
- 21 ~~Director for the Project must include a condition prohibiting the issuance of a Development Order~~
- 22 ~~until a covenant is recorded in the Public Records of PBC as outlined in the paragraph below.~~
- 23 ~~[Ord. 2005 – 002]~~
- 24 ~~C. The applicant shall prepare a covenant approved by the Commission on Affordable Housing,~~
- 25 ~~determined to be legally sufficient by the County Attorney. The covenant, to be recorded in the~~
- 26 ~~public records of PBC, shall guarantee, for a period of at least ten years for single family housing~~
- 27 ~~and 20 years for multi-family housing rental units, how the affordability shall be maintained for~~
- 28 ~~units required to be very low and moderate income (pursuant to income categories and definitions~~
- 29 ~~of the Plan, Housing Element). The period of time these units will remain affordable shall~~
- 30 ~~commence from the date of the issuance of the final CO for the first required affordable unit built~~
- 31 ~~in the Project. The covenant shall be recorded in the Public Records of the Clerk of the Court for~~
- 32 ~~PBC prior to final DRO approval of the site plan. For a mixed housing project located within a~~
- 33 ~~municipality the covenant shall be recorded in the Public Records of the Clerk of the Circuit Court~~
- 34 ~~for PBC prior to the issuance of any building permit by the municipality. [Ord. 2005 – 002]~~

35 **Section 5 – Municipal and Department Coordination**

- 36 ~~A. In the event that a Project being proposed is in part or wholly within a municipality, the Planning~~
- 37 ~~Director shall provide the appropriate officials of the city with the conditions upon which the~~
- 38 ~~Project is to receive traffic concurrency. The Planning Division shall coordinate with the municipal~~
- 39 ~~staff to ensure that the issuance of certificates of occupancy for the required housing complies~~
- 40 ~~with the covenanted requirements and conditions.~~
- 41 ~~B. The Traffic Division shall be responsible for monitoring the exempted traffic under the Special~~
- 42 ~~Methodologies for the LOS standard for Links impacted by the specific type, i.e. for mixed~~
- 43 ~~housing developments. The respective limit is three percent for any impacted Link on the PBCs~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS

(Updated 4/6/11)

~~thoroughfare network. The Traffic Engineer shall determine whether the Project traffic, when added to all other existing approved Projects' traffic exempted under the Special Methodologies procedures, exceeds the limits for exempted volume for the mixed housing development. [Ord. 2005 – 002]~~

~~C. The Traffic Engineer shall inform the Planning Director, prior to the certification of the Project at the DRO, when a Special Methodologies application has been approved for the traffic exemption from the applicable LOS standard. The Planning Director shall include this information in the review of an application for development certification at the DRO for a Project to be built in unincorporated PBC.~~

~~D. The Commission of Affordable Housing shall monitor the Project for compliance with the required covenant.~~

~~Section 6 – Workforce Housing and Affordable Housing~~

~~A. Workforce Housing Program (WHP)~~

~~TE Policy 1.2.b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level of service (including Florida Strategic Inter-modal System [SIS]). The project's net trips associated with all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level of service significance level in determining compliance with TPS. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2005 – 002] [Ord. 2006-055] [Ord. 2010-005]~~

~~B. Affordable Housing Program (AHP)~~

~~TE Policy 1.2.b of the Plan allows special methodologies to be applied for AHP projects. The project's net trips associated with the units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level of service significance level. The project's net trips associated with the entire project (including any bonus density units) shall be subject to the 5% adopted level of service significance level in determining compliance with the Traffic Performance Standards. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2010-005]~~

Part 14. ULDC Art. 12.H, Constrained Facilities (pages 33 - 34 of 61 and Exhibit D of Ordinance 2011-001), is hereby amended as follows:

Reason for amendments: [Traffic Division] Changes to the procedure for Constrained Roadway at Lower Level-of-Service (CRALLS) application are needed for clarification and to eliminate repetition. Among the items clarified are: who can apply for a CRALLS, how the CRALLS application is initiated for review, what the role of various agencies is in the review process, and which projects can utilize the CRALLS.

CHAPTER ~~HG~~ **CONSTRAINED FACILITIES**

Section 1 Purpose and Intent

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate Traffic from the density/intensity and location of land uses at the Generally-Adopted LOS. The BCC may determine that additional traffic impacts from new development should be permitted on these Constrained Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W Protection-Identification Map are, by definition, Constrained Facilities. Which of those Constrained Facilities cannot accommodate future Development at the Generally Adopted LOS, and what should be done to remedy the situation, requires thorough study, comprehensive data, and close scrutiny of the various policies involved. Future Roadway System by Number of Lanes Map, and/or MPO Cost Feasible Long-Range Plan. In some cases, the BCC may designate a Link or Major Intersection as a temporary CRALLS in order to allow development to occur prior to a planned roadway improvement project. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a Constrained Roadway at Lower Level of Service (CRALLS). A County amendment to consider a CRALLS designation will rely upon, as appropriate, the data and analysis provided by the local government requesting the CRALLS designation. This Section ~~is intended to ensure thorough review of application for a CRALLS. It is declared to be the minimum review and procedure necessary~~ establishes the procedures by which a proposed CRALLS amendment is reviewed in order to ensure an appropriate level of review.

Notes:

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

Section 2 Procedure

A. General

Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC as part of a text amendment to the Transportation Element of the Comprehensive Plan. The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Facility, if reduced. The CRALLS may be available for all Project applicants to utilize, or it may be limited for use by a Project or Projects specified by the BCC. Implementation of mitigation strategies shall be a requirement for use of the CRALLS by a Project. Any proposed reduction in the LOS on a SIS or FIHS Roadway shall be reviewed and approved by the State if required by Florida law, and the applying local government shall be responsible for coordinating with and obtaining State approval that may be required.

B. Applications-Letter of Intent

~~Local governments shall request Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the Planning Director for initial review by the Planning Commission (PLC), by letter of intent up to 60 days and no later than 30 days prior to the window closing date for the applicable amendment Round. The letter shall be provided to the County Engineer and Planning Director and shall contain supporting containing such information relating to the Determination eCriteria of this Section as the PLC requires. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall review the proposal for technical traffic engineering purposes and consistency with its adopted plan. The advice of the MPO shall be considered by the PLC and the BCC when considering an application for a reduced LOS. The application shall propose the reduced LOS sought for Test 1 and/or Test 2. It need not be an entire range. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning.~~ **[Relocated to new 12.G.2.D, Amendment Review]** Upon receiving the letter of intent, the Planning Director shall schedule a Pre-Application Conference prior to the Planning Commission meeting at which initiations for the next Comprehensive Plan Amendment Round will be discussed.

C. Pre-application Conference

~~The applying Local Government shall contact the Planning Director prior to making application, notifying the Director of the Local Government's intent to make application under this Article 12.H.2.B, Applications. The Director shall set a pre-application conference prior to accepting an application. The conference shall include rRepresentatives from the following agencies shall be invited to attend the Pre-Application Conference: of the: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; and (5) MPO; and, (6) Other Impacted Local Governments as determined by the County Engineer. Other interested governmental agencies may also attend the Pre-Application Conference at their option. The purpose of the pre-application conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socio-economic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. The level of data and study needed for existing and FLU, and the proposed CRALLS, to review the proposed application shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the magnitude of the proposed CRALLS, the difference from existing and FLU, the extent of the proposed lowering of the LOS, the amount and quality of existing data and planning, the size of the area affected, the extent to which the affected area is built out, and the Major Thoroughfare Links and Major Intersections involved (whether they are or will be collectors, minor arterials, or principal arterials).~~

D. Amendment Review

Within 30 days after BCC initiation, the applying Local Government shall, unless it has already done so, submit a complete CRALLS application, including data and analysis which addresses the Determination Criteria listed herein. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

1 *Highways, and the MPO for review. The advice of the MPO shall be considered by the PLC and*
2 *the BCC when considering an application for a reduced LOS. [Relocated from 12.H.2.B,*
3 *Applications]*

4 **Section 3 Determination Criteria**

5 In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should
6 be, and any conditions that shall be imposed, the applicant, ~~the MPO~~, PLC, and the BCC shall consider
7 the following public policy criteria: The Application and Amendment staff report shall include an analysis
8 of the proposed CRALLS against these criteria: [Ord. 2011-001]

9 A. Cause of the constraint; e.g., whether the ~~lineage~~laneage or geometrics are insufficient to
10 accommodate Projected traffic as a result of concerns relating to physical limitations, fiscal
11 limitations, environmental areas, aesthetics, historically significant development, or the character-
12 of-area or neighborhood and the impact of adding lanes or changing the geometrics on such
13 concerns.

14
15 L. A description of mitigation measures required to be implemented by the Project(s) that would
16 benefit from the proposed CRALLS. These include vehicular and non-vehicular travel options to
17 alleviate traffic congestion that is anticipated to result from exceedance of the adopted LOS on
18 the CRALLS Link or Major Intersection.

19 ~~Section 4 Determination~~

20 ~~The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Link, if~~
21 ~~reduced. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained~~
22 ~~Facility, it shall be designated a CRALLS. The Plan shall be modified to set this LOS. A reduced LOS~~
23 ~~need not necessarily be a whole range; it may be a portion of a range. Any proposed reduction in the~~
24 ~~LOS on a State Constrained Facility shall be coordinated with and approved by the State in accordance~~
25 ~~with Florida law.~~

26
27 ~~It is recognized that detailed and comprehensive transportation planning has not yet been completed for~~
28 ~~all of PBC. This transportation planning will involve balancing the transportation system to the land use as~~
29 ~~to density/intensity and location. This balancing will involve, in part, adjusting the levels of service on the~~
30 ~~Major Thoroughfare system. It will be achieved through the work of the MPO's work in updating the~~
31 ~~Model, and improving the data. Theoretically, once this balancing is completed, the need for CRALLS~~
32 ~~would not be necessary, unless amendments to land uses are made, or R-O-W widths or lanes are~~
33 ~~reduced. Accordingly, once the system is balanced through the work on the Model and data, the criteria~~
34 ~~shall be revisited to ensure that the criteria take into account this balancing.~~

35 ~~Section 5 Application to Modify or Eliminate Adopted Link or Intersection~~

36 ~~A. Who May Apply~~

37 ~~Only a Local Government may apply to the BCC to amend the adopted width, proposed~~
38 ~~geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.~~

39 ~~B. Contents~~

40 ~~The application shall contain a detailed and comprehensive traffic evaluation of all affected Links~~
41 ~~and Major Intersections, taking into account existing, committed, and FLU development.~~

42 ~~C. Criteria~~

43 ~~The following criteria shall be considered by the BCC in considering whether a Link's lanes,~~
44 ~~proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in~~
45 ~~the Plan should be amended or a Link should be eliminated:~~

- 46 ~~1. Whether improvements are proposed to the Link or Major Intersection under consideration.~~
- 47 ~~2. Whether improvements are proposed to reliever Links or Major Intersections and the extent~~
48 ~~that such a reliever would impact traffic on the Link under consideration.~~
- 49 ~~3. The physical characteristics of the property adjacent to the Link or Major Intersection under~~
50 ~~consideration.~~
- 51 ~~4. The character of the area businesses or neighborhood adjacent to the Link or Major~~
52 ~~Intersection under consideration, and the extent of impact on such.~~
- 53 ~~5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever~~
54 ~~facilities and the amount of capacity that would be added.~~
- 55 ~~6. The existing and Projected volume to capacity of the Link and the surrounding Major~~
56 ~~Thoroughfares before and after the proposed modification.~~
- 57 ~~7. The Projected revenue for improving the Major Thoroughfare system and the likely priority of~~
58 ~~various improvements to the Major Thoroughfare system.~~
- 59 ~~8. Environmental character and the extent of impact on such.~~
- 60 ~~9. Historical significance and the extent of impact on such.~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

- ~~10. Aesthetics and the extent of impact on such.~~
- ~~11. Amount of existing R-O-W, and cost to obtain additional R-O-W.~~
- ~~12. Impact on the provision of other public facilities.~~

~~**D. Procedure/Extraordinary Vote**~~

- ~~1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU Elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the levels of service, as appropriate); (2) or the land uses have been made to accommodate the elimination, narrowing, modification, or reduction.~~
- ~~2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments' allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review. Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing herein shall require PLC review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan. **[Ord. 2011-001]**~~

[Relocated to new Art. 12.H, Modification or Elimination of Link or Intersection]

Part 15. **ULDC Art. 12, Traffic Performance Standards (pages 35 of 61), is hereby amended as follows:**

Reason for amendments: [Traffic Division] Changes to the procedure for Constrained Roadway at Lower Level-of-Service (CRALLS) application are needed for clarification and to eliminate repetition. Among the items clarified are: who can apply for a CRALLS, how the CRALLS application is initiated for review, what the role of various agencies is in the review process, and which projects can utilize the CRALLS.

CHAPTER H MODIFICATION OR ELIMINATION OF LINK OR INTERSECTION

Section 1 Application to Modify or Eliminate Adopted Link or Intersection

A. Who May Apply

Only a Local Government may apply to the BCC to amend the adopted width, proposed geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.

B. Contents

The application shall contain a detailed and comprehensive traffic evaluation of all affected Links and Major Intersections, taking into account existing, committed, and FLU development.

C. Criteria

The following criteria shall be considered by the BCC in considering whether a Link's lanes, proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in the Plan should be amended or a Link should be eliminated:

- 1. Whether improvements are proposed to the Link or Major Intersection under consideration.*
- 2. Whether improvements are proposed to reliever Links or Major Intersections and the extent that such a reliever would impact traffic on the Link under consideration.*
- 3. The physical characteristics of the property adjacent to the Link or Major Intersection under consideration.*
- 4. The character of the area businesses or neighborhood adjacent to the Link or Major Intersection under consideration, and the extent of impact on such.*
- 5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever facilities and the amount of capacity that would be added.*

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 4/6/11)

- 6. *The existing and Projected volume-to-capacity of the Link and the surrounding Major Thoroughfares before and after the proposed modification.*
- 7. *The Projected revenue for improving the Major Thoroughfare system and the likely priority of various improvements to the Major Thoroughfare system.*
- 8. *Environmental character and the extent of impact on such.*
- 9. *Historical significance and the extent of impact on such.*
- 10. *Aesthetics and the extent of impact on such.*
- 11. *Amount of existing R-O-W, and cost to obtain additional R-O-W.*
- 12. *Impact on the provision of other public facilities.*

D. Procedure/Extraordinary Vote

- 1. *When an application is made to eliminate a Link, narrow the adopted width of a Link, modify the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing, modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the ability of Local Governments to allow Development consistent with their FLU Elements of their plans; the BCC shall require a review and determination of whether a reduced LOS (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the number of lanes shall require a majority-plus-one vote of the members of the BCC. No elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a manner that would reduce capacity, or reducing the number of lanes on a Link shall be effected until any necessary adjustments are made to: (1) the Major Thoroughfare system (including capacity improvements or lower the levels of service, as appropriate); (2) or the land uses have been made to accommodate the elimination, narrowing, modification, or reduction.*
- 2. *If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments' allowing Development consistent with the FLUE of their plans would result, the BCC may, by a majority vote of its members narrow the adopted width, modify the proposed geometrics of a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review. Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local Government for minor modifications to the proposed Major Thoroughfare system which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing herein shall require PLC review for waivers of expanded intersection requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of the Plan. [Ord. 2011-001]*

[Relocated from Art. 12.H.5, Application to Modify or Eliminate Adopted Link or Intersection, above]

Part 16. ULDC Art. 12.Q.9, Appropriation of Fair-Share Revenues (pages 60 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] To delete an incorrect reference to a Code Section 3.B.2 that does not exist. The correct reference should be to just Section 3 as shown below

CHAPTER Q PROPORTIONATE FAIR SHARE PROGRAM

Section 9 Appropriation of Fair-Share Revenues

- B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or Impact Fee Benefit Zone that would mitigate the impacts of development pursuant to the requirements of Section 3.~~B.2~~. **[Ord. 2006-043]**

U:\Zoning\CODEREV\2011\LDRAB\Meetings\4-27-11\4 Final packet for LDRAB\Exhibit B - Art 12 4-6-11.docx

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EXHIBIT C

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS

(Updated 04/11/11)

1
2 Part 1. ULDC Art. 2.G.3.J.6, Annual Report [Related to Impact Fee Review Committee] (page 72
3 of 80), is hereby amended as follows:
4

Reason for amendments: [OFMB/CTY ATTORNEY] Delete language that requires the Impact Fee Review Committee to submit Annual Reports to the BCC. The reports are provided to coincide with the biennial review of the impact fee ordinance.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 J. Impact Fee Review Committee

8 ~~6. Annual Report~~

9 ~~The IFRC shall submit an annual report to the BCC. The form, substance and submittal date~~
10 ~~for the report shall be established by the County Administrator in a Policy and Procedure~~
11 ~~Memorandum. [Ord. 2009-040]~~

12
13
14

15 Part 2. ULDC Art. 13.A.6.G, Appeal (page 8 of 45), is hereby amended as follows:
16

Reason for amendments: [OFMB] 1) To delete the word “Section” and replace it with the word “Chapter” to clarify that the Impact Fee Appeal Board (IFAB) may reverse the Impact Fee Coordinators decision when the evidence indicates contradiction in the standards in Article 13 chapter and not just the independent fee calculation study section; and, 2) To correct scriveners error by deleting the word “impact” before the word “fee” as the sentence here refers to the funds collected for the preparation of the record to be paid by a petitioner when an appeal is filed.

17 CHAPTER A GENERAL

18 Section 6 Independent Fee Calculation Study

19 G. Appeal

20

- 21 3. At the hearing, the IFAB shall provide the applicant and the Impact Fee Coordinator an
22 opportunity to present testimony and evidence, provided such information was part of the
23 review before the Impact Fee Coordinator. The IFAB shall reverse the decision of the Impact
24 Fee Coordinator only if there is substantial competent evidence in the record that the Impact
25 Fee Coordinator erred from the standards in this ~~Section~~ **Chapter**.
26 4. Any aggrieved party, including PBC, may appeal an order of the Impact Fee Appeals Board
27 to the Fifteenth Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo,
28 but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review
29 of the record created before the Board. PBC may assess a reasonable ~~impact~~ fee for the
30 preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07, as
31 amended from time to time.
32
33

34 Part 3. ULDC Art. 13.A.10.B.4.a, Appeals (page 12 of 45), is hereby amended as follows:
35

Reason for amendments: [OFMB] To delete redundant language previously listed under Art. 13.A.6.G.1 [Related to Appeal].

36 CHAPTER A GENERAL

37 Section 10 Refunds

38 B. Procedure to Obtain Refund

39 4. Action by Impact Fee Coordinator

40 Within 45 working days after the application is determined sufficient, the Impact Fee
41 Coordinator shall review and approve or deny the application based upon the standards in
42 Article 13.A.10, Refunds. The decision of the Impact Fee Coordinator may be appealed
43 pursuant to Art. 13.A.6.G, Appeal. [Ord. 2008-015]

44 ~~a. Appeal~~

45 ~~1) Regulation~~

46 ~~The decision of the Impact Fee Coordinator may be appealed pursuant to Article~~
47 ~~13.A.6.G, Appeal.~~
48

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EXHIBIT C

**ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)**

1
2 **Part 4. ULDC Tables 13.B.3, Parks and Recreation Fee Schedule for Unincorporated PBC thru**
3 **13.B.3, Parks and Recreation Impact Fee Schedule for Schedule “Y” Municipalities***
4 **[Related to Fee Schedule] (pages 20 - 23 of 45), is hereby amended as follows:**
5

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for various Impact Fee Schedules, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

6
7 **Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC**
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

8 **Table 13.B.3-3 Park & Recreation Impact Fee Table For Schedule “A” Municipalities***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

9 **Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule “B” Municipalities***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

10 **Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule “E” Municipalities***
Effective Date 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

11 **Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule “F” Municipalities***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

12 **Table 13.B.3-7 - Parks and Recreation Impact Fee Schedule for Schedule “I” Municipality***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

13 **Table 13.B.3-8 - Parks and Recreation Impact Fee Schedule for Schedule “J” Municipality***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

14 **Table 13.B.3-9 - Parks and Recreation Impact Fee Schedule for Schedule “K” Municipality***
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-10 - Parks and Recreation Impact Fee Schedule for Schedule “P” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ **10/01/2010**

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

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EXHIBIT C

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

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Table 13.B.3-11 - Parks and Recreation Impact Fee Schedule for Schedule “W” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-12 - Parks and Recreation Impact Fee Schedule for Schedule “X” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-13 - Parks and Recreation Impact Fee Schedule for Schedule “Y” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credit	Park Impact Fee	Discount	Net Park Impact Fee
....						

Part 5. ULDC Table 13.C.2-14, Fire Rescue Fee Schedule, (pages 26 of 45), is hereby amended as follows:

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Fire Rescue Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

Table 13.C.2-14 – Fire Rescue Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units, by Type	Calls For Service	Cost Per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire- Rescue Impact Fee
....						

Part 6. ULDC Table 13.D.2-15, Library Fee Schedule, (pages 29 of 45), is hereby amended as follows:

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Library Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

Table 13.D.2-15 - Library Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units by sq. ft	Functional Population	Cost Per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
....						

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Notes:

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EXHIBIT C

**ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS**

(Updated 04/11/11)

1
2 **Part 7. ULDC Table 13.E.2-17, Law Enforcement Patrol Fee Schedule for Unin. PBC Benefit**
3 **Zone 2, (pages 33 of 45), is hereby amended as follows:**
4

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Law Enforcement Patrol Fee Schedule for Unincorporated Palm Beach County Benefit zone 2, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

**Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unin.
PBC Benefit Zone 2
Effective 12:01 AM, ~~09/10/2010~~01/2010**

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Law Enforcement Impact Fee	Discount	Net Law Enforcement Impact Fee
....						
[Ord, 2010-018]						

6
7
8 **Part 8. ULDC Table 13.F.2-18, Public Building Fee Schedule, (pages 36 of 45), is hereby**
9 **amended as follows:**
10

Reason for amendments: [OFMB].Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Public Buildings Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

**Table 13.F.2-18 – Public Buildings Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~01/2010**

Land Use Type (Unit) Residential units by Sq. Ft.	Functional Population	Cost Per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
....						

12
13
14 **Part 9. ULDC Table 13.G.2-19, School Fee Schedule, (pages 39 of 45), is hereby amended as**
15 **follows:**
16

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the School Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

**Table 13.G.2-19 – School Fee Schedule
Effective Date 12:01 AM, ~~09/10/2010~~01/2010**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
....						

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EXHIBIT C

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS

(Updated 04/11/11)

1
2 Part 10. ULDC Table 13.H.4-20, Fair Share Road Impact Fee Schedule, (pages 43 - 44 of 45), is
3 hereby amended as follows:
4

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Fair Share Road Impact Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

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Table 13.H.4-20 – Fair Share Road Impact Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~10/01/2010

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
....					

Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued
Effective 12:01 AM, ~~09/10/2010~~10/01/2010

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
....					

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Notes:

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EXHIBIT D

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 3/22/11)

1
2 **Part 1. ULDC Art. 15.A.4.C. [Related to Permit Conditions and Approvals for OSTDS] (page 4**
3 **of 23 and Ordinance 2011-02 page 5), is hereby amended as follows:**
4

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code to clarify that any new building or structure cannot be occupied until Health Department final approval.

5 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
6 **DISPOSAL**

7 **Section 4 Permit Conditions and Approvals**

8 C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the
9 Health Department and a notice of approval has been issued. Should the installer or general
10 contractor fail to notify the Health Department prior to covering the system, the Health
11 Department shall require that the system be uncovered for inspection. If the system is approved,
12 the Health Department shall issue a notice of approval to the owner. Any new building or
13 structure shall not be occupied until final approval has been issued by the Health Department.
14 **[Ord. 2011-002]**
15
16

17 **Part 2. ULDC Art. 15.A.5.A [Related to Application Data for an OSTDS: Single Lot or Parcel**
18 **and Application and Supporting Data Required for Approval] (page 4 of 23), is hereby**
19 **amended as follows:**
20

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to include Chapter 64E-6, of the Florida Administrative Code in reference to comply with the standards for onsite sewage treatment and disposal systems.

25 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
26 **DISPOSAL**

27 **Section 5 Application Data for an OSTDS: Single Lot or Parcel**

28 A. The application and supporting data required for approval of an OSTDS for a single lot or parcel
29 of property shall be submitted to the Health Department by the owner or his authorized
30 representative, or a contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-
31 6, F.A.C. The completed application form shall be submitted together with the following:
32
33
34

35 **Part 3. ULDC Art. 15.A.7, Approval Standards: OSTDS [Related to Minimum Net Usable Land**
36 **Area of a Lot] (pages 6 of 23), is hereby amended as follows:**
37

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code: 1) To eliminate the loading rates for Wellfield Protection Zones; and, 2) delete maximum sewage loading as language is already addressed.

43 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
44 **DISPOSAL**

45 **Section 7 Approval Standards: OSTDS**

46 In considering applications for permitting construction of an OSTDS, the Health Department shall be
47 governed by the following standards:

- 48 A. The lot, unless exempt under Art. 15.A.7.E, of this Article, shall have a minimum net usable land
49 area of: **[Ord. 2005 – 003]**
50 1. One-half acre if the water supply is by means of a community well;
51 2. One acre if the water supply is by means of an onsite well.
52

53 ~~F.—The following additional restrictions apply to OSTDS that are proposed within the 210 day travel~~
54 ~~time contour of an existing or proposed wellfield. These restrictions apply to requests for permits~~

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EXHIBIT D

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 3/22/11)

~~on individual lots, existing subdivisions and new subdivisions. (The zones of influence are indicated on the PBC Wellfield protection maps, which are available from the PBC ERM).~~

Table 15.A.7.F-1 – Sewage Loading Rates in Wellfield Protection Zones

Travel Time (Days)	Maximum Sewage Loading (Gallons/acre/day)
Less than or equal to 30 (Zone one)	350
Greater than 30, but less than or equal to 210 (Zone two)	600

[Renumber accordingly]

~~GF.~~ The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this Article, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay and organic soils. The PBC Soil Survey prepared by the USDA Soil Conservation Service or other available data may be used by the Health Department to determine the presence of the above noted soils. **[Ord. 2005 – 003]**

~~1. The maximum sewage loading shall not exceed 450 gallons per acre per day. ater is of satisfactory quality and is not threatened by a source of contamination.~~

~~21.~~ The OSTDS shall be placed no closer than the minimum distances indicated for the following:

....

Part 4. ULDC Art. 15.A.8.E [Related to Non-Approval of an OSTDS] (pages 7 of 23), is hereby amended as follows:

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code, to eliminate the restrictions for commercial establishments where food is processed.

CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL

Section 8 Conditions for Non-Approval of an OSTDS

An OSTDS shall not be approved:

.....

~~E. For commercial establishments where food is processed, handled, prepared or served. This restriction does not apply to retail or prepackaged food stores and to convenience stores where food service is limited to coffee, soft drinks and hot dogs.~~

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EXHIBIT E

**GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)**

1
2 **Part 1. ULDC Art.1.I.2, Definitions (pages 39 and 49 of 114), is hereby amended as follows:**
3

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use to allow for more flexibility when collocated with other uses such as: Type I Restaurants, General Repair and Maintenance, Car Washes, or other similar uses. Convenience Store with Gas Sales use will be retained. Development of new auto station uses has essentially been phased out due to changes in the marketplace and industry trends towards the use of convenience store/gas sales uses, large retail auto parts stores/auto service centers, and specialty auto service centers such as oil lube facilities, brake and muffler shops, the latter of which generally fall under the general repair and maintenance use. Definition for Auto Service Station is being retained to coordinate with amendments to Supplementary Standards that recognize that these previous approvals will not be rendered non-conforming.

4 **CHAPTER I DEFINITIONS & ACRONYMS**

5 **Section 2 Definitions**

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

8
9 **107. Auto Service Station** –an establishment primarily engaged in the retail sale of gasoline or motor fuels, ~~including An auto service station may include~~ accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.

14
15 **C. Terms defined herein or referenced Article shall have the following meanings:**

16
17 **101. Convenience Store** - an establishment ~~servicing a limited market area and~~ engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

18
19 **102. Convenience Store with Gas Sales** - ~~a convenience store~~ an establishment engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption, and which includes ~~accessory gasoline~~ retail sales of motor fuels to the general public.

24
25 **G. Terms defined herein or referenced Article shall have the following meanings:**

26
27 **4. Gas and Fuel, Retail** – an establishment engaged in the sale of motor fuels to the general public.

28
29 **54. Gas and Fuel, Wholesale** - the use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site.

30
31
32 **[Renumber Accordingly.]**

33
34
35
36 **Part 2. ULDC Table 3.B.2.B, Airport Use Regulations (page 18 of 231), is hereby amended as follows:**
37
38

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel Sales use and applicability within AZO.

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Residential Uses					
Security or Caretaker Quarter	S	S	CG or IG	119	All
Commercial Uses					
.... <u>Gas and Fuel, Retail</u>		<u>A</u>	<u>CG</u>	<u>18</u>	<u>All</u>
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022]					

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EXHIBIT E

**GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)**

1
2 **Part 3. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 38 of 231), is hereby**
3 **amended as follows:**
4

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel Sales Use and applicability within WCRAO, to include similar restrictions to superseded auto service station use.

Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
Commercial Uses								
....								
Auto Service Station	X	X	X	-	-	-	-	18
Gas and Fuel, Retail	X	X	X					18
....								
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022]								
Key								
X	Prohibited in Sub-area.							
-	Subject to Use Regulations of zoning district.							
P	Permitted by Right [Ord. 2007-013] [2009-040]							
A	Class A Conditional or Requested Use							
Notes:								
1.	Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]							
2.	A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]							
3.	Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]							
4.	Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]							

6
7
8 **Part 4. ULDC Table 3.B.15.F, IRO Permitted Use Schedule (page 71 of 231), is hereby amended**
9 **as follows:**
10

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel Sales Use and applicability within IRO.

TABLE 3.B.15.F.- IRO PERMITTED USE SCHEDULE

USE TYPE	LAND USE				NOTE		USE TYPE	LAND USE				NOTE
	C L	C H	C L O	C H O				C L	C H	C L O	C H O	
COMMERCIAL USES						COMMERCIAL USES (CONTINUED)						
....											
Auto Service Station	A	A			18	Gas and Fuel, Retail	A	A			18	
....											
[Ord. 2010-005]												
KEY												
P	Permitted by right.											
D	Permitted subject to DRO approval.											
L	Permitted only where accessory to a permitted use.											
S	Permitted subject to Special Permit approval.											
A	Permitted subject to Board of County Commission Approval.											

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EXHIBIT E

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 5. ULDC Table 3.E.1.B, PDD Use Matrix (pages 106-107 of 195), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] 1) Establish new Retail Gas and Fuel Sales use and applicability within PDDs; and, 2) Recognize PDDs as developments with minimum acreage standards with additional requirements for design and layout that merits allowing for more intense commercial uses for parcels with a Commercial Low (CL) Future Land Use designation, noting the fact that auto service stations have previously been permitted.

FLUE Plan Objectives and Policies to support the above:

- FLUE Policy 4.4-6 [MXPDP] indicates that a MXPDP "...shall include an integrated mix of residential uses, open space, high intensity commercial uses..." with multiple other policies to address transition and compatibility.
- Objective 1.3 and 1.4 (Exurban and Rural Tiers) provide for policies that encourage the clustering of central community places, require commercial development to either be in the form of a TMD or utilize rural design guidelines to protect the character of the tier or minimize impacts on surrounding development.
- Commercial Low FLU category: Allows for a limited range of neighborhood-oriented uses intended to primarily serve adjacent residential areas, requiring additional site design requirements in order to ensure compatibility with adjacent uses.
- PIPD: Primarily intended as an economic activity center to accommodate manufacturing, research and development and other value added activities. While support services as permitted, it is necessary to limit such to commercial use zones to ensure that the overall purpose and intent of a PIPD is consistent with the Plan.
- MUPD with IND FLU designation: Commercial uses should either be accessory to industrial uses, or of an industrial nature.

5

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD					MXPDP	PIPDP			M	R	V	LCC		N	O	T	E	
	Pods					FLU					FLU	Use Zone						FLU						
	R	C	R	C	A	C	C	C	C	C	I	I	C	C				I	C					I
E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	V	L	H				
Commercial Uses																								
....																								
Auto Service Station		R			R	R				R		R		P	P	P						R		18
Gas and Fuel, Retail		R			R	R						R		P	R	P						R	R	18
....																								
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-009]																								
Notes:																								
P Permitted by right																								
D Permitted subject to approval by the DRO																								
S Permitted in the district only if approved by Special Permit																								
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																								

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EXHIBIT E

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

Part 6. ULDC Table 4.A.3.A – Use Matrix (pages 14 -15 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use and applicability within Standard Zoning Districts.

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE				
	Agriculture/Conservation			Residential				Commercial					Industry/Public								
	P	A	A	AR		R	R	R	R	C	C	C	C	C	I	I		P	I		
	C	G	P	R	U	E	T	S	M	N	L	O	C	H	G	R		L	G	O	P
Commercial Use																					
....																					
Auto Service Station													A	A			B	D			18
Gas and Fuel, Retail													A	A	A		B	D			18
....																					
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-009].																					
Key:																					
P Permitted by right																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
B Permitted in the district only if approved by the Zoning Commission (ZC)																					
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																					

Part 7. ULDC Art. 4.B.1.A.18, Auto Service Station (pages 35-37 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use to replace outdated Auto Service Station use, which may still be accommodated through the collocation of other uses permitted in the applicable district (e.g. an auto service station would be the combination of Retail Gas and Fuel and General Repair and Maintenance).

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. ~~Gas and Fuel, Retail Auto Service Station~~

An establishment primarily engaged in the retail sale of motor fuels to the general public. ~~An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.~~

a. Approval Criteria

Prior to approving a Conditional conditional or Requested Use requested-use for Retail Gas and Fuel an auto service station, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

- 1) Adequate ingress and egress have been provided. [Ord. 2006-004]
- 2) Adequate buffering and setbacks from residential areas have been provided. [Ord. 2006-004]
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided. [Ord. 2006-004]
- 4) The number of fueling positions proposed is excessive. [Ord. 2006-004]
- 5) There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]

b. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel, Convenience Store with Gas Sales, ~~auto service stations convenience stores with gas sales,~~ or any combination thereof, shall

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EXHIBIT E

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

- 1 may be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.
2 **[Ord. 2006-004]**
- 3 2) **Separation Criteria**
- 4 Retail Gas and Fuel An auto service station shall be separated from any other Retail
5 Gas and Fuel, or Convenience Store with Gas Sales, auto service station or
6 convenience store with gas sales pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**
- 7 3) **CL FLU in U/S Tier**
- 8 Where permitted in a Use Matrix, Retail Gas and Fuel An auto service station with a
9 CL FLU designation shall also comply with the Major Intersection Criteria in Article
10 5.E.1, Major Intersection Criteria. **[Ord. 2006-004]**
- 11 4) **CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**
- 12 Where permitted in a Use Matrix, Retail Gas and Fuel An auto service station shall
13 also be located within 1,000 feet of at the intersection of one collector and arterial
14 street, or two arterial streets, as listed in the Florida Department of Transportation
15 (FDOT) PBC Federal Functional Classification Table. **[Ord. 2006-004]**
- 16 5) **WCRA Overlay**
- 17 Retail Gas and Fuel Auto Service Stations are prohibited in the NR, NRM, and NG
18 sub-areas, as per Table 3.B.1445.E – WCRAO Sub-area Use Regulations. **[Ord.**
19 **2006-004]**
- 20 c. **Collocated Uses Restaurant**
- 21 Other uses, such as general repair and maintenance, general retail sales, restaurants,
22 convenience stores, and car washes A restaurant may be collocated with retail gas and
23 fuel an auto service station and subject to the Supplementary Use Standards use
24 regulations applicable to the Collocated Use restaurant. **[Ord. 2006-004]**
- 25 d. **Parking for Accessory Automatic Car Wash**
- 26 Parking for an accessory automatic car wash may be exempt from the parking
27 requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements,
28 subject to DRO approval. **[Ord. 2006-004]**
- 29 e. **Additional Accessory or Collocated Use Standards**
- 30 1) **Enclosed Repair**
- 31 All accessory repair activities shall be conducted within an enclosed structure. No
32 outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.
- 33 2) **Delivery Vehicles**
- 34 Parking of delivery vehicles shall be permitted only within a designated loading
35 space. Overnight parking of delivery vehicles on-site shall be prohibited.
- 36 3) **Vehicle Testing**
- 37 Vehicles shall not be tested off-site on residential streets.
- 38 4) **Loudspeakers**
- 39 No outdoor speaker or public address systems audible off-site shall be permitted.
- 40 f. **TMD and LCC Districts**
- 41 Retail Gas and Fuel Automotive service stations shall only be permitted only on sites that
42 are within 500 feet of the perimeter of the development. The maximum site area is per
43 station shall not exceed 10,000 square feet of GFA. Gasoline pumps shall be located in
44 the rear or side of a building with access from an alley, interior parking area, or a street
45 not designated as a main street. **[Ord. 2010-005]**
- 46 g. **Infill Redevelopment Overlay (IRO) Approval Process Exceptions**
- 47 Retail Gas and Fuel An automotive service station located on a parcel with a CH FLU
48 designation within the Core Transect Zone may be approved by the DRO. **[Ord. 2010-**
49 **005]**
- 50 h. **Previously Approved Auto Service Stations**
- 51 A prior approval for an Automotive Service Station shall correspond to Retail Gas and
52 Fuel. An Auto Service Station that complies with the requirements for Retail Gas and
53 Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be
54 subject to the Additional Accessory or Collocated Use standards above.
- 55 i. h. **Nonconformities**
- 56 For Retail Gas and Fuel or a Automotive Service Station an automotive service station
57 with gasoline sales, the applicant may be allowed to either increase the floor area of the
58 store or increase the number of pumps subject to the percentage ten percent limitation of
59 Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering
60 Department. **[Ord. 2010-005]**

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EXHIBIT E

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 8. ULDC Art. 4.B.1.A.37, Convenience Store with Gas Sales (pages 45-46 of 166), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] Clarify applicability of limitations on expansion for Non-conformities.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 37. Convenience Store with Gas Sales

9 A convenience store which includes accessory gasoline retail sales to the general public.

10

11 k. Nonconformities

12 For a ~~Convenience Store with Gas Sales convenience store with gasoline sales~~, the
13 applicant may be allowed to either increase the floor area of the store or increase the
14 number of pumps subject to the ~~percentage ten percent~~ limitation of Art. 1.F,
15 Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord.
16 2010-005]
17

18
19 Part 9. ULDC Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 45-
20 5 of 38), is hereby amended as follows:
21

Reason for amendments: [Zoning] Apply parking requirements for deleted Auto Service Station to new Retail Gas and Fuel Sales. Existing or proposed accessory or collocated uses would apply the appropriate parking standards.

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

Use Type: Commercial	Parking ¹	Loading ²
....		
Auto-service station Gas and Fuel, Retail	1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay	E
....		
[Ord. 2005-002] [Ord. 2009-040]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT F

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 1. ULDC Art. 1.1.2.D.5, Day Care [Related to Definitions] (page 50 of 114), is hereby
3 amended as follows:
4

Reason for amendments: [ZONING/HEALTH DEPT] 1) Update definition of Day Care to match revised
language in Art. 4, Use Regulations as contained in Part 3 of this exhibit; 2) Introduce new definitions for
consistency with language proposed in Article 4 for Day Care.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

8 5. Day Care - An establishment that provides care, protection and supervision for children when
9 licensed by the Palm Beach County Health Department, or for adults when licensed by the
10 Agency for Health Care Administration (AHCA), as specified below:

11 a. General - A Day Care an establishment licensed by the Health Department, which
12 provides care, protection and supervision for 21 or more children or adults for a period of
13 less than 24 hours per day on a regular basis.

14 b. Limited - A Day Care an establishment licensed by the Health Department, which
15 provides daytime care, protection and supervision for six to 20 children, or three to 20
16 adults, for a period of less than 13 hours per day on a regular basis. Limited day care
17 does not include nighttime or overnight care.

18 c. Family Day Care Home - An occupied residence in which custodial care is rendered to
19 one to six children, inclusive, and for which the owner or operator receives a payment,
20 fee, or grant for any of the children receiving care, whether or not operating for profit,
21 shall be permitted by right in Residential Zoning districts, in accordance with F.S. §
22 125.0109, and exempt from any standards other than those applicable to residential
23 uses.

24 d. Large Family Child Care Home (LFCCH) - An occupied single family residence in which
25 custodial care is regularly provided for up to 12 children, and for which the owner or
26 operator receives a payment, fee, or grant for any of the children receiving care, whether
27 or not operated for profit, and has at least two-full time child care personnel on the
28 premises during the hours of operation. One of the full-time child care personnel must be
29 the owner or occupant of the residence.

30
31
32 Part 2. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 112 of 114), is hereby amended as
33 follows:
34

Reason for amendments: [ZONING/HEALTH DEPT] Introduce new acronym for Large Family Child
Care Home.

35 CHAPTER I DEFINITIONS & ACRONYMS

36 Section 3 Abbreviations and Acronyms

LFCCH Large Family Child Care Home

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EXHIBIT F

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 3. ULDC Art. 4.B.1.A.40, Day Care [Related to Supplementary Use Standards] (page 46-47
3 of 166), is hereby amended as follows:
4

Reason for amendments: [ZONING/HEALTH DEPT/ DEPT. OF AIRPORTS] 1) Correct definition of Day Care to clarify that facilities caring for children are licensed by the PBC Health Department and those for adults are licensed by the Agency for Health Care Administration (AHCA); 2) Incorporate provisions from Chapter 2010-249, Special Acts Laws of Florida, F.S. § 402.313, and F.S. § 402.3131 to include Family Day Care Home and Large Family Child Care Home (LFCCH); 3) Codify current practice that allows home based Day Care through home occupation as a Family Day Care Home to be permitted by right in residential zoning districts in accordance with F.S. § 125.0109; and, include provisions for LFCCH as a facility that offers care for 8 to 12 children to be permitted by right or subject to DRO approval depending on lot size; and, to allow the use in Residential Zoning Districts where Limited Day Care is allowed; 4) Add reference to Art. 16, Airports, which is being amended in Part 4 to clarify that new Limited or General Day Care are prohibited within airport runway area; and, 5) Delete outdoor activity area square footage and reference to authority for Child Care Facilities Board to approve its reduction when a Day Care has split shifts as it is not longer applicable; and, instead include reference for outdoor activity area square footage to be in compliance with the PBC Rules and Regulations Governing Child Care Facilities.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 40. Day Care

9 An establishment that provides care, protection and supervision for children when licensed by
10 the Palm Beach County Health Department, or for adults when licensed by the Agency for
11 Health Care Administration (AHCA), as specified below:

12 a. General

13 ~~A Day Care An establishment licensed by the Health Department, which provides care,~~
14 ~~protection and supervision~~ for 21 or more children or adults for a period of less than 24
15 hours per day on a regular basis.

16 b. Limited

17 ~~A Day Care An establishment licensed by the Health Department, which provides~~
18 ~~daytime care, protection and supervision~~ for six to 20 children, or three to 20 adults, for a
19 period of less than 13 hours per day on a regular basis. Limited ~~Day~~ Care does not
20 include nighttime or overnight care.

21 c. Family Day Care Home

22 An occupied residence in which custodial care is rendered to one to six children,
23 inclusive, and for which the owner or operator receives a payment, fee, or grant for any of
24 the children receiving care, whether or not operating for profit, shall be permitted by right
25 in Residential Zoning Districts, in accordance with F.S. § 125.0109, and exempt from any
26 standards other than those applicable to residential uses.

27 d. Large Family Child Care Home (LFCCH)

28 An occupied single family residence in which custodial care is regularly provided for up to
29 12 children, and for which the owner or operator receives a payment, fee, or grant for any
30 of the children receiving care, whether or not operated for profit, and has at least two-full
31 time child care personnel on the premises during the hours of operation. One of the full-
32 time child care personnel must be the owner or occupant of the residence. The use shall
33 be subject to the following:

34 1) **Applicability**

35 Provide documentation that the establishment has operated as a licensed Family Day
36 Care Home for at least two years and meet other licenses and regulations
37 established by the PBC Health Department including the maximum number of
38 children permitted.

39 2) **Zoning District Limitation**

40 Shall be permitted only in Residential Zoning Districts where Limited Day Care is
41 allowed.

42 3) **Approval Process**

43 Shall be subject to DRO approval unless located on lots 20,000 square feet or more
44 in which case the use shall be permitted by right.

45 4) **Site Requirements**

46 In addition to the property development regulations applicable to Single Family
47 Residential, the following shall apply:

48 a) **Outdoor Activity Area**

49 All outdoor activity area provisions applicable to a Day Care shall apply.

50 b) **Drop Off**

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EXHIBIT F

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

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Shall comply with all drop-off access standards applicable to Day Care.

c) Parking

Shall provide at least four parking spaces including those required for a Single Family residential unit. Parking dimensions shall comply with Art. 6, PARKING.

d) Site Egress

Shall not allow backward egress from a driveway or parking area into a street.

e) Signage

Signs shall not be permitted.

[Renumber accordingly]

....

g. Airport Zoning Overlay

The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.

[Renumber accordingly]

....

h. Outdoor Activity Area

....

2) Child-Care Square Footage

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of Appendix D to the Palm Beach County Code, as may be amended.

~~a) General~~

~~A child day care shall provide a minimum of 1,500 square feet of outdoor activity area or 75 square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third of the area required by this standard.~~

~~b) Infants~~

~~Where a child day care is limited solely to the care of infants (two years of age and younger), the outdoor activity area provided shall be a minimum of 45 square feet per child. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than one-half of the area required by this standard.~~

3e) Location of Outdoor Play Equipment

[Renumber Accordingly]

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EXHIBIT F

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

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Part 4. ULDC Art. 16.C.1.E.2, Prohibited Land Uses [Related to General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)], (page 11 of 14), is hereby amended as follows:

Reason for amendments: [DEPT. OF AIRPORTS] Incompatible land uses around an airport affect the safe and efficient operation of aircraft and the facility. Incompatible uses, such as residential and public facilities (schools, churches and public health facilities) are sensitive to the high noise levels associated with the airport use. Chapter 333.03 of the Florida Statutes requires the creation of airport zoning regulations to address these incompatible uses. Subsection (3) requires the restriction of incompatible uses, such as public and private schools, from being located within five miles in a direct line from the end of an airport runway. The subsection also requires the regulation of uses that results in the “*congregation of people* (emphasis added), emissions of light or smoke, or attraction of birds.” Article 16.C.1.E.2 already prohibits new educational facilities from locating within five miles of either end of an airport runway. The proposed amendment would expand this prohibition to include the similar Day Care uses, which provides for the congregation of children, workers and parents in one location. This amendment would only affect new commercial Day Care facilities and not impact any existing Day Care facilities when expansions or alterations do not increase the number of occupants on the site.

CHAPTER C AIRPORT LAND USE REGULATIONS

Section 1 Airport Land Use Regulations

E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)

2. Prohibited Land Uses

- a. In no case shall a new educational facility, Limited or General Day Care, or a public or private school be permitted at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of ½ the runway.
 - 1) Nothing in subsection a. above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.
 - 2) The language in subsection a. above shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion of any Limited or General Day Care use in existence, or real property in use, or with a valid development order prior the effective date of this Ordinance. Expansion or alterations of a Day Care located within the runway area that represents an increase in the number of occupants shall be prohibited.

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EXHIBIT G

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 1. ULDC Art. 1.1.2.D [Related to Definitions] (page 52 of 114), is hereby, as follows:
3

Reason for amendments: [Co. Atty./Zoning] Establish definition of disabled to correspond to the adoption of procedures for Reasonable Accommodations for persons with disabilities.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7
8 39. Disabled – for the purposes of Art. 2.D.8, Reasonable Accommodation, a disabled person is
9 an individual that qualifies as disabled or handicapped under the FHA or ADA.
10 [Renumber Accordingly.]
11

12
13 Part 2. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 52 of 114), is hereby amended to
14 add a new Section 4, titled Reasonable Accommodation, as follows:
15

Reason for amendments: [Co. Atty./Zoning] Establish acronym for Federal Fair Housing Act to correspond to the adoption of procedures for Reasonable Accommodations for persons with disabilities.

16 CHAPTER I DEFINITIONS & ACRONYMS

17 Section 3 Abbreviations and Acronyms

18
19 FHA Federal Fair Housing Amendments Act
20
21

22 Part 3. ULDC Art. 2.D, Administrative Process (page 41 of 80), is hereby amended to add a
23 new Section 4, titled Reasonable Accommodation, as follows:

Reason for amendments: [Co. Atty./Zoning] To establish procedures for processing requests from persons with disabilities for Reasonable Accommodation to certain parts of the County’s Unified Land Development Code (ULDC), in accordance with the protections of the Federal Fair Housing Amendments Act (FHA) and the American’s with Disabilities Act (ADA).

23 CHAPTER D ADMINISTRATIVE PROCESS

24 Section 7 Reasonable Accommodation

25 A. Purpose and Intent
26 The purpose of this section is to establish procedures for processing requests for Reasonable
27 Accommodation from the County’s Unified Land Development Code and related rules, policies,
28 practices and procedures, for persons with disabilities as provided by the Federal Fair Housing
29 Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities
30 Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities,
31 may request a Reasonable Accommodation, pursuant to the procedures set out in this section.

32 B. Notice to the Public of Availability of Accommodation
33 The County shall endeavor to provide notice to the public, advising that disabled individuals or
34 qualifying entities may request a Reasonable Accommodation.

35 C. Application Procedures
36 The application forms and requirements for submitting a request for Reasonable Accommodation
37 shall be on forms specified by the County Administrator or designee.

38 1. Application Contents
39 The following considerations shall be applicable for any application information or
40 documentation required:

41 a. Confidential Information
42 Upon submittal of any medical information or records, including but not limited to
43 condition, diagnosis, or history related to a disabled individual, an applicant may request
44 that the County, to the extent allowed by law, treat the information or records as
45 confidential. The County shall thereafter endeavor to provide notice to the disabled
46 individual, or their representative, of any request received by the County for disclosure of
47 the medical information or documentation previously requested to be treated as
48 confidential. The County will cooperate with the disabled individual, to the extent allowed

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EXHIBIT G

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1 by law, in actions initiated by such individual to oppose the disclosure of such medical
2 information or documentation, but shall have no obligation to initiate, prosecute or pursue
3 any such action, or to incur any legal or other expenses, whether by retention of outside
4 counselor, allocation of internal resources, in connection therewith, and may comply with
5 any judicial order without prior notice to the disabled individual.

6 **b. Address of Applicant**

7 Unless governed by 42 U.S.C. §290d.d, in which case the address shall not be required,
8 but the applicant may be requested to provide documentation to substantiate a claim
9 verifying applicability.

10 **c. Address of housing**

11 Address of housing or other location at which accommodation is requested (unless
12 governed by 42 U.S.C. §290d.d. in which case address shall not be required, but the
13 applicant may be requested to provide documentation to substantiate a claim verifying
14 applicability).

15 **2. Fee**

16 There shall be no fee imposed by the County for a request for Reasonable Accommodation
17 under this section or an appeal of a determination on such request, and the County shall
18 have no obligation to pay a requesting party's, or an appealing party as applicable, attorneys'
19 fees or costs in connection with the request, or an appeal.

20 **3. County Assistance**

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

26 **4. Findings for Reasonable Accommodation**

27 In determining whether the Reasonable Accommodation request shall be granted or denied,
28 the requesting party shall be required to establish that they are protected under the FHA or
29 ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA.
30 Although the definition of disability is subject to judicial interpretation, for purposes of this
31 ordinance the disabled individual must show:

32 a. a physical or mental impairment which substantially limits one or more major life
33 activities;

34 b. a record of having such impairment; or

35 c. that they are regarded as having such impairment.

36 The requesting party will have to demonstrate that the proposed accommodations being
37 sought are reasonable and necessary to afford disabled persons equal opportunity to use
38 and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a
39 decision upon a Reasonable Accommodation request made by the appropriate PBC official.

40 **5. Authority**

41 The determination of which appropriate PBC official has the authority to consider and act on
42 requests, or appeals of a decision, for Reasonable Accommodation, shall be consistent with
43 Art. 1.B.1.A, Authority.

44 **6. Action by Appropriate PBC Official**

45 A written determination shall be issued by the appropriate PBC official within 45 days of the
46 date of receipt of an application (when determined to be sufficient).

47 **a. Additional Information**

48 If reasonably necessary to reach a determination on the request for Reasonable
49 Accommodation, the appropriate PBC official, may, prior to the end of said 45 day period,
50 request additional information from the requesting party, specifying in sufficient detail
51 what information is required. The requesting party shall have 15 days after the date of
52 the request for additional information to provide the requested information. In the event a
53 request for additional information is made, the 45 day period to issue a written
54 determination shall no longer be applicable, and the appropriate PBC official, shall issue
55 a written determination within 30 days after receipt of the additional information. If the
56 requesting party fails to provide the requested additional information within said 15 day
57 period, the appropriate PBC official, shall issue written notice advising that the requesting
58 party had failed to timely submit the additional information and therefore the request for
59 Reasonable Accommodation shall be deemed abandoned or withdrawn and no further
60 action by the County with regard to said Reasonable Accommodation request shall be
61 required.

62 **b. Determination**

63 In accordance with Federal law, the appropriate PBC official, shall:

64 1) grant the accommodation request;

65 2) grant a portion of the request and deny a portion of the request;

66 3) impose conditions upon the grant of the request; or

Notes:

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

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

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

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

EXHIBIT G

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

4) deny the request. Any such denial shall be in writing and shall state the grounds therefore.

c. Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested.

7. Appeal

Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officers decision may be appealed to the 15h Circuit Court by petition for writ of certiorari.

8. Stay of Enforcement

While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the applicant.

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