

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
APRIL 26, 2017 MEETING

AMENDMENTS TO THE AGENDA
(Updated 04/25/17)

1

#1	Exhibit E – Amend Table 6.A.1.B – Minimum Off- Street Parking and Loading Requirements, Part 2, Page 14 of 22, (line 11)
	Clarify note #12 to indicate that loading provisions for Type 3 CLF are only applicable when the use has more than 20 beds. That number of beds has been the determining factor used to identify if the use was or not subject to the loading regulations.

2

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

3

....	
Notes:	
....	
(12)	<u>A Type 3 CLF with more than 20 beds or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver.</u>

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Notes:

Double underlined indicates new text or previously stricken text to remain.

~~Double 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.



April 19, 2017

**Department of Planning,
Zoning & Building**

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

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Zoning Division 233-5200
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**Palm Beach County
Board of County
Commissioners**

- Paulette Burdick, Mayor
- Melissa McKinlay, Vice Mayor
- Hal R. Valeche
- Dave Kerner
- Steven L. Abrams
- Mary Lou Berger
- Mack Bernard

County Administrator

Verdenia C. Baker

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

RE: April 26, 2017 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB Meeting on Wednesday, April 26, 2017.

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: March 29, 2017 LDRAB Agenda

- c: Faye W. Johnson, Assistant County Administrator
- Patrick Rutter, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Deputy Zoning Director
- Monica Cantor, Senior Site Planner, Zoning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

APRIL 26, 2017

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine(District 1)

Philip L. Barlage (District 3)

James Knight (District 4)

Lori Vinikoor (District 5)

Vacant (District 6)

Vacant (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Vacant (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

James M. McKay (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

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

Derek Zeman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

James M. Brake (Member at Large/Alternate)

Vacant (Member at Large/Alternate)

Board of County Commissioners

Paulette Burdick
Mayor, District 2

Melissa McKinlay
Vice Mayor, District 6

Hal R. Valeche
Commissioner, District 1

David Kerner
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Mack Bernard
Commissioner, District 7

Verdenia C. Baker
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, APRIL 26, 2017 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Former LDRAB Member Recognition
5. Adoption of March 29, 2017 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2.D.3.G.A.3, Board Membership [Related to Land Development Regulation Advisory Board]
2. Exhibit C - Art. 3.E, Planned Development Districts
3. Exhibit D - Art. 4, Use Regulations [Related to Multifamily and Microbrewery]
4. Exhibit E - Art. 6, Parking
5. Exhibit F - Art. 8.F.5, Illumination [Related to Signage]
6. Exhibit G - Art. 8.G.3.B, Electronic Message Signs

C. PUBLIC COMMENTS

D. STAFF COMMENTS

1. Subcommittee – Candidates for “General” Topics
2. Surf Ranch Public Information Meeting

E. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 4-21-17)

Minutes of March 29, 2017 LDRAB/LDRC Meeting

On Wednesday, March 29, 2017 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Michael Peragine (District 1)**
Philip Barlage (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Terrence Bailey (Florida Eng. Society)*
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Daniel Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mapping)
James McKay (AIA)

Vacancies: 4

District 6
PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #2

County Staff Present:

Jon MacGillis, ASLA Zoning Director
Maryann Kwok, Deputy Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Shannon Fox, Assistant County Attorney
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning

Members Absent: 2

Richard Pinsky (District 7)
James Brake (Alternate #1)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of Attachment 10, and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 - 0)* **.

4. Former LDRAB Member Recognition

The Chair said it was his pleasure to present a plaque to Ms. Barbara Katz, former member of the Land Development Review Advisory Board (LDRAB), in recognition of her long and invaluable contribution to the Board. He recalled that she also served as a member of the Citizens Task Force which pre-dated the LDRAB.

Ms. Katz thanked the Chair and members, and said it had been a privilege and a pleasure to serve with such a wonderful group, and she was proud and grateful to accept the plaque.

Mr. Carpenter added that Ms. Katz will be missed and expressed that she has been a great representative for the general public and has been very active in her community for many years.

* Mr. Terrence Bailey arrived at 2:05 p.m.

5. Annual Election of Chair and Vice Chair

Mr. Blackman kindly opened the floor to allow members to nominate a new Chair and Vice-Chair.

Motion to re-elect Wesley Blackman as Chair by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0)**.

Mr. Blackman thanked the members and said he would continue to serve to the best of his ability.

Motion by Mr. Gulisano to re-elect David Carpenter as Vice-Chair, seconded by Ms. Vinikoor. Motion passed (11 - 0)**.

Mr. Carpenter expressed appreciation and committed to serve to the best of his ability.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 4-21-17)

Minutes of March 29, 2017 LDRAB/LDRC Meeting

** Mr. Michael Peragine arrived at 2:07 p.m.

6. Adoption of February 22, 2017 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (12 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Administrative Approval – Unmanned Retail Structure

Mr. Cross explained that this amendment is to authorize staff to administratively amend prior Board of County Commission (BCC) and Zoning Commission (ZC) approved site plans to add unmanned retail structures, as the structures are de-minimis with less impact than an occupied freestanding structure, similar to unmanned ATMs. This clarification was inadvertently omitted when the use was created during the Use Regulations Project (URP).

Mr. Gulisano asked when are these machines considered a structure and Mr. Cross explained that there are defined standards, such as when it is attached to a building or freestanding. There are other detailed regulations that apply to those that might be located in the parking lot or other areas.

Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (12 – 0).

2. Exhibit C - Retail Gas and Fuel – Standards for Approval

Mr. Cross explained that the amendment streamlines the standards for Conditional Use requests by eliminating standards that are redundant or otherwise appear to be arbitrary. The deleted standards are addressed by other standards requiring consistency with the Code and Comprehensive Plan, or Development Patterns. The latter standard better addresses the need to evaluate that the request would result in a logical, orderly and timely development pattern. Whereas, the deletion of the standard pertaining specifically to number of pumps, may be arbitrary due to the number of site specific variables that make it difficult for staff to recommend a specific number of pumps. If industry would like a gas station in a particular location, and if application meets the requirements for landscaping, traffic, pedestrian and vehicular circulation, among others, then those requirements would dictate the maximum number of pumps a particular site might best accommodate.

Ms. Vinikoor requested that Mr. Cross identify the redundant standards and those that appear arbitrary. Mr. Cross specified redundant standards include numbers 1 to 3 as established under the Retail Gas and Fuel use, with the latter being arbitrary due to other existing Code requirements including ingress/egress, buffering from residential or vehicular circulation, etc.

Mr. Cross responded to Mr. Barlage's question on the maximum number of pumps allowed in an interior lot, by explaining that standards are being retained for number of gas stations allowed at intersections. Mr. MacGillis clarified that the Code does not include any provisions on the number of pumps.

Motion to approve by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (12-0).

3. Exhibit D – Lifestyle Commercial Center (LCC)

Ms. Cantor informed the Board that the LCC as a standalone zoning district is being deleted from the ULDC as a result of recent amendments to the Future Land Use Element (FLUE) of the Comprehensive Plan. She highlighted the following points in the amendment:

- The LCC is now a type of Traditional Marketplace Development (TMD), limited to specific sites noted in two Ordinances for future land use atlas (FLUA) amendments.
- The LCC is only allowed in the U/S Tier, with single tenants limited to 65,000 sq. ft, when located on sites with Commercial Low (CL) designation; or, 100,000 sq. ft on sites with Commercial High (CH) designation, with the latter subject to BCC approval when over 65,000 sq. ft.
- All reference to Live/Work is deleted from Traditional Development District (TDD) regulations as the use was removed from the Code through Ordinance 2017-007.

Mr. Walesky inquired about Table 2.A.1.E, on page 12 and the significance of what is being lost. Ms. Cantor replied that there is not much difference between an LCC and a TMD.

Motion to approve by Mr. Peragine, seconded by Mr. Carpenter. Motion passed (12-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 4-21-17)

Minutes of March 29, 2017 LDRAB/LDRC Meeting

C. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor presented the following annual organization reports:

1. Internet links to LDRAB/LDRC rules and regulations applicable to members; 2016 LDRAB members' attendance (Attachment 2);
2. 2016 Amendments
 - a. Electronic Changeable Copy Message Pilot Program
 - b. Amendment Round 2016-01 Summary (Attachment 3)
 - c. Amendment Round 2016-02 Summary (Attachment 4)
 - d. Use Regulations Project (Attachment 5)
 - e. Western Communities Residential Overlay
3. 2017 LDRAB Members (Attachment 6)
4. 2017 Meeting Schedule and Work Plan (Attachment 7)
 - a. Deadlines/Scheduling for 2017 Amendments (Attachment 8)
 - b. Initiation of Amendment Round 2017-01 (Attachment 9)
 - c. Status of Subcommittee and Appointments (Attachment 10)
 1. Landscape Service Subcommittee April 10, 2017
 2. Landscaping Subcommittee Meetings Schedule
5. Sunshine Law Overview (Attachment 11)

During the presentation, Mr. Carpenter asked for clarification on term limits to ascertain when his term would expire. He said that he had recently discussed the matter with Mr. Berger.

A brief discussion ensued, and Ms. Fox clarified that as of March 2, 2013, a member cannot serve more than three consecutive terms, so this will not become an issue before 2023.

Ms. Cantor offered to send an e-mail to each member confirming the exact dates of his/her term. Mr. Blackman welcomed the suggestion and said that would be most helpful.

Mr. MacGillis advised the LDRAB that staff proposed amending the ULDC to remove the General Contractors' representation from the LDRAB. There has been no representation for six years in spite of many attempts to get the AGC to recommend an appointee. Mr. MacGillis further said he would send the appropriate letter to the AGC notifying them of the recommendation to delete the position.

Mr. Peragine pointed out an error in the last row of the 2016 Attendance Matrix. The year should be 2016 instead of 2015.

The Chair inquired whether there are any large projects planned for 2017. Mr. Cross informed the Board that Landscape Service will be reviewed based on input from the landscape industry and nursery owners, predominantly those in the Agricultural Reserve Tier. This topic will be subject to an LDRAB subcommittee meeting to be held on April 10, at which time future meeting dates will be set.

Mr. MacGillis added that another project slated for this year is the re-formatting of Article 2, and Ms. Kwok also added that there will be a major re-write related to Article 2 E, Monitoring.

The Chair expressed admiration for staff's systematic approach to addressing outdated or redundant regulations in a timely manner, and not letting such matters fester, resulting in ambiguous regulations.

Ms. Fox read the Sunshine Law and emphasized to members the most important points of the Law.

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

There were no staff comments.

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:35 p.m.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**
(Updated 4-21-17)

Minutes of March 29, 2017 LDRAB/LDRC Meeting

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: _____
Zona Case, Zoning Technician Date

EXHIBIT B

ART. 2.G.3.A.3, BOARD MEMBERSHIP [RELATED TO LAND DEVELOPMENT REGULATION ADVISORY BOARD] SUMMARY OF AMENDMENTS (Updated 04/21/2017)

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Part 1. ULDC Art. 2.G.3.A.3, Board Membership [Related to Land Development Regulation Advisory Board] (page 73 of 88), is hereby amended as follows:

Reason for amendments: [Zoning] This amendment deletes the Association of General Contractors of America (AGC) from the list of organizations represented on the Land Development Regulation Advisory Board (LDRAB) due to lack of interest in recommending a replacement for the last representative who served in 2009.

The LDRAB reviews proposed amendments to the Unified Land Development Code (ULDC) and makes recommendations to the Board of County Commissioners (BCC). Members are appointed by the BCC. Membership is comprised of professionals with expertise from multiple land development occupations as established in Art. 2.G.3.A.3.b, Qualifications, which currently includes 9 members recommended by organizations specified in Table 2.G.3.A, LDRAB Expertise, 7 members appointed by each Commissioner, and 2 at-large alternate members.

The commercial builder representative, which requires a recommendation by the AGC, has been vacant since December 2009. Zoning staff has made repeated attempts to obtain a recommendation from the AGC to fill this seat, but no candidate has been successfully recommended for appointment by the organization.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 A. Land Development Regulation Advisory Board

8 3. Board Membership

9 a. Appointment

- 10 1) The LDRAB shall be composed of ~~16~~ 15 members and two at-large alternate members. [Ord. 2015-006]
- 11 2) ~~Nine~~ Eight of the members shall be appointed by a majority of the BCC upon a recommendation by the organizations listed in Table 2.G.3.A, LDRAB Expertise. [Ord. 2015-006]

12
13 b. Qualifications

- 14 3) No more than two members of the LDRAB shall represent the same occupation or business. [Ord. 2010-022]

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Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	Realtors Association of the Palm Beaches
7. Surveyor	Florida Surveying and Mapping Society.
8. Commercial Builder	Assoc. General Contractors of America
<u>89. AICP Planner</u>	PBC Planning Congress
[Ord. 2010-022] [Ord. 2015-006]	

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Notes:

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EXHIBIT C

ARTICLE 3.E, PLANNED DEVELOPMENT DISTRICTS SUMMARY OF AMENDMENTS

(Updated 04/21/17)

Part 1. ULDC Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA) (pages 17 to 18 of 215), is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	Correct scrivener's error in Ord. 2017-007, by deleting a reference to note # "4" related to IPF Zoning District in Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. The text that pertains to the IPF is specified under Art. 3.B.1.m, related to the list of "Standard District Exceptions and Limitations".
2.	Implement recently amended Plan Policy 2.2.1-j (Ord. 2017-004), which clarifies that parcels with the High Residential (RH) Zoning district are consistent with the Medium Residential – 5 (MR-5) future land use designation in place at the time of the adoption of the 1989 Comprehensive Plan. The RH district was consolidated with the Medium Residential (RM) Zoning district in 2003, and the ULDC recognizes that the RH district is consistent with the RM district. The Plan amendment further establishes that eligible parcels with the RH Zoning district shall be exempt from rezoning to the RM Zoning District.

CHAPTER A GENERAL

Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

B. Standard Districts

Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the table below.

Table 3.A.3.B - Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1) (3)

FLU Designation		Zoning District					
....							
Institutional/Public and Civic							
INST	IPF						
PARK	IPF						
U/T	PO		IPF (4)				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007]							
Notes:							
1. Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district.							
2. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.							
3. See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042] Typical Example of a "shaded district." [REDACTED]							

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

....

h. The RM District is consistent with the MR-5 designation only for those areas already zoned RM or RH, prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016]

....

m. The IPF District shall only be consistent with the U/T FLU Designation for the purposes of accommodating privately owned or operated utility uses, including those considered publically held utilities that are not owned or operated by the State of Florida or local PBC governmental entity.

....

Reason for amendments: [Zoning]	
1.	Implement recently amended Plan policy 4.4.6-a (Ord. 2017-004), related to the Mixed Use Planned Development (MXPD) Zoning district, which: <ul style="list-style-type: none"> Removed the ability for the MXPD district to be applied with the High Residential - 12 (HR-12) or High Residential - 18 (HR-18) FLU designations, as MXPD is intended to support intense commercial uses; and, Clarify that consistency of an MXPD with Multiple Land Use (MLU) Future Land Use (FLU) designation is only applicable for sites located in the Urban/Suburban Tier.

Notes:

Underlined indicates **new** text.

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

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EXHIBIT C

ARTICLE 3.E, PLANNED DEVELOPMENT DISTRICTS SUMMARY OF AMENDMENTS

(Updated 04/21/17)

C. Planned Development Districts (PDDs)

Any application for a rezoning to a PDD shall correspond to a FLU designation indicated in the table below. [Ord. 2011-016]

Table 3.A.3.C - FLU Designation and Corresponding Planned Development Districts (1)

	AGR (2)	RR	WCR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU
PUD	√	√	√	(4-3)	√	√	√	√	√	√	√	√
MHPD		√			√	√	√	√	√	√	√	
MXPD										(3)	(3)	

	AGR (1)	RR	AGE	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			(4-3)	√	√	√	√	√	√	√	√	√
MXPD					√		√				√(4)	
PIPD								√			√	√
RVPD		√								√		
LCC				√	√							

[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017-011]

Notes:

1. Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
- ~~3. MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation. [Ord. 2010-005]~~
- ~~4-3. A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.D, Traditional Town Development Land Use Allocation. [2014-031]~~
- ~~4. A MXPD is consistent with the MLU FLU designation in the Urban/Suburban Tier only.~~

Part 2. ULDC Art. 3.E.4, Mixed Use Planned Development (MXPD) (page 163 of 215), is hereby amended as follows:

Reason for amendments: [Zoning] Implement recently amended Plan policy 4.4.6-a (Ord. 2017-004) which deletes the internal trip capture requirements for the MXPD.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPD)

A. General

1. Purpose and Intent

The purpose and intent of the MXPD district is to provide for the compatible development and integration of residential and non-residential uses into a unified development with enlightened and imaginative approaches to community planning, including: [Ord. 2007-001]

- the use of vertical or horizontal integration with residential and non-residential uses;
- the selection of land uses which allows for ~~internal automobile trip capture and~~ compatibility with residential uses;

B. Objectives and Standards

1. Design Objectives

An MXPD shall comply with the following objectives:

- Provide ~~for the~~ vertical ~~and/or~~ horizontal integration of residential and non-residential uses;
- Provide a continuous non-vehicular circulation system for pedestrians;
- Allow for innovative building design and orientation;
- Provide for interconnection between all uses in and adjacent to the project; and,
- ~~Demonstrate the ability to achieve an internal trip capture concurrent with the build-out of the project see Article 3.E.4.B.2.e, Transportation Program; and~~
- ef. Provide recreational opportunities for the residential population of the MXPD.

2. Performance Standards

An MXPD shall comply with the following standards:

- ~~**e. Transportation Program**~~
~~The applicant shall provide a traffic study demonstrating the ability of the MXPD to achieve a significant (ten percent) internal trip capture rate concurrent with the build-out of the project.~~

[Renumber accordingly]

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EXHIBIT D

ARTICLE 4, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 04/21/17)

1
2 Part 1. ULDC Art. 4.A.9, Development Thresholds (page 12 of 199), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] Establish an additional reference to Art. 5.G, Density Bonus Programs within Art. 4.A.9, Development Thresholds, to ensure that those reviewing the ULDC are familiar with additional thresholds for residential projects utilizing the density bonus provisions of the Workforce Housing, Affordable Housing or Transfer of Development Rights Programs.
--

5 CHAPTER A USER GUIDE AND GENERAL PROVISIONS

6 Section 9 Development Thresholds

7 A. Development Review Officer

8 Any amendment to an existing development, or new construction of projects that meets or exceeds
9 either the maximum square footage or number of units, shall require DRO site plan approval.

10

11 B. Public Hearing Approval

12 Any amendment to an existing development, or new construction of residential, commercial or industrial
13 projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table
14 4.A.9.B,

15 C. **Density Bonus**

16 Any amendment to an existing development, or new construction of projects, which includes an
17 existing or proposed WHP, AHP or TDR residential density bonus, shall require confirmation of any
18 applicable thresholds for approval process in accordance with Art. 5.G, Density Bonus Programs.

19 [Renumber Accordingly]

20
21
22 Part 2. ULDC Art. 4.B.1.C.3.d, Zoning Districts [Related to Multifamily] (page 14 to 15 of 188), is
23 hereby amended as follows:
24

Reason for amendments: [Zoning]
1. Correct Use Regulations Project revision which inadvertently changed the approval process for the Multifamily use in the Multifamily Residential (RM) Zoning District when located on parcels with a High Residential 8 (HR-8) Future Land Use (FLU) designation or higher. Under the Use Regulation Project (URP), Ordinance 2017-007, the Use Matrix for each Use Type has been amended to show the most restrictive approval process. The Use Matrix is showing Class A Conditional Use approval for Multifamily use in Residential Multifamily (RM) Zoning District which is intended to be only applicable to sites located in Medium Residential 5 (MR-5) Future Land Use (FLU) designation. This amendment clarifies that Multifamily use is Permitted by Right on sites with RM Zoning District with HR-8 or higher FLU designations.

25 CHAPTER B USE CLASSIFICATION

26 Section 1 Residential Uses

27 C. Definitions and Supplementary Use Standards for Specific Uses

28 3. Multifamily

29

30 d. Zoning District

31 1) TMD District

32 AGR-TMDs shall be exempt from the integration requirement and shall comply with
33 the Development Order approved by the BCC.

34 2) RM District

35 Multifamily units may be allowed in the RM Zoning District ~~with an MR5-FLU~~
36 ~~designation subject to the following as follows:~~ [Partially relocated below]

37 a) **MR5 FLU Designation**

38 a(1) **Planning Determination**

39 A written determination from the Planning Director that the property meets the
40 criteria for an Infill Density Exemption in the Plan; and,

41 b(2) **Existing RM Zoning**

42 The property was zoned RM prior to the 1989 adoption of the Plan.

43 c(3) **Approval Process**

44 The approval process shall be as follows:

Notes:

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EXHIBIT D

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 04/21/17)

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Table 4.B.1.C - Approval Process
RM District with MR-5 FLU Designation

Process	Units
Class A Conditional Use	Over 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

~~d(4)~~ **Development Order**

Prior approvals for Multifamily units in the RM Zoning District with MR5 FLU designation shall be considered legal conforming uses.

b) HR-8, HR-12 or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered.

ec) Limestone Creek

Multifamily units in the RM Zoning District shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street).

....

Part 3. ULDC Table 4.B.2.A – Commercial Use Matrix, [Related to Microbrewery] (page 24 of 188), is hereby amended as follows:

Reason for amendments: [Zoning]
<p>1. This amendment is to allow Microbreweries in Multiple Use Planned Development (MUPD) with an Economic Development Center (EDC) FLU designation, subject to a Development Review Officer (DRO) approval for the following reasons:</p> <ul style="list-style-type: none"> • The Comprehensive Plan dictates that an MUPD with EDC FLU designation is intended to have office and research parks as well as industrial uses with light industrial characteristics. • The Microbrewery use was developed to recognize the recent craft beer trend, which typically comprised of light industrial manufacturing and processing, storage and distribution in addition to commercial sales, brewery tours or education, and accessory tap rooms, which includes consumption on site. These use characteristics make Microbrewery a light industrial use. • In addition, MUPD developments are required to be subject to the Board of County Commissioners (BCC) approval, which allows for issues or concerns regarding site design or uses to be discussed publicly.

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EXHIBIT E

ARTICLE 6, PARKING SUMMARY OF AMENDMENTS

(Updated 04/21/17)

1
2 **Part 1. Table 2.D.6.B, Summary of Type 1 Waivers (page 46 of 88), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning] Expand the list of Type 1 Waivers related to the reduction of loading spaces to include Type 3 CLF or Nursing Home or Convalescent Facility. See Part 2 below for details. The loading provisions proposed for these uses require one parking space per building which may not be necessary when the buildings are only housing dormitories or incidental services that do not require loading areas.

Table 2.D.6.B - Summary of Type I Waivers

Type I Waiver Summary List
....
Reduction in Number of Minimum Required Loading Spaces [uses < 10,000 square feet; <u>or Type 3 CLF; or, Nursing Home or Convalescent Facility</u>]
....
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042]

6
7
8 **Part 2. Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 4-12 of 40),**
9 **is hereby amended as follows:**
10

Reason for amendments: [Zoning]

1. Amend the loading space requirements for Congregate Living Facilities (CLF) and Nursing Home or Convalescent Facility as follows:

- Delete regulations that require CLF or Nursing Home or Convalescent Facility to provide one loading space for each 50 beds for facilities containing 20 or more beds. This requirement may result in an unnecessary number of loading areas, sometimes larger than the number required for some industrial or commercial uses.
- Type 3 CLF allows for a higher number of beds based on the FLU designation than Types 1 and 2 since it is for more than 14 occupants. Type 3 CLF as well as Nursing Homes or Convalescent Facility typically require additional services incidental to the use operation which may result in the need of loading areas. This amendment requires one loading space per building mainly to address situations in which the site design places decentralized services in multiple building while allows applicants to apply for Type 1 Waiver. The waiver looks to address cases when can be demonstrated that a building or buildings do not include services or operations that are going to require loading areas.
- This amendment continues recognizing that Type 1, 2 and 3 CLFs with less than 20 beds are not subject to the loading requirements.

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements

Use <u>Type Classification:</u> Residential	Parking	Loading (1)
Congregate Living Facility, Type 1, Type 2, Type 3	1 space per unit or 2 beds whichever is greater; plus 1 space per 200 sq. ft. of office space	<u>D (12)</u>
....		
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.		
Notes:		
....		
<u>(12)</u> <u>A Type 3 CLF or a Nursing Home or Convalescent Facility with more than 20 beds shall provide at least one loading space per building unless approved as a Type 1 Waiver.</u>		

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EXHIBIT E

ARTICLE 6, PARKING SUMMARY OF AMENDMENTS

(Updated 04/21/17)

1

Reason for amendments: [Zoning]
2. Update references to use classifications correct "Use Type" to "Use Classification" for consistency with recently amended Art. 4, Use Regulations.
3. Under the Use Regulations Project, Convenience Store use, and accompanying parking and loading standards, were inadvertently deleted from the minimum off-street parking and loading requirements table. This amendment reinstated this use in Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements with no proposed modifications.
4. Include parking provisions for recently split Financial Institution with Drive Thru Facilities use consistent with the same parking and loading requirements for the Financial Institution Use.

2

Use Type <u>Classification</u> : Commercial	Parking	Loading (1)
Auction, Enclosed-Indoor	1 space per 200 sq. ft.	C
....		
<u>Convenience Store</u>	<u>1 space per 200 sq. ft.</u>	<u>C</u>
....		
Dispatching office-Service	1 space per 250 sq. ft.	N/A
Dog day-care-Daycare	3 - 12' x 20' transient spaces for 50 dogs; 1 space per 500 sq. ft. of cage and retail area	E
Financial Institution	1 space per 200 sq. ft.	E
<u>Financial Institution with Drive Thru Facilities</u>		
<u>Financial Institution</u> Freestanding ATM	2 spaces (9)	N/A

3

Reason for amendments: [Zoning]
5. Update references to use classifications correct "Use Type" to "Use Classification" for consistency with recently amended Art. 4, Use Regulations.
6. Clarify parking provisions for the Microbrewery use. This use was recently added to Article 4, Use Regulations and parking provisions to address the processing aspect of the use were overlooked. This amendment clarifies that 1 parking space for every 3 seats is intended to apply to taproom area, while manufacturing areas including packing, distribution or storage, shall be subject to 2 spaces per 1,000 square feet, consistent with the parking provisions for the industrial use Manufacturing and Processing. Note also that accessory office uses are subject to separate parking requirements.
7. Relocate and apply same parking provisions for Repair and Maintenance, Self Service Storage, and Vehicle Sales and Rental as they were split uses in Art. 4 through the Use Regulations Project.

4

Use Type <u>Classification</u> : Commercial	Parking	Loading (1)
Flea mMarket , enclosed-Indoor	2 spaces per 200 sq. ft.	C
Flea mMarket , open-Outdoor	1 space per 250 sq. ft. of affected land area	N/A
Funeral—Home [Relocated to Institutional, Public and Civic Use Classification]	1 space per 4 seats	C
Gas and Fuel <u>Sales</u> , Retail	1 space per 250 sq. ft.	N/A
<u>Green Market</u> Permanent	1 space per 250 sq. ft.	A
Hotel, or mHotel, SRO, rooming and boarding	1.25 spaces per room; (convention areas, restaurants, etc. over 2,000 sq. ft. to be calculated separately)	C
Kennel, Type # 2 (Commercial) or #3 <u>Kennel, Type 3 (Commercial Enclosed)</u>	1 space per employee; and, 1 space for each 200 sq. ft. of sale, grooming or office area.	E (8)
Cocktail Lounge, cocktail	1 space per 3 seats	C
....		
Microbrewery	<u>Taproom: 1 space per 3 seats</u> <u>Manufacturing and Processing: 2 spaces per 1,000 sq. ft.</u>	C
....		
Repair and Maintenance, General [Use split – Relocated below]	1 space per 250 sq. ft.	B
Repair and Maintenance, Heavy	1 space per 250 sq. ft.	B

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EXHIBIT E

ARTICLE 6, PARKING SUMMARY OF AMENDMENTS

(Updated 04/21/17)

<i>Repair and Maintenance, Light</i>	<i>1 space per 250 sq. ft.</i>	<i>B</i>
....		
Restaurant, Type I <u>1</u>	1 space per 3 seats including outdoor seating area	C
Restaurant, Type H <u>2</u>		C
Retail Sales, General	1 space per 200 sq. ft.	C
....		
Self-service storage [Use split - Relocated below under Limited Access and Multi-Access]	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	6
<u>Self-service Storage Limited Access</u>	<i>1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately</i>	(6)
<u>Self Service Storage, Multi-Access</u>	<i>1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately</i>	<u>N/A</u>
....		
Towing Service and Storage [Relocated to Industrial Use Classification]	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	<i>A</i>
....		
Vehicle Sales and Rental [Use split - Relocated below under Heavy and Light]	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area; plus 2 spaces per service bay	<i>A</i>
<u>Vehicle Equipment Sales and Rental, Heavy</u>	<i>1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area</i>	<i>A</i>
<u>Vehicle Sales and Rental, Light</u>	<i>1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area</i>	<i>A</i>

1

Reason for amendments: [Zoning]
8. Update references to use classifications correct "Use Type" to "Use Classification" for consistency with recently amended Art. 4, Use Regulations.
9. Clarify parking regulations for Electric Distribution Substation as it was split from the Minor Utilities use in Art. 4 by Ord. 2017-007. The parking provisions are the same as in Minor Utility.
10. See reason #1 above.

2

Use Type Classification: Recreational	Parking	Loading (1)
....		
Use Type Classification: Institutional, Public and Civic	Parking	Loading (1)
....		
Nonprofit Assembly Institutional Nonprofit or <u>Assembly</u> Membership Nonprofit (5)	1 space per 3 seats or 200 sq. ft. for the principal place of assembly, whichever is greater. 1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses. Collocated uses classified with the definition of a use listed in Art. 4.B, Use Classification, calculated separately.	A
....		
Funeral Home [Relocated from Inst., Public and Civic Use Classification]	<i>1 space per 4 seats</i>	<i>C</i>
....		
Nursing Home or Convalescent Facility	1 space per 3 beds; plus 1 space per 200 sq. ft. of office space	D <u>(12)</u>
....		
Use Type Classification: Industrial	Parking	Loading (1)
....		
Equestrian Waste <u>Management</u> Facility	1 space per 200 sq. ft. of office space; plus 1 space per employee	E
....		
Towing Service and Storage [Relocated from Use Type Commercial]	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	<i>A</i>
Use Type Classification: Agricultural	Parking	Loading (1)
....		

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EXHIBIT E
ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS
(Updated 04/21/17)

Use Type Classification: Utilities	Parking	Loading (1)
....		
Air stripper, remedial	N/A	N/A
....		
Electric Distribution Substation	1 space	N/A
....		
Use Type Classification: Transportation Uses	Parking	Loading (1)
....		
Use Type Classification: Commercial Communication Towers	Parking	Loading (1)
....		
Use Type Classification: Excavation	Parking	Loading (1)
....		
Use Type Classification: Temporary	Prking	Loading (1)
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2017-007]		
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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Part 3. Art. 6.B.1.D.2, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces (page 34 of 40), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Expand applicability of Type 1 Waivers to reduce loading spaces by including Type 3 CLF or Nursing Home or Convalescent Facility. The loading provisions proposed in these uses require one parking space per building which may not be necessary when the buildings are only housing dormitories or incidental services that do not require loading areas. Existing provisions are in place to ensure some criteria is met such as technical data that demonstrates on site loading demand.

CHAPTER B LOADING STANDARDS

Section 1 Loading

D. Loading Space Ratios

2. Type I Waiver - Reduction of Minimum Number of Required Loading Spaces

~~For uses~~ with less than 10,000 square feet of total GFA, Type 3 CLF, or Nursing Home or Convalescent Facility that require limited loading may apply for a Type 1 Waiver, subject to submittal and approval of documentation such as: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information. [Ord. 2007-001] [Ord. 2012-027] [Ord. 2016-042]

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EXHIBIT F

ART. 8.F.5, ILLUMINATION [RELATED TO SIGNAGE] SUMMARY OF AMENDMENTS

(Updated 4/21/17)

1
2 Part 1. ULDC Art. 8.F.5, Illumination [Related to Signage] (page 22 of 42), is hereby amended as
3 follows:
4

Reason for Amendment:	
1.	<p>Exempt Electronic Message Signs from Tier based limitations for internally illuminated signage, based on evaluation of existing standards and potential benefit to public versus potential for adverse impacts, including but not limited to:</p> <ul style="list-style-type: none">Prohibitions on types of lamps utilized and message movement, and minimum standards for timing and instantaneous message change;Limitations on the types* of Electronic Message Sign Types permitted; and,2014 ULDC updates, based on long term studies, evaluation or regulation of electronic signage, which included:<ul style="list-style-type: none">✓ Establishment of maximum brightness levels based on ambient light (e.g. daytime, rainy days, nighttime, etc.);✓ Technological advancements and industry trends resulting in more accurate and reliable ambient light sensing technology to ensure that maximum brightness levels aren't exceeded, mitigating adverse glare and minimizing excessive light pollution; and,✓ A default mechanism to shut the sign down in the event of a malfunction or failure. <p>This exception is based on current provisions allowing for Electronic Message Signs, and may warrant reconsideration should future amendments be considered.</p>
2.*	<p>Update limits on internally illuminated signage within the Agricultural Reserve (AGR) Tier for commercial properties commensurate with recent amendments to the Comprehensive Plan.</p> <p>This amendment was initiated in response to BCC discussion and direction at the March 23, 2017 BCC Zoning Hearing pertaining to initiation of ULDC Amendment Round 2017-01. The topic was raised at the request of industry representatives for Cobblestone Plaza Multiple Use Planned Development (MUPD), which was requesting and subsequently obtained Variance from the internal illumination requirement relief on April 6, 2017. Note also that the Delray Marketplace Traditional Marketplace Development (TMD) had also previously obtained similar Variance relief as well. While the standards for sign illumination were originally calibrated with assistance from a consultant based on the characteristics of the 2003 Managed Growth Tier System (MGTS), recent amendments to the Comprehensive Plan to allow for additional commercial development and use of the MUPD district, merits re-evaluation. Factors considered, include:</p> <ul style="list-style-type: none">In addition to allowing additional commercial, the MUPD district allows for broader use of freestanding signs than was originally anticipated within the Tier under the previous TMD limitation;Consideration that additional commercial development within the Tier will likely be limited to specific high traffic corridors within the Tier, where improved sign illumination may be warranted; and,Expanding the current options for external or silhouette lighting for signage under the proposed commercial limitation may not significantly alter the original aesthetic vision for the Tier, nor efforts to control light pollution.

ARTICLE 8 SIGNAGE

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 5 Illumination

Signs may be illuminated subject to the following standards:

A. General Requirements

- Ground-mounted and building-mounted signs adjacent to a residential zoning district ~~or~~ a residential use shall be illuminated only during hours when the establishment is open for business;
- External lighting shall be properly shielded to prevent glare on adjacent streets or properties; ~~and~~
- Illumination shall be constant and shall not consist of flashing, animated or changing lights, except for permitted change of message for electronic message signs, pursuant to [Art. 8.G.3.B, Electronic Message Signs](#); ~~and~~ **[Ord. 2014-025]**
- Electronic Message Signs shall be exempt from AGR, Exurban, Rural or Glades Tier prohibitions on internally illuminated signage.

B. U/S Tier Requirements

- Signs may be illuminated by silhouette, internal and external lighting, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO; and **[Ord. 2006-004]**

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EXHIBIT F

ART. 8.F.5, ILLUMINATION [RELATED TO SIGNAGE]

SUMMARY OF AMENDMENTS

(Updated 4/21/17)

- 1 2. Neon signs are allowed in the U/S Tier, except where located in or oriented towards the NRM
2 or NG Sub-areas of the WCRAO, as part of a wall sign or window sign only. The sign area for
3 a neon sign shall not exceed eight square feet. **[Ord. 2006-004]**

4 C. AGR Tier Requirements

- 5 1. Signs may be illuminated by external or silhouette lighting only, with exception to the following:-
6 a. Signs permitted under Art. 8.G.3.B, Electronic Message Signs; and,
7 b. Signs on properties with a commercial future land use designation.
8 ~~2. Outparcel identification signs require external lighting only.~~
9 ~~3.~~ All sign lighting is restricted to the hours of operation of the entity or establishment with which
10 the sign is associated.

- 11 4. Neon signs are allowed as a window sign only. The sign area shall not exceed six square feet.

12 D. Exurban, Rural, and Glades Tier Requirements

- 13 1. Signs may be illuminated by external lighting only, with exception to signs permitted under Art.
14 8.G.3.B, Electronic Message Signs.
15 2. All sign lighting is restricted to the hours of operation of the entity or establishment with which
16 the sign is associated

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EXHIBIT G

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS (Updated 4/21/17)

Part 1. ULDC Art. 8.G.3.B, Electronic Message Signs (page29 - 33 of 42 [Supplement 20]), is hereby amended as follows:

Reason for Amendment:
1. Sunset the Electronic Changeable Copy Message Sign PRA Pilot Program pursuant to BCC discussion and direction at the March 23, 2017 BCC Zoning Hearing, pertaining to the Zoning Director update on the status of the PRA Pilot Program. The discussion affirmed ensuring that any signs approved during the timeframe the Pilot Program was in effect, would be considered conforming. Eligible signs will still be subject to the original standards for placement in the event of an application to relocate such signage, or the critical operational standards, which serve to mitigate any potential for adverse impacts.
2. Streamline and simplify the evaluation and approval requirements for Type I Electronic Message Signs by consolidating requirements that the BCC make specific findings, with other Standards required to be considered as part of the Class A Conditional Use (BCC approval) process.

ARTICLE 8 SIGNAGE

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 3 Other Sign Types

B. Electronic Message Signs

1. Applicability and Approval Process

Electronic message signs shall only be allowed as follows: [Ord. 2015-031]

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Sign Type	Permitted Content	Approval Process
Type 1	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements	Class A Conditional Use approval (1)
Type 2 (2)	Reserved for Future Use Electronic Changeable Copy Message Sign (PRA Pilot Program)	N/A Building Permit
Type 3	Time and temperature	Building Permit
Type 3	Fuel prices	DRO
Type 3	Informational signs within residential Planned Unit Development (PUD)	DRO
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020] [Ord. 2017-007]		
Notes:		
1. Unless exempt under Article 8.B, EXEMPTIONS.		
2. <u>Signs approved pursuant to the provisions of the Type 2 Electronic Changeable Copy Message Sign (PRA Pilot Program) shall be considered conforming, where in compliance with all of the standards established for the Pilot Program in Ord. 2016-020.</u>		

2. Prohibited Elements

....
b. Message units that change copy, light, color, intensity, words or graphics more than once per eight seconds for Type 1 or Type 3 Electronic Message Signs, ~~and not more than once daily (24 hour period) for Type 2 Electronic Changeable Copy Message Signs.~~ Any change in message shall be completed instantaneously. There shall be no special effects in-between messages; [Ord. 2014-025] [Ord. 2016-020]

c. **Additional Standards for Approval Required Findings**

In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and Development Order Amendments, when considering a Class A Conditional Use for a Type 1 Electronic Message Sign, the BCC shall consider whether or not the following standards have been met may approve an application for a Type 1 electronic message sign upon finding that: [Ord. 2014-025] [Ord. 2015-031]

- 1) The sign will not create confusion or a significant distraction to passing motorists;
- 2) The sign (including its supporting structure, if any) is consistent with Art. 8.A.1.B, General Design Principals of the same architectural character as the building's principal use;
- 3) The sign will not be a nuisance to occupants of adjacent and surrounding properties; and

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EXHIBIT G

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS

(Updated 4/21/17)

- 1 4) The sign is accessory to a use regional in scale and attraction that, by its nature,
2 demonstrates a unique need to communicate more information than is ordinarily
3 needed for ~~a business or an~~ attraction.

4

5 **5. Standards for Type 2 Electronic Changeable Copy Message Sign (PRA Pilot Program)**

6 ~~A Type 2 Electronic Changeable Copy Message Sign may be permitted as an integral~~
7 ~~component of a conforming freestanding (excluding outparcel) or wall sign, for commercial,~~
8 ~~public and civic, or recreational uses, subject to the following: [Ord. 2016-020]~~

9 **a. One-Year Pilot Program Effective Dates**

10 Applications for new Type 2 Electronic Changeable Copy Message Signs shall only be
11 permitted from the effective date of this Ordinance to September 1, 2017. The Zoning
12 Director shall provide a Status Report on the Pilot Program as part of the initiation of ULDC
13 Amendment Round 2017-01. [Ord. 2016-020]

14 **b. Location**

15 1) Non-residential zoning districts within the Priority Redevelopment Area (PRA) of the
16 Urban Redevelopment Area Overlay (URAO), as depicted on Maps LU 9.1 and 9.2 of
17 the Plan; [Ord. 2016-020]

18 2) Frontage on roadways classified as Urban Principal Arterial, Urban Minor Arterial, and
19 Urban Collector on Map TE 3.1, Functional Classification of Roads, of the Plan; [Ord.
20 2016-020]

21 3) A minimum of 250 feet from any signalized intersection; [Ord. 2016-020]

22 4) A minimum of 500 feet from a residential zoning district, undeveloped property with a
23 residential FLU designation, or residential use. The distance may be reduced, subject
24 to compliance with one of the following: [Ord. 2016-020]

25 a) 300 feet: 25 square feet or less of electronic message sign, oriented at an angle
26 of 90 degrees or more from affected residential parcels; or [Ord. 2016-020]

27 b) 200 feet: electronic message sign is screened from view of affected parcels by the
28 placement of buildings within the development; or, [Ord. 2016-020]

29 c) 100 feet: electronic message sign is limited to use between the hours of six a.m.
30 and 11 p.m. daily; or, [Ord. 2016-020]

31 d) 75 feet: electronic message sign is limited to use between the hours of six a.m.
32 and 9 p.m., and confirmation that incompatibility buffer screening or similar is
33 located on the subject site; and, [Ord. 2016-020]

34 e) Verification of device compliance with hours of operation shall be required as part
35 of Building Permit Requirements, below. [Ord. 2016-020]

36 **c. Maximum Number**

37 One per development (e.g. Control Number). Exceptions shall be permitted for
38 developments with multiple frontages, subject to the following: [Ord. 2016-020]

39 1) Maximum of two per development; [Ord. 2016-020]

40 2) Minimum frontage per eligible street: 400 feet; and, [Ord. 2016-020]

41 3) Minimum separation between signs: 500 feet; [Ord. 2016-020]

42 **d. Maximum Percentage of Sign Area**

43 Not more than 50 percent of the sign face area, up to 0.2 square feet per linear foot of
44 frontage, not to exceed 50 square feet in sign face area, whichever is less. [Ord. 2016-
45 020]

46 **e. Changeable Copy Display**

47 The Type 2 Electronic Changeable Copy Message Sign shall only consist of text or
48 numerals. [Ord. 2016-020]

49 **f. Off-Site Prohibition**

50 Shall not advertise any information, services or activities relating to any product or
51 commercial activity external to the development. [Ord. 2016-020]

52 [Renumber Accordingly]

53

54 **78. Type II Waivers for Electronic Message Signs**

55 An applicant may apply for waivers for Electronic Message Sign standards in accordance with
56 Art. 2.B.2.G, Type II Waivers, in accordance with Table 8.G.3.B, Type II Waivers for Electronic
57 Message Signs, below: [Ord. 2016-020]

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Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to:] or [Partially relocated to:].
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EXHIBIT G

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGNS SUMMARY OF AMENDMENTS (Updated 4/21/17)

1

Table 8.G.3.B, Type II Waivers for Electronic Message Signs

Article/Table Reference and Title	Maximum Waiver	Criteria
....
Art. 8.G.3.B.5.b.3) Related to Location and minimum setback from intersection]	No limit.	 <ul style="list-style-type: none"> ▪ Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property; and, ▪ Maximum Electronic Changeable Copy Message Sign area is 25 square feet or less.
Art. 8.G.3.B.5.b.4) [Related to Location and separation from residential]	Minimum 50-foot setback.	Upon demonstration that other combination of sign orientation, use of buildings, walls, or other permanent barriers, limits on hours of operation, or other similar, will mitigate any glare or light pollution, including urban sky glow, that may adversely impact residential uses.
Art. 8.G.3.B.5.c, Maximum Percentage of Sign)	No limit	 Demonstrate reduced setback won't adversely impact traffic or pedestrian safety, or residential property, to include: <ul style="list-style-type: none"> ▪ Use of sign is for multiple tenants. ▪ Site layout, including building setbacks, bay or building orientation, limits visibility of interior businesses or wall signage.
[Ord. 2016-020]		

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