



May 17, 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
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

- 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: May 24, 2017 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC Meeting on Wednesday, May 24, 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,

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

Attachments: May 24, 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)

MAY 24, 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)

Rena Borkhataria (District 6)

Robert J. Harvey (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)

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

**WEDNESDAY, MAY 24, 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 April 26, 2017 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Mobile Home Owner Disclosure Requirements to Potential Buyers
2. Exhibit C - Art. 1.C.1, Rules of Construction
3. Exhibit D - Art. 3.B.14.F, Property Development Regulations [Related to WCRAO]
4. Exhibit E - Art. 4.B, Use Classification [Related to URAO]
5. Exhibit F - Art. 5.B.1.A, Accessory Uses and Structures – General Exceptions
6. Exhibit G - Art. 5.B.1.A, Accessory Uses and Structures – Exceptions for Buildings
Accessory to Residential
7. Exhibit H - Accessory Solar Energy Systems
8. Exhibit I - Art. 5.B.1.B, Temporary Structures – Portable Storage Containers and
Shipping Containers
9. Exhibit J - Art. 16, Airports and F.S. 333
10. Exhibit K - Requested Use Reference

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination
 - a. See Exhibits B.1 through B.10 listed above
 - b. Exhibit L - Administrative Approvals-Unmanned Retail Structures
 - c. Exhibit M - Art. 2.G.3.A.3, Board Membership
 - d. Exhibit N - Art. 3, Planned Development Districts
 - e. Exhibit O - Lifestyle Commercial Center LCC
 - f. Exhibit P - Art. 4, Use Regulations
 - g. Exhibit Q - Retail Gas and Fuel - Standards for Approval
 - h. Exhibit R - Art. 6 Parking
 - i. Exhibit S - Art. 8.F.5, Illumination [Related to Signage]
 - j. Exhibit T - Art. 8.G.3.B, Electronic Message Signs

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

1. General Subcommittee
2. Subcommittee Attendance

G. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/11/17)

Minutes of April 26, 2017 LDRAB 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

Vice-Chair, David Carpenter 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)

Members Absent: 1

James Brake (Alternate #1)

Vacancies: 4

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

County Staff Present:

Maryann Kwok, Deputy Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Leonard Berger, Assistant County Attorney
Scott Rodriguez, Senior Planner, Planning Division
Bruce Thomson, Principal Planner, Planning Division
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

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

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (11 - 0)*.

4. Former LDRAB Member Recognition

Mr. Cross advised that the award for recognition of Ms. Brinkman's service to the LDRAB is being re-scheduled as she tendered an apology for not being able to attend the meeting.

5. Adoption of March 29, 2017 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (11 - 0)*.

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2.D.3.G.A.3, Board Membership [Related to Land Development Regulation Advisory Board]

Ms. Cantor explained that despite continuous efforts from 2010 to fill the vacant seat for a representative from the Association of General Contractors, the seat remains unfilled to date. The amendment recommends deletion from the list of organizations represented on the LDRAB

* Mr. Blackman arrived at 2:05 p.m.

In response to Mr. Barlage's question, Ms. Cantor confirmed that there are no plans to add another organization.

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

Mr. Blackman assumed the role of Chair.

2. Exhibit C - Art. 3.E, Planned Development Districts

Ms. Cantor explained the amendments of the exhibit as follows:

- Correction of scrivener's error in Ord. 2017-007 that included by mistake a reference to note #4 related to Institutional and Public Facilities (IPF) Zoning District in Table 3.A.3.B. Note #4 does not exist.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 5/11/17)

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- On line 16, the amendment is made in accordance with Plan policy 2.2.1-j, Ordinance 2017-004, recognizing that High Residential (RH) Zoning district is consistent with Medium Residential – 5, (MR-5) Future Land Use (FLU) designation, which was effective at the time the 1989 Comprehensive Plan was adopted. The RH and Multifamily Residential (RM) Zoning Districts were consolidated in the 2003 ULDC, and accordingly eligible parcels in the RH Zoning district will not be required to rezone to RM.
- Implement for consistency with amended Plan policy 4.4.6-a (Ord. 2017-007) which removed the ability for MXPDP districts to be applied to High Residential districts (both HR 18 and HR12), as MXPDP is mainly intended for intense commercial uses.
- Clarify that a Mixed Use Planned Development (MXPDP) with a Multiple Land Use (MLU) (FLU) designation is only allowed on sites located in the Urban/Suburban Tier.
- Amend for consistency with Plan policy 4.4.6-a (Ord. 2017-0040), which deletes the internal trip capture requirements for an MXPDP.

Ms. Vinikoor referred to the deletion of the internal trip capture and questioned why it was not effective. Mr. Cross responded that compatibility in design standards is still required. However, the traffic capture is not a realistic requirement, as the goal is to move toward incentivizing and encouraging mixed use where developers see fit. Compatibility, walkability and functionality are the most important factors and traffic capture is not necessarily the goal.

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

3. Exhibit D – Art. 4, Use Regulations

Ms. Cantor clarified the following:

- The amendment to Art. 4.A.9.C, establishes a reference to Art. 5.G, Density Bonus Programs, to ensure that those who review applications for residential projects utilizing the density bonus provisions consider the additional thresholds that may require projects to be subject to a different approval process.
- The amendment in Part 2 clarifies that Multifamily use is Permitted by Right on sites with RM Zoning District with HR-8 or higher FLU designations. The approval process was inadvertently omitted from the Code through the Use Regulations Project when the most restrictive provision was shown in the Use Matrices.
- Part 3 amends the use matrix to allow Microbreweries in Multiple Use Planned Developments (MUPDs) with an Economic Development Center (EDC) FLU designation, to be allowed subject to (DRO) approval. The Microbrewery use responds to recent craft beer trends, and the manufacturing process, sales, consumption and other characteristics qualifies the use as Light Industrial which is expected in MUPD with EDC FLU designation.

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

4. Exhibit E - Art. 6, Parking

Ms. Cantor explained the amendments related to Type 3 CLFs, Nursing Homes or Convalescent Facilities, as follows:

- Type 3 CLFs, Nursing Homes or Convalescent Facilities, are eligible for a Type 1 Waiver to reduce required loading spaces. She further indicated that these uses typically demand services which may require loading areas but not in the large numbers currently asked by the Code, therefore regulations requiring one loading space for each 50 beds for facilities containing 20 or more beds are deleted. The amendment requires one loading space per building, while applicants may apply for a Type 1 Waiver when it is demonstrated that the building services and operations do not require loading areas.
- The add/delete sheet indicates that this is only applicable when these uses have more than 20 beds.

Ms. Cantor added that other amendments in Exhibit E were modifications directly related to the Use Regulations Project: Convenience Store was inadvertently deleted and is being restored, and some split uses were omitted from Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements and are now being added.

Ms. Cantor also noted that parking requirements related to the packing, distribution, storage and taproom associated with the Microbrewery use, have been updated, for consistency with parking provisions in Manufacturing and Processing. The requirements are 1 space per 3

EXHIBIT A

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(Updated 5/11/17)

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seats for the taproom, and 1 space per 1,000 sq. ft. for the manufacturing and processing aspects of the use.

Mr. Carpenter questioned if the sale of alcohol would be permitted. A discussion ensued as follows:

- Mr. Scott Rodriguez, Planning Division, (formerly associated with review of the Microbrewery Use under the URP), clarified that the use is limited to the sale of beer and the aim is to sell the beer being manufactured on-site, although some businesses allow the sale of other types of beers as part of their business model. There are limitations to a certain percentage of taps, which are called "guest taps". It may be permissible to sell wine, soda, water, but not liquor.
- The Chair inquired about State regulations and if a liquor license would have to be obtained, or if there would be some specially designated license. He surmised that the process would be for Zoning to allow the use and a liquor license be obtained separately.
- Ms. Cantor read the language from the ULDC and it was noted that taproom is allowed as an Accessory Use. Guest taps consisting of alcohol not produced on site is allowed in conjunction with a tap room, not to exceed 30% of the number of taps for on-site production.
- Mr. Cross clarified that the limitation applies only to industrial zoning districts, FLU designation or Pods. In a Commercial district it could be collocated with a cocktail lounge and a liquor license could be obtained, which has always been possible. He continued that the regulations for this specific use were written to recognize Microbrewery as an up and coming trend.
- Mr. Bailey inquired if the regulations apply only to beer and wine as presently there are tap rooms in industrial areas where sampling and sale of craft liquors are allowed. He opined that size and scale matters more than the production of a particular type of beverage.
- Mr. Rodriguez responded that the present trend is for microbreweries to produce beer.
- Ms. Vinikoor, recalled as a member of the sub-committee that reviewed the use, that the reason for an accessory use was specifically to allow the sale of wine.
- In response to Mr. Walesky's question on the required parking for the use in relation to the manufacturing and processing aspects, Ms. Cantor indicated that parking requirements will be reviewed to respond to current industrial trends

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

5. Exhibit F - Art. 8.F.5, Illumination [Related to Signage]

Mr. Cross explained that the amendment is to exempt Electronic Message Signs from certain Tier prohibitions. It is recognized that digital signage is internally illuminating, not a light shining out, but coming from the sign. The amendment would exempt the signs from the Tier provisions that do not allow for that signage to be located within internally illuminated signage, specifically in the Agricultural Reserve Tier. Gas stations are going toward having the field prices, and Zoning is of the opinion that the exception to this type of signage is extremely limiting in the Tier.

Mr. Carpenter referred to page 19 and inquired why neon signs are limited in size to 8 sq.ft, while others are not. Mr. Cross could not recall any related history and indicated that this has been so for a number of years.

Mr. Barlage questioned the rationale for striking out-parcel on line 8, page 19 of the exhibit.

Mr. Cross indicated that regulation is now redundant since silhouette lighting is more benign as it is behind a surface, it causes less light pollution and is better than internally lit signage.

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

6. Exhibit G – Art. 8.G.3.B, Electronic Message Signs

Based on the Zoning Director's update on the Electronic Changeable Copy Message Sign PRA Pilot Program, the BCC, at the March 23, 2017 Zoning Hearing, gave direction to Sunset the program. Any signs approved during the effective timeframe of the Pilot Program would be considered conforming. Applications for relocation will be subject to the original standards for placement.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**
(Updated 5/11/17)

Minutes of April 26, 2017 LDRAB Meeting

The amendment also streamlines the approval requirements for Type 1, Electronic Sign.

Motion by Mr. Gulisano, seconded by Mr. Peragine. Motion passed (12 – 0).

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

Ms. Cantor asked for volunteers for a subcommittee to discuss multiple topics which are general in nature. After a brief discussion, it was decided that the matter would be brought back to the Board when there was more information on what would be the main topics to be discussed by the subcommittee and the frequency of meetings.

Mr. Cross informed the Board that a public informational meeting will be held on Tuesday, May 9 on the Surf Ranch Privately Initiated Amendment (PIA).

Mr. Bruce Thompson of the Planning Division gave a brief update on the Workforce Housing Program and it was agreed that he would elaborate further on the Program at the meeting to be held on May 24, 2017.

E. ADJOURN

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

Zona Case, Zoning Technician

Date

EXHIBIT B

MOBILE HOME OWNER DISCLOSURE REQUIREMENTS TO POTENTIAL BUYERS SUMMARY OF AMENDMENTS (Updated 05/16/17)

1 Part 1. ULDC Art. 2.A.1.J, Notification (pages 17 of 18), is hereby amended as follows:
2

Reason for amendments: [PZ&B/County Attorney] This amendment serves to establish additional notification requirements for rezoning applications involving the redevelopment of mobile home parks, with the intended purpose of providing additional disclosure to persons who may unknowingly purchase a mobile home dwelling unit without knowledge that future tenancy in the park may be short term. These notification requirements would be applicable to approximately 71 mobile home parks with 13,987 mobile home units within the unincorporated areas of Palm Beach County.

Florida Statutes, Chapter 723 "Mobile Home Park Lot Tenancies" establishes and pre-empts to the State, through the Department of Business and Professional Regulation (DBPR), the regulation of the landlord-tenant relationship between mobile home park owners or operators, and the owners of mobile home dwelling units (mobile home) where lots are rented or leased. These laws are intended to mitigate potential inequalities of the mobile home owner who cannot easily relocate, while protecting the rights of both parties. This includes requiring that a park owner identify any known future redevelopment plans within rental agreements, notify each mobile home owner, or an association, if applicable, of any application for a change in zoning within 5 days of filing for rezoning, and provide notice of eviction, with reference to potential eligibility of compensation under the Florida Mobile Home Relocation Trust Fund.

However, while there are requirements pertaining to transfer of rental agreements upon the private sale of a mobile home dwelling unit between private parties, there do not appear to be sufficient safeguards to ensure that potential buyers are aware of the aforementioned notifications, which may result in the purchase of a unit that may be required to be removed from the park. While such purchasers may qualify for relocation assistance, in some cases older units cannot be successfully relocated, among numerous other complications.

To this end, the additional notification requirements established herein are intended to bridge the current gap until such time as the State may update current laws to address both existing and interim tenancy.

3 4 ARTICLE 2 DEVELOPMENT REVIEW PROCEDURES

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 J. Notification

8 1. Applicability

9 Applications subject to Public Hearing or Type 1B Variance processes, corrective resolutions,
10 or Administrative Inquiries, or any application that will result in the redevelopment of an existing
11 occupied mobile home park, shall require notification to the public, in accordance with the
12 following table: [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002]
13

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
....
<u>Redevelopment of Mobile Home Parks</u>	N/A	N/A	Yes (4)
[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007]			
Notes:			
1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Reasonable notice shall be required in compliance with F.S. 286.011.			
3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]			
4. <u>In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional sign requirements.</u>			

14 15 16 4. Signs

17
18 **c. Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks**
19 The purpose of this Section is to provide additional notice to a prospective purchaser of a
20 mobile home in a mobile home park that has either applied for or received an approval to
21 redevelop the property, potentially to another use. Should a person decide to purchase
22 any mobile home in this park, he or she may be required to bear the cost of removing the

Notes:

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

EXHIBIT B

MOBILE HOME OWNER DISCLOSURE REQUIREMENTS TO POTENTIAL BUYERS SUMMARY OF AMENDMENTS (Updated 05/16/17)

1 mobile home to another suitable location. An application for a DO that will result in the
2 redevelopment of an existing occupied mobile home park, shall be subject to the following
3 additional notification requirements:

4 1) Standards for Notification

5 In addition to the sign requirements above, the following additional requirements shall
6 apply:

7 a) The applicant shall post signs within 30 days of an application being deemed
8 sufficient.

9 b) Signs shall be prepared by the applicant using information provided by the Zoning
10 Division, consistent with the requirements of the Zoning Technical Manual, and at
11 a minimum shall be posted in English, Creole and Spanish, to include the following
12 specific text: "This mobile home park has applied for or has received an approval
13 to redevelop the property, potentially to another use. Should you decide to
14 purchase any mobile home in this park, you may be required to bear the cost of
15 removing the mobile home to another suitable location".

16 c) One sign shall be posted for each 250 feet of frontage, evenly spaced, along a
17 street up to a maximum of 5 signs, and where applicable at the entrance to any
18 park management offices and recreational facilities.

19 d) Signs shall remain posted until such time as the application is approved, denied or
20 withdrawn.

21 2) Standards Applicable to Redevelopment Approvals

22 Upon approval, the above public information signs shall be updated and reposted in
23 accordance with the following:

24 a) The signs shall be posted within 30 days of a zoning application approval, in
25 accordance with the information above, including number, spacing, location and
26 language, to include the following text: "This mobile home park has been approved
27 for (specific use). Should you decide to purchase any mobile home in this park,
28 you may be required to bear the cost of removing the mobile home to another
29 suitable location".

30 b) The signs shall be maintained until such time as all mobile home units within the
31 affected development area have been removed from the park, or the approval is
32 abandoned.

33 3) Compliance with Notice Requirement

34 The owner of the mobile home park shall be required to submit the form Affidavit of
35 Installation of Notification Signs substantiating that such signage is consistently being
36 maintained, on a quarterly basis, as follows:

37 a) To the Zoning Division, for signs required under 1 above; and,

38 b) To the Monitoring and Compliance Section of the Planning Division, for signs
39 required under 2 above.

40
41
42 **Part 2. ULDC Art. 2.B.1, Official Zoning Map Amendment (Rezoning) (page 26 of 87), is hereby**
43 **amended as follows:**
44

<p>Reason for amendments: [Zoning] Provide additional references to F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners, which is currently located under the Mobile Home Park Development (MHPD) district, to other areas of the Code to ensure that other approvals affecting existing mobile home parks that are not within the MHPD district, are in compliance with statutory requirements.</p>
--

45 **ARTICLE 2 DEVELOPMENT REVIEW PROCEDURES**

46 **CHAPTER B PUBLIC HEARING PROCESS**

47 **Section 1 Official Zoning Map Amendment (Rezoning)**

48
49

50 **E. Rezoning of Mobile Home Parks**

51 Any rezoning of property having an existing mobile home park shall comply with the requirements
52 of F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners.

Notes:

- 53 **Underlined** indicates **new** text.
- 54 **~~Stricken~~** indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- 55 ***Italicized*** indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
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EXHIBIT B

MOBILE HOME OWNER DISCLOSURE REQUIREMENTS TO POTENTIAL BUYERS SUMMARY OF AMENDMENTS (Updated 05/16/17)

1 Part 3. ULDC Art. 2.B.1, Official Zoning Map Amendment (Rezoning) (page 26 of 87), is hereby
2 amended as follows:
3

Reason for amendments: [Zoning] Provide additional references to F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners, which is currently located under the Mobile Home Park Development (MHPD) district, to other areas of the Code to ensure that other approvals affecting existing mobile home parks that are not within the MHPD district, are in compliance with statutory requirements.

4 ARTICLE 2 DEVELOPMENT REVIEW PROCEDURES

6 CHAPTER D ADMINISTRATIVE PROCESS

7 Section 1 Development Review Officer (DRO)

8

9 **H. Application for Redevelopment of Mobile Home Parks**

10 Any application for a DO, for property having an existing mobile home park shall comply with the
11 requirements of F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners.

14 Part 4. ULDC Art. 3.E.6.G, Rezoning of Mobile Home Parks (page 170 of 216), is hereby amended
15 as follows:
16

Reason for amendments: [Zoning] Clarify that prior reference to Florida Statutes 723.083 applies to all local government actions related to the redevelopment of mobile home parks.

18 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

19 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

20 Section 6 Mobile Home Planned Development District (MHPD)

21 **G. Rezoning or Other Application for Redevelopment of Mobile Home Parks**

22 Any rezoning, or other application for a DO, for ~~of~~ property having an existing mobile home park
23 shall comply with the requirements of F.S. 723.083, Governmental Action Affecting Removal of
24 Mobile Home Owners. **[Ord. 2011-001]**

U:\Zoning\CODEREV\2017\LDRAB\Meetings\5-24-17\4 - Final Packet\Exh. B - Mobile Home Owner Disclosure Requirements to Potential Buyers .docx

Notes:

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EXHIBIT C

ART. 1.C.1, RULES OF CONSTRUCTION SUMMARY OF AMENDMENTS (Updated 5/11/17)

1
2 Part 1. ULDC Art. 1.C.1.A.2, Interpretation and Application (pages 7 - 8 of 110), is hereby
3 amended as follows:
4

Reason for Amendment: [Zoning] Establish standards to clarify how and when the rounding of numbers may be permitted to determine minimum of maximum requirements. Most jurisdictions recognize the common practice of rounding up or down to nearest whole number for itemized requirements such as parking spaces, loading zones, trees, shrubs, etc. that often result in fractions. Example: A use to be located in a 2,277 sf building that requires one parking space for each 200 sf, thus resulting in 11.39 spaces, would be rounded down to 11 parking spaces. Linear or area dimensions typically aren't rounded, with limited exceptions.

5 6 ARTICLE 1 GENERAL PROVISIONS

7 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

8 Section 1 Rules of Construction

9 The rules set out in this Section shall be used to enforce and apply this code, unless such rules are
10 inconsistent with the Plan. References to Florida Statutes (F.S.) and the Florida Administrative Code
11 (F.A.C.) refer to citations published in 2003 as may be amended.

12 A. General

13 1. Rules and Definitions

14 The rules and definitions set out in this Section shall not be applied to any express provision,
15 which are specifically excluded. This Code shall be liberally construed in order that the intent
16 of the Plan may be fully carried out. In cases of conflict, the Plan shall prevail to the extent of
17 the conflict. Terms used in this Code, unless otherwise stated, shall have the meanings
18 prescribed by the statutes of the State of Florida for the same terms.

19 2. Interpretation and Application

20 The interpretation and application of any provision in this Code shall be the minimum required
21 to promote the public health, safety, comfort, convenience and general welfare. Where
22 interpretation and application of any provision in this Code imposes greater restrictions upon
23 the subject matter than a general provision imposed by the Plan or other provision in this Code,
24 the provision imposing the greater restriction shall control.

25

26 r. Rounding of Fractions

27 Rounding may be permitted for itemized requirements such as minimum parking spaces,
28 trees, shrubs or other similar required by this Code, as well as linear or area dimensions,
29 except that PDRs for minimum lot dimensions may only be rounded for legal lots of record,
30 and rounding shall not apply to density. Rounding shall not be permitted for any build to
31 lines, maximum height limitations, or any measurement used to calculate a number. The
32 results of calculations containing a fraction of 0.5 or greater, shall be rounded up to the
33 nearest whole number; and, a fraction of less than 0.5 shall be rounded down to the nearest
34 whole number.

35 [ReNUMBER accordingly]
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EXHIBIT D

ART. 3.B.14.F, PROPERTY DEVELOPMENT REGULATIONS [RELATED TO WCRAO] SUMMARY OF AMENDMENTS (Updated 5/18/17)

1
2 Part 1. ULDC Art. 3.B.14.F, Property Development Regulations [Related to WCRAO] (pages 48-
3 49 of 216), is hereby amended as follows:
4

Reason for Amendment: [Zoning] Ongoing efforts to provide additional clarity and guidance to staff and applicants in implementing the form based code principles outlined in the 2004 Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) Redevelopment Plan.

1. Clarify that Plazas and Squares are optional or otherwise to be accommodated within the WCRAO. Inclusion of the "heading" Plazas and Squares in the WCRAO Property Development Regulations (PDRs) table to recognize exceptions to building build to line PDR requirements, has repeatedly been misconstrued as establishing a requirement to provide plazas and squares.

2. Re-organize exceptions to Build to Line requirements for ease of use.

3. The proposed amendment clarifies that a provision allowing for an administrative reduction to building frontage requirements for small lots (where no side or rear access is applicable), is limited to the minimum reduction necessary to accommodate vehicular access to parking to the rear of the subject building. The revision also corrects a scrivener's error by relocating a footnote. Confusion has occurred where applicants have attempted to cite the exception to allow for greater reductions than those anticipated, or where staff require more prescriptive guidance in the application of form based codes.

Background: The consultant contracted by the WCRA to develop the framework for the code provisions necessary to implement the 2004 WCRA Plan, established expansive minimum building frontage requirements within key redevelopment areas, including the Westgate Avenue corridor. After consultation with PZ&B, this was reduced to 80 percent or less, including the language being amended, which was required by Zoning staff, in recognition of smaller lots that could not meet the stringent 80 percent requirement due to the need to allow vehicular access to parking to the rear of the building (again, where no side or rear access is applicable). The provisions are twofold, the first allows for a 50 percent reduction by right for any lot less than 100 feet in width, while the second limits the reduction to the minimum necessary to comply with other Code requirements.

For example, development of a lot with 100 feet of frontage on Westgate Avenue, with no other frontages on the sides or rear, would dictate a building a minimum of 80 feet in width, which leaves 20 feet for side setbacks and vehicular access, among other requirements. However, the minimum access width required for two-way vehicular traffic is 25 feet. Additional width may also be required to accommodate perimeter buffers, safe sight corners, or pedestrian access ways, among other considerations. Hence, the inclusion by Zoning to allow for reductions commensurate such Code requirements would be the minimum necessary to allow a property owner the reasonable ability to redevelop, not a wholesale reduction.

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EXHIBIT D

ART. 3.B.14.F, PROPERTY DEVELOPMENT REGULATIONS
 [RELATED TO WCRAO]
 SUMMARY OF AMENDMENTS
 (Updated 5/18/17)

1 ARTICLE 3 OVERLAYS & ZONING DISTRICTS
 2 CHAPTER B OVERLAYS
 3 Section 14 WCRAO, Westgate Community Redevelopment Area Overlay
 4 F. Property Development Regulations (PDRs)
 5

Table 3.B.14.F - WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
....							
Minimum Building Frontage							
Minimum Frontage (1)(5)(9)	-	60%	60%	80%	60%	-	C/IND: 60%
Optional Plazas and Squares							
Build to Line Exception (1, 5, 10)	-	Maximum 50% of Building Frontage, minimum width: 20' and maximum depth of 25'				-	-
....							
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007]							
Key							
- PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.							
C For Commercial Uses							
MU For Mixed Uses							
Notes:							
....							
5. Width may be reduced by 50 percent for lots of 100 feet or less where a minimum 80 percent buildings with a building frontage less than 80 feet in length is required along the build to line. [Ord. 2006-004] [Ord. 2010-022]							
9. Minimum frontage shall only apply to the front build to line. [Ord. 2015-031]							
10. Dimensions for Plazas and Squares shall be met when applied as an exception to Build to Line in accordance with Art. 3.B.14.F.2.a, Build to Line. [Ord. 2017-002] [Relocated to Art. 3.B.14.F.2.a.1)(d) under Build to Line General Exceptions, below]							

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7
8 2. Build to Line and Frontages
9 a. Build to Line

10 ~~The build to line may be adjusted by the DRO, or at Building Permit review for projects Permitted by Right, to accommodate requirements such as increased R-O-W buffers due to location of existing utility easements, or required corner clips.~~ The first three floors of all
 11 main structures, excluding parking garages, shall be constructed at the build to line, unless
 12 specified otherwise. ~~An additional ten or 12 foot setback is permitted where a gallery is~~
 13 ~~used in lieu of an arcade. Up to 25 percent of the building frontage or footprint that is~~
 14 ~~required to be on the build to line may be either setback or projected beyond the build to~~
 15 ~~line to accommodate requirements for balconies, stoops, porches, or other architectural~~
 16 ~~features designed to enhance the pedestrian streetscape environment, provided that~~
 17 ~~ground floor improvements do not conflict with the placement of street trees. Recesses~~
 18 ~~and projections of the building façade up to a maximum of three feet shall be permitted.~~
 19 Maximum encroachments for balconies, and entryways shall comply with Table 3.B.14.G
 20 – WCRAO Supplementary Standards by Sub-Area. [Ord. 2006-004] [Ord. 2011-001]

21 **1) General Exceptions**

22 The following exceptions to the build to line shall be permitted by right:

- 23 (a) ~~An additional ten or 12 foot setback is permitted where a gallery is used in lieu of~~
24 ~~an arcade.~~
- 25 (b) ~~Up to 25 percent of the building frontage or footprint that is required to be on the~~
26 ~~build to line may be either setback or projected beyond the build to line to~~
27 ~~accommodate requirements for balconies, stoops, porches, or other architectural~~
28 ~~features designed to enhance the pedestrian streetscape environment, provided~~
29 ~~that ground floor improvements do not conflict with the placement of street trees.~~
- 30 (c) ~~Recesses and projections of the building façade up to a maximum of three feet.~~
- 31 (d) ~~Plazas and squares are optional. References to such shall not be misconstrued~~
32 ~~as a requirement, except that dimensions for Plazas and Squares shall be met~~
33 ~~when applied as an exception to Build to Line in accordance with Art. 3.B.14.F.2.a,~~
34 ~~Build to Line. [Ord. 2017-002] [Relocated from Table 3.B.14.F - WCRAO Sub-~~
35 ~~area PDRs note 10, above]~~

36 **2) R-O-W/Easement Exception**

37 ~~The build to line may be adjusted by the DRO where a site plan is required, or at~~
 38 ~~Building Permit review for projects Permitted by Right, to accommodate requirements~~
 39 ~~such as increased R-O-W buffers due to location of existing utility easements, or~~
 40 ~~required corner clips.~~

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Notes:

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EXHIBIT D

ART. 3.B.14.F, PROPERTY DEVELOPMENT REGULATIONS [RELATED TO WCRAO] SUMMARY OF AMENDMENTS (Updated 5/18/17)

- 1 **b. Minimum Building Frontage**
- 2 1) The minimum building frontage shall be in accordance with the requirements for each
- 3 Sub-area and Figure 3.B.14.F, WCRAO Sub-area Building Configurations and Lot
- 4 Placements. The portion of the structure required to meet the building frontage shall
- 5 be located on the build to line unless otherwise stated. ~~Frontage requirements may be~~
- 6 ~~reduced for lots with no rear access to required parking, or to accommodate a drive~~
- 7 ~~aisle to the rear of the lot and required landscaping.~~ [Ord. 2006-004] [Ord. 2010-022]
- 8 [Ord. 2011-001] [Ord. 2015-031]
- 9 **(a) Small Lot Exception**
- 10 This provision is established for small infill lots that only have frontage on one
- 11 street, or where side or rear access to required parking is prohibited. The minimum
- 12 building frontage may be reduced by the DRO where a site plan is required, or at
- 13 Building Permit review for projects Permitted by Right. The reduction shall be the
- 14 minimum necessary to accommodate required side setbacks, perimeter buffers,
- 15 and a maximum of one vehicular access point and related safe sight lines for
- 16 required parking, as well as any pedestrian sidewalk up to five feet in width.
- 17

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EXHIBIT E

ART. 4.B. USE CLASSIFICATION [RELATED TO URAO] SUMMARY OF AMENDMENTS

(Updated 5/12/17)

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Part 1. Art. 4.B, Use Classification [Related to Commercial, Industrial and Agricultural Use Matrices] (pages 25, 26, 27, 83, and 93 of 204), is hereby amended as follows:

Reason for Amendment: [Zoning]
1. Reincorporate URAO Use Matrix note that was inadvertently deleted when Use Matrices were consolidated in Art. 4 as part of the Use Regulations Project. These uses were Permitted by Right in General Commercial (CG) Zoning District prior to the establishment of the Urban Center (UC) and Urban Infill (UI) Zoning Districts. The note serves to recognize the approval of those uses to be Permitted by Right when structural modifications are not taking place, the use operates indoor, and parking provisions are met.

ARTICLE 4 USE REGULATIONS

CHAPTER B USE CLASSIFICATION

Notes:

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EXHIBIT F

ART. 5.B.1.A, ACCESSORY USES AND STRUCTURES GENERAL EXCEPTIONS SUMMARY OF AMENDMENTS (Updated 5/11/17)

1
2 Part 1. ULDC Art. 5.B.1.A.1.b, Location [Related to Accessory Uses and Structures] (page 9 of
3 107), is hereby amended as follows:
4

Reason for Amendment: [Zoning] The adoption of the 2003 Managed Growth Tier System (MGTS) Code rewrite [Ord. 2003-067] included an additional restriction on the location of accessory structures in front or side street yards. The ULDC definition of “yard” includes “*any area that lies between a principal building or buildings and the nearest lot line*”, which can be problematic where principal buildings exceed the minimum required setback, thus reducing the amount of land area where additional improvements may be made. While the change clarified that certain types of structures, such as clothes lines, may not be appropriate when placed in the front yard, it also created a number of non-conformities, or otherwise limited options for future renovations or expansion, emphasis on residential uses.

As an example, it’s not uncommon for residential lots that back up to desirable open space areas such as the ocean, lakes, golf courses, equestrian trails, or nature preserves, among others, to locate living areas in close proximity to such amenities, as opposed to placement at the street. However, this configuration limits design options for detached accessory structures where prohibited in front “yards”. While less common in South Florida, there are also architectural trends that use multiple buildings connected with courtyards, decks, or walkways, which may not be permitted due to the front or side street yard prohibition. Lastly, there are a number of accessory structures that are commonly or obviously permitted within front or side-street yards, including fences and walls, entry features, as well as cabanas or other accessory structures that serve recreation amenities such as tennis courts, where there are no principal structures.

Staff have identified a number of scenarios where accessory structures were permitted within front yards prior to 2003, as well as subsequent applications for variance relief, and determined that in most instances, such improvements were and should be accommodated, subject to minor limitations or standards ensuring compatibility with the surrounding community. Since reduced setbacks for accessory structures only apply in limited instances for side and rear property lines, unless exempt, accessory structures permitted in front and side-street yards would be subject to the same setbacks applicable to principal buildings.

See also Exhibit G, Accessory Uses and Structures – Exceptions for Buildings Accessory to Residential.

ARTICLE 5 SUPPLEMENTARY STANDARDS

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

a. Standards

Uses indicated in the Use Matrix as blank in a zoning district shall not be allowed as accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated. [Ord. 2017-007]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard, unless stated otherwise herein. [Ord. 2017-007]

1) General Exceptions

Structures such as: fences and walls; entry features for access ways internal to a PUD; bike racks; outdoor recreation amenities and support structures such as cabanas, located within a Neighborhood Recreation Facility or Recreation Pod; or, structures, projects and improvements listed in Art. 3.D.1.D.5, Setback Exceptions, excluding mechanical equipment accessory to a building, may be permitted within front or side street yards.

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EXHIBIT G

ART. 5.B.1.A, ACCESSORY USES AND STRUCTURES\ EXCEPTIONS FOR BUILDINGS ACCESSORY TO RESIDENTIAL SUMMARY OF AMENDMENTS

(Updated 5/11/17)

1
2 Part 1. ULDC Art. 5.B.1.A.1.b, Location [Related to Accessory Uses and Structures] (page 9 of
3 107), is hereby amended as follows:
4

Reason for Amendment: [Zoning] As outlined in Exhibit E, Art. 5.B.1.A., Accessory Uses and Structures – General Exceptions, the adoption of the 2003 Managed Growth Tier System (MGTS) Code rewrite [Ord. 2003-067] included an additional restriction on the location of accessory structures in front or side street yards. The ULDC definition of “yard” includes “any area that lies between a principal building or buildings and the nearest lot line”, which can be problematic where principal buildings exceed the minimum required setback, thus reducing the amount of land area where additional improvements may be made. While the change clarified that certain types of structures, such as clothes lines, may not be appropriate when placed in the front yard, it also created a number of non-conformities, or otherwise limited options for future renovations or expansion, emphasis on residential uses.

As an example, it’s not uncommon for residential lots that back up to desirable open space areas such as the ocean, lakes, golf courses, equestrian trails, or nature preserves, among others, to locate living areas in close proximity to such amenities, as opposed to placement at the street. However, this configuration limits design options for detached accessory structures where prohibited in front “yards”. While less common in South Florida, there are also architectural trends that use multiple buildings connected with courtyards, decks, or walkways, which may not be permitted due to the front or side street yard prohibition.

Staff have identified a number of scenarios where accessory structures were permitted within front yards prior to 2003, as well as subsequent applications for variance relief, and determined that in most instances, such improvements were and should be accommodated, subject to minor limitations or standards ensuring compatibility with the surrounding community. Since reduced setbacks for accessory structures only apply in limited instances for side and rear property lines, accessory structures permitted in front and side-street yards would be subject to the same setbacks applicable to principal buildings.

5 ARTICLE 5 SUPPLEMENTARY STANDARDS

6 CHAPTER B ACCESSORY USES AND STRUCTURES

7 Section 1 Supplementary Regulations

8 A. Accessory Uses and Structures

9 1. General

10 b. Location

11 All accessory uses and structures except for approved off-site parking, shall be located on
12 the same lot as the principal use. No accessory structure shall be located in the front or
13 side street yard, unless stated otherwise herein. [Ord. 2017-007]

14 1) Exceptions for Buildings Accessory to Residential

15 A detached garage, cabana, Accessory Quarters, or Guest Cottage, may be permitted
16 within the front or side street yard, subject to the following:

17 a) The building is consistent with the architecture characteristics of the principal
18 building, including roofing materials, fenestration, and paint color, where
19 applicable;

20 b) When accessory to a principal residential use, such as a Single Family Home,
21 accessory structures shall be connected to the principal building by common
22 shared driveways, sidewalks, or pathways; and,

23 c) An application for a DO or Building Permit for any building proposing to utilize this
24 provision shall include an affidavit from a licensed architect or general contractor,
25 delineating how the proposed building will be in compliance with the requirements
26 above.
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Exceptions for Buildings Accessory to Residential.docx

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EXHIBIT H

ACCESSORY SOLAR ENERGY SYSTEMS SUMMARY OF AMENDMENTS

(Updated 5/16/17)

1
2 Part 1. ULDC Art. 5.B.1.A.1.b, Location [Related to Accessory Uses and Structures] (page 9 of
3 107), is hereby amended as follows:
4

Reason for Amendment: [Zoning] Continuation of exceptions to structures in front and side street yards as outlined in Exhibit E, Art. 5.B.1.A., Accessory Uses and Structures – General Exceptions

ARTICLE 5 SUPPLEMENTARY STANDARDS

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard, unless stated otherwise herein. [Ord. 2017-007]

3. Accessory Solar

Accessory solar in the form of mechanical equipment attached to other permitted structures, or Solar Trees, in accordance with the standards of Art. 5.B.1.A.26, Accessory Solar.

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22 Part 2. ULDC Art. 5.B.1.A.1.b, Location [Related to Accessory Uses and Structures] (page 9 of
23 107), is hereby amended as follows:
24

Reason for Amendment: [Zoning] This amendment serves to memorialize and expand upon the application of existing ULDC provisions that have historically allowed for accessory solar energy systems, to: 1) assist with the County's SolSmart certification effort being coordinated through the office of the County Climate Change & Sustainability Coordinator; and, 2) a one-time Solar Tree Pilot Project, which Planning and Building collaborated on with Florida Power and Light (FPL) staff, to accommodate a solar tree installation at the FPL West County Energy Center.

While the County has long accommodated accessory solar energy systems, most commonly in the form of rooftop solar or pool heating systems for single family homes, the same provisions also allow for similar installations on any other residential or non-residential building, or placement on standalone structures within back yards. This was further clarified in 2014 by an amendment acknowledging that such systems were exempt, for obvious reasons, from screening requirements for mechanical equipment. Similarly, existing provisions regulating height allow for an exception of up to five feet measured from a roof deck, for mechanical equipment, which accommodates the need for solar equipment placement, or movement, to best maximize exposure to the sun. Staff also confirmed in 2014 that there were no standards in Art. 5.C, Architectural Standards that would preclude the use of solar energy systems, including solar energy roofing materials.

The County has been approved for participation in the SolSmart Host Advisor Program, which will help to facilitate the County's effort to attain SolSmart designation, which is achieved through taking action to foster local solar market growth. This designation provides a number of benefits, including job creation, promoting sustainability, reducing greenhouse gases, among numerous other County goals. Notwithstanding existing and prior efforts to accommodate accessory solar energy systems, adding a specific reference will serve to better clarify these longstanding provisions, while furthering the County's efforts to obtain SolSmart certification.

The second component, acknowledges FPL or other similar efforts to promote solar usage, through collocation of accessory solar energy systems in the form of solar trees, which may be designed to provide a secondary function such as shade, public art, or similar. More commonly noted examples of these structures can be found at the FPL Manatee Center. Staff generally supports the solar tree concept, provided that such structures don't adversely impact required landscaping, much less replace trees, or pedestrian or vehicular movement.

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EXHIBIT H

ACCESSORY SOLAR ENERGY SYSTEMS SUMMARY OF AMENDMENTS

(Updated 5/16/17)



FPL Manatee Lagoon, West Palm Beach, Florida (images courtesy of FPL)

Note: These provisions do not apply to an approval for a Renewable Energy Solar Facility, which entails the commercial operation of producing thermal or electric energy as a principal use.

ARTICLE 5 SUPPLEMENTARY STANDARDS

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

....
19. Mechanical Equipment

a. Applicability

....
2) Screening Requirements

....
c) Screening Exemptions

(1) Solar Energy Systems

Solar Energy Systems, including Solar Trees, are exempted from the screening requirements. [Ord. 2014-001]

(2) Existing Multifamily Condominium

....
26. Accessory Solar Energy Systems

Accessory Solar Energy Systems may be allowed as an accessory use, subject to the following:

a) Incidental and Subordinate

Applications for the installation of an accessory Solar Energy System shall include documentation from the manufacturer, architect, engineer, or contractor performing installation, verifying the system is the maximum necessary to meet onsite energy usage. This limitation does not prohibit the use of net metering where permitted.

b) Collocation with Buildings

Solar Energy Systems are classified as mechanical equipment, and may be placed on principal or accessory buildings, including those permitted within a front or side-street yard.

c) Standards for Other Structures

Solar Energy Systems installed on other structures shall be limited to the side or rear yard in accordance with the Standards of this Chapter, except as follows:

1) Exception

Where the conditions of the side or rear yard prohibit installation, a Solar Energy System may be installed in the front or side street yard, subject to the following”

(a) Structures greater than six feet in height shall meet the minimum setbacks for the district. Structures less than six feet in height may be permitted within required setbacks, but in no case shall the system be located within 25 feet of the property line; and,

(b) The system is completely screened from view from any other parcel or R-O-W through use of landscaping, fences or walls.

(2) Solar Trees

A Solar Energy System installed on a structure intended to provide shade, provide for public art, or other similar function, may be allowed provided that the structure complies with setbacks, does not adversely impact any required or preserved landscaping, be

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EXHIBIT H

ACCESSORY SOLAR ENERGY SYSTEMS SUMMARY OF AMENDMENTS

(Updated 5/16/17)

- 1 placed so as to conflict with any vehicular or pedestrian circulation system, nor shade
2 more than ten percent of any Open Space area.
3 **(3) Associated Solar – with Mechanical Structures**
4 Where used to power electric gates, environmental monitoring stations, street lights,
5 or other similar, provided the solar panel does not exceed a maximum of four square
6 feet, and all electrical cables or equipment are hidden within the structure.
7 **d) Incorporation of Solar in Vehicular and Pedestrian Surfaces**
8 The incorporation of Solar Energy Systems into any parking lot, sidewalk, bike path, or
9 similar surface, shall be exempt from any setback or front or side-street yard limitation.

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EXHIBIT I

ART. 5.B.1.B, TEMPORARY STRUCTURES [PORTABLE STORAGE CONTAINERS AND SHIPPING CONTAINERS] SUMMARY OF AMENDMENTS (Updated 5/17/17)

1
2 Part 1. ULDC Art. 5.B.1.B, Temporary Structures (page 42 of 107), is hereby amended as
3 follows:
4

Reason for Amendment: [Zoning]
1. Codify new industry trend to allow portable storage containers to be located temporarily on sites with residential uses. Containers are typically used to store household goods to be shipped or while a residential structure is under renovation. This amendment allows the use of one Permitted by Right container. It also establishes regulations to limit its onsite duration to 15 days; and, to dictate the maximum dimensions of the container consistent with the intensity of its intended use, to fit in driveways, and to avoid encroachment into vehicular or pedestrian pathways. A minimum side setback of 7.5 feet is necessary to ensure the structure is not placed too close to an adjacent property.
2. Codify PPM ZO-O-066 related to Shipping Containers. The amendment allows the use of shipping containers as temporary structures for contractors to store construction materials on an on-going construction site or building. The structure is proposed to be Permitted by Right, subject to the Building Division requirements.
3. Recognize the use of Shipping Container as a permanent structure for storage purposes or to make it habitable. Clarify that a permanent Shipping Container will be treated like any other permanent structure, subject to Building and Zoning Code regulations.

5
6 **ARTICLE 5 SUPPLEMENTARY STANDARDS**

7 **CHAPTER B ACCESSORY USES AND STRUCTURES**

8 **Section 1 Supplementary Regulations**

9 **B. Temporary Structures**

10 **4. Portable Storage Container**

11 Portable storage containers are weather resistant receptacles used for the temporary storage
12 of goods in residential uses as follows:

- 13 a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be
14 Permitted by Right per site, for no more than 15 days per calendar year.
15 d) The container shall be located on driveways not to overlap easements, sidewalks or R-O-
16 W.
17 e) Containers shall be setback at least 7.5 feet from the side property lines.

18 **5. Shipping Containers**

- 19 a) Shipping containers used as temporary storage on a construction site shall be permitted
20 by right subject to the Building Division requirements.
21 b) Shipping Container converted into a permanent storage or habitable structure shall comply
22 with the Florida Building Code and Zoning requirements.

U:\Zoning\CODEREV\2017\LDRAB\Meetings\5-24-17\4 - Final Packet\Exh. I - Art. 5.B.1.B, Temporary Structures - Portable Storage Containers and Shipping Containers.docx

Notes:

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS

(05/18/17)

1
2 Part 1. ULDC Art. 1.F.3, Nonconforming Structure, (pages 21 – 23 of 110) are hereby amended
3 as follows:
4

Reason for amendments: [Airports]

Changes made in 2016 to Chapter 333, Florida Statutes (FS), Airport Zoning requires amendments to Article 16, with related amendments to Articles 1, 2 and 4, to be consistent with the recent statutory changes. An overview of the specific changes includes:

1. Chapter 333 speaks to airport “obstructions” and “hazards”, which include not only permanent and temporary structures but other tall objects or terrain.
2. Updates to reference most current related documents.
3. Establishes an amended height review procedure to comply with Chapter 333.07.
4. Amendments to more clearly reference provisions within the ULDC or in other regulating documents.

Due to the recent (July 1, 2016) amendment of Chapter 333, Florida Statutes (F.S.), Airport Zoning, there have been changes to the statute with regard to the following:

- 1) statutory requirement for political subdivisions to provide a copy of airport zoning permit applications to the Aviation and Spaceport Office (ASO) for review;
- 2) statutory requirement for political subdivisions to provide a copy of amended airport zoning regulations to the ASO upon adoption;
- and 3) the statutory requirement to enter into either an interlocal agreement or joint zoning board when one of two or more political subdivisions have land which underlies a Part 77 airport surface of an adjacent airport owned by another political subdivision.

These amendments are a result of a legislative action that occurred in July 2016. Specifically, House Bill 7061 contained several FDOT related statutes that included revisions to Florida Statutes Chapter 333, Airport Zoning, including but not limited to the following:

- 333.135(1) Any political subdivision having an airport within its territorial limits which has not adopted airport zoning regulations shall, by July 1, 2017, adopt airport zoning regulations consistent with this chapter.
- 333.135(2) Any airport zoning regulation in effect on July 1, 2016, which includes provisions in conflict with this chapter shall be amended to conform to the requirements of this chapter by July 1, 2017.

Palm Beach County already has Airport Zoning Regulations adopted in the Unified Land Development Code, specifically within Article 16. Therefore, to comply with 333.135(2) these amendments are proposed to conform to the amended requirements.

Other minor amendments to terminology and references are also being updated as part of these amendments for consistency within the ULDC.

5 CHAPTER F NONCONFORMITIES

6 Section 3 Nonconforming Structure

7 A. General

8 A nonconforming structure may continue to exist in accordance with this Section. [Ord. 2010-005]

9 B. Expansion

10 Expansion of a nonconforming structure shall not change or increase the nonconforming features
11 of the structure, and shall not result in the intensification of a nonconforming use through the
12 structural expansion. Expansion shall not exceed the percentage pursuant to Table 1.F.1.F,
13 Nonconformities - Percentage and Approval Process for Expansion. [Ord. 2010-005]

14 C. Maintenance, Renovation and Natural Disaster Damage Repair

15 Maintenance, renovation, and damage repair caused by acts of nature shall not exceed the
16 percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for
17 Maintenance, Renovation, and Natural Disaster Damage Repair. [Ord. 2010-005].

18
19
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EXHIBIT J

DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS
(05/18/17)

Table with 1 column and 4 rows. Row 1: Reason for Amendment: [Airports]. Row 2: 1. This amendment clarifies that structures and other obstructions are reviewed as Nonconforming structures. Row 3: 2. This amendment clearly specifies which regulated areas are exempt from these requirements. Row 4: 3. This amendment proposes terminology consistent with the definition of substantial modification.

D. Uses and Structures within an Airport Zone established in Article 16

1. Applicability

Uses, structures and other obstructions permitted prior to the effective date of the Airport regulations, November 1, 1996, that lie within regulated areas defined in Art. 16, Airport Regulations, which do not comply with the Airport Land Use Compatibility Schedule or FDOT, "Guidelines for the Sound Insulation Residences Exposed to Aircraft Operations," or exceeds permitted height limitations shall be considered a nonconforming use unless the structure or use is brought into conformance with the provisions of Art. 16, Airport Regulations. [Ord. 2010-005]

a. Exemptions

Land Uses within regulated areas defined in Art. 16.C.1.D.2, ALUNZs for Airports, which have not completed a Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study, for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport are exempt from the requirements of this Article. [Ord. 2010-005]

2. Existing Uses and Occupancy

The requirements of Art.16, Airport Regulations, shall not be construed to necessitate the removal, lowering, or other modification alteration of a structure or building supporting an existing use non-conforming to the requirements therein, or otherwise interfere with the continuance of such use which legally existed prior to November 1, 1996, provided the continuation does not jeopardize life or health. Construction or alterations which existed or started prior to November 1, 1996, and are diligently pursued and completed in accordance with building permitting requirements as defined by PZB, shall not be required to comply with the provisions in Art. 16, Airport Regulations. [Ord. 2010-005]

a. Change in Use and Occupancy

If a change of use is proposed for an existing structure or building which does not comply with the Airport Zoning provisions for that particular use, as specified in the Airport Land Use Compatibility Schedule, the entire structure or building shall be brought into conformance with Art.16, Airport Regulations. [Ord. 2010-005]

Table with 1 column and 2 rows. Row 1: Reason for Amendment: [Airports]. Row 2: This amendment clarifies the discontinuance of a use, and the terminology proposed is consistent with similar provisions

3. Abandonment of a Use

If a use non-conforming to the Airport Regulations has been abandoned for 365 days (one Year), a permit cannot be issued to repair, reconstruct or restore the structure to re-establish the use unless the extent of the repair, reconstruction or restoration complies with the requirements in Art. 16.B.1, Airspace Height Regulations, and Art. 16.C.1.E, General Land Use Regulations Off Airport Land Use Compatibility Schedule. [Ord. 2010-005]

Discontinuance or Cessation

A nonconforming use or structure that is intentionally discontinued, abandoned or changed shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use or structure in the same location shall be consistent with this Code. A use or structure that has been discontinued, abandoned, or changed for a period of more than 180 consecutive days, or for a total of 540 calendar days during any three-year period, shall constitute a presumption of the intent to discontinue, abandon, or change the use or structure. In the event either time period has been exceeded, an applicant shall have the burden of rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use or structure.

Notes:

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

Reason for Amendment: [Airports]

This amendment is proposed to be consistent with the definition of substantial modification and the thresholds identified in Chapter 333. This amendment also addresses the total value of improvements as referenced elsewhere in Art. 1. As Chapter 333 establishes a threshold of 50% for improvement costs, the stepped thresholds of 50% and 80% currently referenced in the code are no longer applicable.

4. Repair, Reconstruction, Restoration, or Alteration of a Structure

a. Height Restrictions

Permits shall not be granted that would allow an existing structure to become higher or become a greater hazard to air navigation than it was as of November 1, 1996. All structures shall comply with Art. 16.B.1, Airspace Height Regulations. [Ord. 2010-005]

b. Use Regulations

Any permits to substantially modify, alter, repair, restore, reconstruct, or rebuild a structure supporting a non-conforming use shall comply with Art. 16.C.1.E, General Land Use Regulations Off-Airport Land Use Compatibility Schedule. In such cases, the entire building or structure shall be brought into conformance with these requirements. For the purposes of this Article, substantially alter modify shall mean: [Ord. 2010-005]

1) the structure is more than 80 percent torn down, destroyed, deteriorated, or decayed; or [Ord. 2010-005]

2) the ~~cost~~ Total Value of Improvement of repair, reconstruction or restoration exceeds ~~80~~ 50 percent of the Improvement Value of the existing building or structure; ~~or~~ [Ord. 2010-005] [Ord. 2013-001]

~~3) the non-structural alterations or repairs exceed 50 percent of the Improvement Value of the existing building or structure. [Ord. 2010-005] [Ord. 2013-001]~~

If the structure does not meet these criteria, then only the new construction, alteration or repair shall be subject to the requirements of Art. 16, Airport Regulations. [Ord. 2010-005]

5. Relocated Buildings

Buildings or structures moved into or within Palm Beach County, into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions in Art. 16, Airport Regulations. [Ord. 2010-005]

6. Obstruction and Marking Requirements

Any repair, restoration, reconstruction or alteration to a non-conforming structure, or establishment of a new use, shall require compliance with the Obstruction Marking and Lighting provisions in Article 16.B.1, Airspace Height Regulations. [Ord. 2010-005]

Section 4 Nonconforming Use

A. Nonconforming Use Classifications

There are three classes of nonconforming uses: Major, Minor, and Nonconforming to Airport Regulations. [Ord. 2010-005]

1. Major

A major nonconforming use is a use that was legally established in a zoning district where the use is now prohibited under the terms of this Code. Major nonconforming uses are inappropriately located and create or threaten to create incompatibilities that are detrimental to the public welfare. The intent of the PBC Comprehensive Plan is to eliminate or reduce existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are now prohibited, regulated or restricted under the terms of the Plan. [Ord. 2010-005]

2. Minor

A minor nonconforming use is a use that was legally established in a zoning district under a prior Code and one or more of the following applies: the use has been changed to a more restrictive review or approval process under the terms of this Code; DOAs or improvements to the use would exceed the development and approval thresholds; or, the use does not meet the property development regulations of this Code. Minor nonconforming uses do not create or threaten to create incompatibilities injurious to the public welfare. An applicant who is requesting modification or improvement to a minor nonconforming use is encouraged to apply pursuant to the review and approval process now in effect to correct the nonconforming status of the use for the benefit of future development order amendments and other types of improvements. [Ord. 2010-005] [Ord. 2015-006]

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EXHIBIT J
DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS
(05/18/17)

Reason for Amendment: [Airports]

This amendment is proposed to clearly reference supporting provisions in the ULDC.

3. Nonconforming to Airport Regulations

Requirements for uses nonconforming to Airport regulations are set forth in Art. 1.F.3.D, Uses and Structures within an Airport Zone. Nonconforming uses that are also nonconforming to the Airport zoning regulations shall comply with both the nonconforming provisions in Article 1. F and the ~~Airport~~ nonconforming provisions in Article 16 AIRPORT REGULATIONS. These uses shall be regulated as follows: **[Ord. 2010-005]**

- a. A major nonconforming use shall comply with the major nonconforming use provisions in Article 1. F. **[Ord. 2010-005]**
- b. A minor nonconforming use shall comply with both provisions of the minor nonconforming use provisions in Article 1.F and the Nonconforming to Airport Regulations in Article 16.C.3. **[Ord. 2010-005]**

B. Change in Use

A nonconforming use shall not be changed to any other use, unless the new use conforms to this Code. A nonconforming use physically replaced by a permitted use shall not be re-established. **[Ord. 2010-005]**

C. Discontinuance or Cessation

A nonconforming use that is intentionally discontinued, abandoned, or changed to an accessory use shall lose its nonconforming status and shall not be reestablished or resumed. Any subsequent use in the same location shall be consistent with this Code. A use that has been discontinued, abandoned, or changed to an accessory use for a period of more than 180 consecutive days, or for a total of 540 calendar days during any three year period, shall constitute a presumption of the intent to discontinue, abandon, or change to an accessory use. In the event either time period has been exceeded, an applicant shall have the burden of rebutting the presumption by presenting competent, substantial evidence of the intent to maintain the nonconforming use. **[Ord. 2010-005]**

D. Expansion

1. Major Nonconforming Use

Expansion shall not exceed the percentage pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion. **[Ord. 2010-005]**

2. Minor Nonconforming Use

A minor nonconforming use may be expanded pursuant to Table 1.F.1.F, Nonconformities - Percentage and Approval Process for Expansion, and the following: **[Ord. 2010-005]**

- a. The expansion shall not exceed ten percent of the approved floor area of the structure or ten percent of the improvement value of the structures on site, whichever is less; or any other form of measure of intensity/density for the specific use such as but not limited to: beds for congregate living facilities; decks for restaurants; number of children for daycares; number of fueling stations or gas pumps for convenience store with gas sales or other traffic intensity measures. **[Ord. 2010-005]**

E. Maintenance, Renovation and Natural Disaster Damage Repair

Shall not exceed the percentage pursuant to Table 1.F.1.G, Nonconformities - Percentage and Approval Process for Maintenance, Renovation, and Natural Disaster Damage Repair. For natural disaster damage repair, improvement value shall be established at the time the damage occurred. **[Ord. 2010-005]**

F. Relocation

See Figure 1.F.4, Relocation and Expansion for permitted relocation of nonconformities. A nonconforming use shall not be relocated. **[Ord. 2010-005]**

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EXHIBIT J

DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS
(05/18/17)

Part 2. ULDC Art. 1.I. 2 Definitions, (pages 32, 58, 63, 84 and 94) are hereby amended as follows:

Table with 2 columns: Reason for Amendment: [Airports/Zoning] and list of amendments (1. The proposed amendments include new and amended definitions... 2. To delete definitions already addressed in Art. 4...)

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

28. Aeronautical study – means a Federal Aviation Administration study, conducted in accordance with the standards of 14 C.F.R. part 77, subpart C., and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.

[Renumber accordingly]

43. Airport – for the purposes of Art. 16, any area of land or water designed and set aside for the taking off, maneuvering and landing of aircraft and used or to be used in the interest of the public for such purpose, including Palm Beach International Airport (PBI), Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, Palm Beach North County Airport and Boca Raton Airport and any area owned or operated by PBC, or other public entity, intended to be used for the taking-off, maneuvering and landing of aircraft, including any seaplane base, heliport or vertiport, validly licensed by the State of Florida for public use.

[Renumber accordingly]

57. Airport Hazard - for the purposes of Art. 16, an obstruction to air navigation which effects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities. any man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained in Federal Aviation Regulation Part 77 (as may be amended from time to time) and which obstructs the airspace or may otherwise be hazardous to aircraft taking-off, maneuvering or landing at an airport.

58. Airport Hazard Area - for the purposes of Art. 16, any area of land or water upon which an airport hazard might be established if not prevented as provided in this article.

59. Airport Land Use Compatibility Zoning – for the purposes of Art. 16, airport zoning regulations governing the use of land on, adjacent to, or in the immediate vicinity of airports.

Table with 2 columns: Reason for Amendment: [Airports/Zoning] and list of amendments (1. The proposed amendments include new and amended definitions... 2. To delete definitions already addressed in Art. 4...)

59. Airport, Landing Strip or Heliport – any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.

60. Airport Layout Plan – for the purposes of Art. 16, a set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrate the preservation and continuity of safety, utility, and efficiency of the airport.

61. Airport Master Plan – a comprehensive plan for an airport which typically describes current and future plans for airport development designed to support existing and future aviation demand.

[Renumber accordingly]

60. Airport Obstruction - for the purposes of Art. 16, any existing or proposed permanent or temporary object, natural growth or terrain, or structure construction or alteration man-made structure, object of natural growth or use of land which would exceed the Federal obstruction standards as contained Federal Aviation Regulation Part 77 in 14 C.F.R. Part 77, Subpart C. (as may be amended from time to time).

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EXHIBIT J

DEPARTMENT OF AIRPORTS
CHAPTER 333, FLORIDA STATUTES UPDATES
SUMMARY OF AMENDMENTS
(05/18/17)

Reason for Amendment: [Airports/Zoning]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.
2. To delete definitions already addressed in Art. 4 as part of the Use Regulations Project. The remaining text continues to be provided for purposes of application to Article 16.

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

12. Heliport or Vertiport -

- a. Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
b. For the purposes of Art. 16, an identifiable ground level or elevated area which is validly licensed by the State of Florida for public use and is intended to be used for the take off and landing of helicopters, tilt rotors or any other vertical takeoff and landing rotorcraft

Reason for Amendment: [Airports/Zoning]
This amendment allows for the deletion of this definition from Article 1. The definition was instated in Article 4 as part of the Use Regulations Project.

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

- 12. Landing Strip - any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations.

Reason for Amendment: [Airports/Zoning]
The proposed amendment includes an amended definition related to Art. 16 Airport Zoning and is being proposed to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.

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

- 51. Runway Protection Zone (RPZ) - for purposes of Art. 16, an area off the runway end established to enhance the protection of people and property on the ground. an area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground. Specifically, the RPZ is an area off the runway extending outward and upward, parallel to the extended runway centerline, in the dimensions shown in Table 1.

Reason for Amendment: [Airports/Zoning]
The proposed amendment includes an amended definition related to Art. 16 Airport Zoning and is being proposed to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.

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

122. Structure

- a. Unless specified otherwise, means that which is three feet or more in height which is built or constructed or erected or tied down having a fixed location on the ground or attached to something having a permanent location on the ground, such as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection devices and poster panels. [Ord. 2004-013] [Ord. 2007-001]
b. For the purposes of Art. 16, any object, temporarily or permanently constructed, erected, altered, or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles, power generation equipment, antennas, construction cranes and overhead transmission lines.
c. For the purposes of Art. 18, that constructed by humans, including gas or liquid storage tanks that are principally above ground, walls and roofed buildings. [Ord. 2004-013]

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

1
2 Part 3. ULDC Art.2.B.3, Type II Variance, (pages 30 and 31) are hereby amended as follows:
3

Reason for Amendment: [Airports]

This amendment removes the opportunity to seek an Airport Variance due to amendments in Chapter 333 where the legislature removed the variance provisions.

4 **CHAPTER B PUBLIC HEARING PROCESS**

5 **Section 3 TYPE II VARIANCE**

6 **A. General**

To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type II Variances shall be required for the following: **[Ord. 2011-001] [Ord. 2012-003]**

- 7
8
9
10 1. any application requesting variances from the ULDC requirements which are allowed under the
11 authority of Article 2.A.1.D.1.b, Zoning Commission; **[Ord. 2011-001]**
12 2. any application requesting five or more variances; **[Ord. 2009-040] [Ord. 2011-001]**
13 3. any application requesting variances that exceed 15 percent of a required standard or Property
14 Development Regulations for residential lots of three units or less; **and [Ord. 2009-040] [Ord.**
15 **2011-001] [Ord. 2012-003]**
16 4. any application requesting variances that exceed the standards of Art. 2.D.3.D.2, Non
17 Residential Projects; **[Ord. 2012-003] [Ord. 2012-027]**
18 5. ~~any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance; and, [Ord. 2006-~~
19 ~~036] [Ord. 2009-040] [Ord. 2012-003] [Ord. 2012-027]~~

20 ...
21 **B. Application Procedure**

22
23 **3. Sequence of Submittal**

An application for a variance shall comply with the following:

- 24 a. Approval of a variance shall be obtained prior to master plan, site plan or subdivision plan
25 approval by the DRO, plat recordation, or issuance of a building permit, whichever occurs
26 first.
27 b. If an application for a development order is contingent upon approval of a variance, then
28 the variance shall be obtained prior to certification by the DRO.
29 ~~c. Application for a variance from the Airport Zoning regulations shall comply with the review~~
30 ~~procedures in Article 16, Airport Regulations.~~
31 ~~dc.~~ A pre-application meeting with staff shall be required prior to application submittal. **[Ord.**
32 **2008-003]**

33
34
35 **D. Review and Recommendation**

36 ~~2- Airport Variance~~

37 ~~A variance from Art. 16, Airport Regulations, shall require the applicant to submit a copy of the~~
38 ~~application by certified mail to the FDOT Aviation Section and DOA. The FDOT and DOA shall~~
39 ~~have 45 days from receipt of the application to provide comments to the applicant and ZC, after~~
40 ~~which the right to comment is waived. The ZC may proceed with consideration of an application~~
41 ~~only upon receipt of FDOT and DOA comments or upon the applicant's filing a copy of a~~
42 ~~certified mail return receipt showing the 45 days have elapsed, demonstrating FDOT's and~~
43 ~~DOA's intent to waive the right to comment. [Ord. 2005-002] [Ord. 2006-036]~~

- 44 ~~a. When reviewing variances from the Art. 16, Airport Regulations, the ZC may approve,~~
45 ~~approve with conditions, postpone, or deny with or without prejudice a variance for the~~
46 ~~erection, alteration, or modification of any structure which would cause the structure to~~
47 ~~exceed the Federal obstruction standards as contained in 14 C.F.R. ss. 77.21, 77.23,~~
48 ~~77.25, 77.28, and 77.29. The variance may not always be evaluated or granted solely on~~
49 ~~the basis that the proposed will not exceed Federal obstruction standards. Except as~~
50 ~~otherwise provided in Chapter 333, Fla. Stat., the standards in Art. 2.B.3.E, Standards,~~
51 ~~shall be used to evaluate the variance application. [Ord. 2006-036]~~

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS

(05/18/17)

1 Part 4. ULDC Art. 3.D.1, Building Height (page123 of 218) are hereby amended as follows:
2

Reason for Amendment: [Airports] To be consistent with revised terminology used Article 16.

3 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

4 Section 1 PDRs for Standard Zoning Districts

5 E. Building Height

6 The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise
7 stated. [Ord. 2005-002]

8 1. Airport Zones

9 Structures in airport zones are subject to the height restrictions in Article 16.B.1, ~~Airspace~~
10 ~~Height Regulations~~ Airport Protection Zoning Regulations Governing Airport Hazards.

11
12
13

14 Part 5 ULDC Art. 4.B, Use Classification, (pages 76, 79, 87, 116 and 129 of 204) are hereby
15 amended as follows:
16

Reason for Amendment: [Airports]

1. To be consistent with revised terminology used Article 16 for Airport Land Use Compatibility Zoning.

2. To be consistent with the regulations in Chapter 333.03, Florida Statutes for locational criteria for restricted uses.

3. To be consistent with the PBAO.

17
18 CHAPTER B USE CLASSIFICATION

19

20 Section 4 Institutional, Public and Civic Uses

21

22 C. Definitions and Supplementary Use Standards for Specific Uses

23

24 7. Day Care

25

26 d. Airport Land Use Compatibility Zoning Overlay

27 The establishment of new Limited or General Day Care facilities shall be prohibited in
28 accordance with Art. 16.C.1.E.2. Prohibited Land Uses. [Ord.2011-016]

29

30 15. School - Elementary or Secondary

31

32 b. General

33

34 3) ~~Overlay~~ Airport Land Use Compatibility Zoning Overlay (AZO)

35 New schools shall not be located within five miles of either end of a runway, pursuant
36 to Article 16, AIRPORT REGULATIONS, and F.S.
37

38

39 Section 7 Utility Uses

40

41 C. Definitions and Supplementary Use Standards for Specific Uses

42

43 6. Landfill or Incinerator

44 a. Definition

45 A facility for the disposal or incineration of solid waste for which a permit is required by the
46 Florida Department of Environmental Protection, which receives solid waste for disposal in
47 or upon the land. The term does not include a land-spreading site, injection well or surface
impoundment.

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DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

- 1 b. **SWA permit**
2 Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.
3 **c. Airport Land Use Compatibility Zoning**
4 1) New Landfills are prohibited, and existing Landfills within the following areas are
5 restricted pursuant to Art. 16.1.E.2.c:
6 a) Within 10,000 feet from the nearest point of any Airport runway used or planned to
7 be used by turbine aircraft or,
8 b) Within 5,000 feet from the nearest point of any Airport runway used by only non-
9 turbine aircraft or,
10 c) Outside the perimeters defined in subparagraphs a. and b., but still within the
11 lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19.
12 Case –by case review of such landfills is advised.
13 2) Where any Landfill is located and constructed in a manner that attracts or sustains
14 hazardous bird movements from feeding, water or roosting areas into, or across, the
15 runways or approach and departure patterns of aircraft. The Landfill operator must
16 incorporate bird management techniques or other practices to minimize bird hazard to
17 airborne aircraft. These management techniques shall be addressed in the applicable
18 zoning application. DOA, in consultation with the PZB, shall administer the review of
19 development application for compliance.
20
21

Reason for Amendment: [Airports/Zoning]
Prohibition of this use is only restricted to the Palm Beach International Airport Overlay (PBAIO) as identified in Art. 3.B.9.

22 Section 5 Industrial Uses

- 23
24 **C. Definitions and Supplementary Use Standards for Specific Uses**
25
- 26 **5. Gas and Fuel, Wholesale**
27 **a. Definition**
28 An establishment engaged in the storage of gas and fuels for wholesale distribution, to
29 businesses.
30 **b. Overlay – Airport Zoning Overlay (AZO)**
31 Wholesale of gas and fuel shall be allowed in the AZO Overlay as an airport-related use
32 only when associated with sales of aviation fuel.
33 **c. Location**
34 This use shall not be located within ~~any Prohibited Land Use Area/Five Mile Runway Buffer~~
35 ~~Zone the PBAIO.~~
36
37

Reason for Amendment: [Airports/Zoning] Reference to Vertiport included in the definition as the term is used in Article 16.

38 Section 8 Transportation Uses

- 39
40 **C. Definitions and Supplementary Use Standards for Specific Uses**
41
42 **2. Heliport or Vertiport**
43 **1. Definitions**
44 A facility designed to accommodate helicopter operations or other vertical takeoff and
45 landing rotorcraft, including facilities and structures, needed for heliport business to
46 function.
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49 (This space intentionally left blank)

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(05/18/17)

1 Part 6. ULDC Art.16, Airport Zoning, (pages 3 - 14) are hereby amended as follows:
2

Reason for Amendments: [Airports]

Changes made in 2016 to Chapter 333, Florida Statutes (FS), Airport Zoning requires amendments to Article 16, with related amendments to Articles 1, 2 and 4, to be consistent with the recent statutory changes. An overview of the specific changes includes:

1. Chapter 333 speaks to airport "obstructions" and "hazards", which include not only permanent and temporary structures but other tall objects or terrain.
2. Updates to reference most current related documents.
3. Establishes an amended height review procedure to comply with Chapter 333.07.
4. Amendments to more clearly reference provisions within the ULDC or in other regulating documents.

3 **CHAPTER A GENERAL**

4 **Section 1 Purpose and Intent**

5 These provisions are intended to regulate permitted construction to promote the maximum safety of aircraft
6 arriving at and departing from the publicly-owned airports within PBC; to promote the maximum safety of
7 residents and property in areas surrounding PBC Airports; to promote the full utility of PBC Airports and
8 public use airports; to provide structure height standards for airport hazards and uses within airport primary,
9 horizontal, conical, approach and transitional surfaces so as to encourage and promote ~~the proper and~~
10 sound compatible development of land beneath said areas; and to provide administrative procedures for
11 the efficient and uniform regulation of all development proposals within said zones.

12 **Section 2 Short Title and Authority**

- 13 A. This Article shall be known and cited as the "Airport Zoning Ordinance."
14 B. This Article is enacted pursuant to the provisions of Art. VIII, Sec. 1(g) of the Florida Constitution;
15 Chapter 125, F.S.§ (1995) Chapter 333, F.S.§ ~~(1995)~~ (2016), or as amended.

16 **Section 3 Applicability**

- 17 A. This Article regulates height and land uses around publicly owned airports in PBC. The height
18 standards for structures or obstructions provide maximum height limits and a review procedure to
19 determine if structures or obstructions will have an adverse impact on safe and efficient airspace
20 use. The land use standards provide restrictions and a review procedure within four nautical miles
21 of publicly owned airports to determine if the land use is compatible with normal airport operation
22 and Federal Aviation Administration (FAA) guidelines. The land use standards apply to the highest
23 most restrictive airport hazard areas and Noise Zones, and limit uses which include, but are not
24 limited to, hazardous material storage, emissions of light or smoke, or uses which attract
25 concentrations of people or birds.
26 B. This Article applies to all land in unincorporated PBC.
27 C. This Article also applies to all municipalities that may elect to participate through interlocal
28 agreement, pursuant to Chapters 163 and 333.03, (1)(b)1, Florida Statutes, ~~, or to all affected~~
29 ~~municipalities if a Joint Airport Zoning Board is created pursuant to F.S. §333.03 (1) (b) 2, (1994).~~
30 D. These regulations supplement other land development regulations in this Code.
31 E. Where there exists a conflict between any of the regulations or limitations prescribed in this Article
32 and any other regulations applicable to the same area, the more stringent limitation or requirement
33 shall govern and prevail.

34 **Section 4 Definitions and Acronyms**

35 See Art. 1.I, Definitions and Acronyms.
36

Reason for Amendments: [Airports]

This amendment clearly indicates that there are supporting Maps and Schedules that identify specific areas, zones and uses that are referenced in Art. 16, and that these Maps and other documents may be obtained from the Department of Airports.

37
38

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Section 5 Appendices

Maps and related information contained in Appendices 1-15 are incorporated herein by reference and are available for review at the Department of Airports or may be obtained from their web site.

Reason for Amendments: [Airports]

This amendment reflects the terminology used in Chapter 333 Florida Statutes, Airport Zoning for Airport Hazards, and to amend references to be consistent with airports obstructions and hazards as identified therein.

CHAPTER B AIRSPACE HEIGHT REGULATION AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS

Section 1 Airspace Height Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the applicable land lying beneath the primary, horizontal, conical, approach, and transitional surfaces as they apply to a particular airport. To regulate height, an Airspace Notification Map, ~~(attached as Appendix 1)~~, and a procedure to review ~~the permitting of and permit tall structures obstructions~~ has been established. Airport height limitations and the notification procedures established in this Section conform to the standards for determining obstructions to air navigation of Federal Aviation Regulations Part 77, ss. 77.23.

B. Regulated ~~Construction Obstructions~~

For purposes of this Section, ~~construction obstructions~~ includes but ~~is are~~ not limited to, any existing or proposed permanent or temporary object, natural growth or creating new structures, or adding height to any existing structure and shall include the location of derricks, draglines, cranes and other boom-equipped machinery. ~~Construction Obstruction~~ does not include any development which does not have the effect of adding height to the land or other structure, such as paving, draining or roofing.

C. Regulated Areas

The various surfaces displayed as Zone 1 and Zone 2 on the PBC "Airspace Notification Map" are defined below. Penetration of one of these zones shall require a technical analysis by FAA and obtaining a Permit for Obstruction from the DOA following a review ~~of the analysis~~ by the DOA, PZB Department, and other applicable governmental agencies in accordance with this Article.

1. Publicly-Owned, Public Use ~~PBC~~ Airports

- a. Zone 1 - All construction within 3,500 feet from the airport reference point in all directions.
- b. Zone 2 - Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point.
- c. Any construction or alteration of a height greater than an imaginary surface extending outward and upward for a distance of 20,000 feet from the reference point of any terminal navigational aid facility up to a height of 200 feet above ground level.

2. All ~~PBC~~ Heliports/Vertiports

Any construction or alteration of a height greater than an imaginary surface extending outward and upward from any point of any public or private State licensed ~~PBC~~ Heliport for a distance of 5,000 feet up to a height of 200 feet above ground level.

3. Terminal Navigational Aid Notification Areas

Any construction or alteration within 5,000 feet of any navigational aid facility; and

4. Other Areas

Any construction or alteration of a height greater than 200 feet above ground level.

D. Airport Zones Established

Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps described below. These maps are on file at the DOA and PZB and are incorporated herein. These maps are included by reference and attached as Appendices 2-7, available at The Department of Airports.

- Map A - PBIA (Appendix 2)
- Map B - PBC Park Airport (Lantana) (Appendix 3)
- Map C - PBC Glades Airport (Pahokee) (Appendix 4)
- Map D - Belle Glade Municipal Airport (Appendix 5)
- Map E - Palm Beach North County Airport (Appendix 6)
- Map F - Boca Raton Airport (Appendix 7)

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E. Airport Runway Categories Defined

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. The category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport.

Reason for Amendments: [Airports]

The amendments to Tables E-1, G-2 and G-3 are being made due to changes to the runway numbering recently implemented. These amendments also included changes to the dimensions of the RPZ.

Table 16.B.1.E-1 Runway Category and Runway Protection Zone (RPZ) Defined, by Airport

Airport/Runway	Runway	Length	Inner Width	Outer Width	RPZ Acres	
Palm Beach International (PBIA)	Runway 091/2R-10L	Precision	1,700-2,500	1,000	1,510-1,750	48.978-78.914
	Runway 28R	Precision	1,700	1,000	1,510	48.978
	Runway 13/31 14/32	Non-Precision	1,700	500	1,010	29.465
	Runway 09R/27L 10R/28L	Visual	1,000	500	700	13.770
PBC Park (Lantana)	Runway 09/27	Non-Precision	1,700	500	1,010	29.465
	Runway 15/33	Non-Precision	1,700	500	1,010	29.465
	Runway 03/21	Visual	1,000	500	1,010	13.770
PBC Glades (Pahokee)	Runway 17/35	Non-Precision	1,700	500	1,010	29.465
Belle Glade Municipal	Runway 09/27	Visual	1,000	500	700	13.770
Palm Beach North County	Runway 08R/26L	Precision	1,700	1,000	1,510	48.978
	Runway 26L	Non-Precision	1,700	500	1,010	29.465
	Runway 13/31	Non-Precision	1,700	500	1,010	29.465
	Runway 08L/26R	Visual	1,000	500	700	13.770
Boca Raton	Runway 05/23	Non-Precision	1,700	500	1,010	29.465

F. Airport Height Limitations

1. General

Where any two limitations in this Article are in conflict, the more stringent applies. Except as otherwise provided in this Section, no obstruction including any structure, or object of natural growth, shall be erected, altered, or be maintained without prior approval by DOA or PZB, which is or would be an obstruction obstacle to air navigation, as defined in this Article, or of a height greater than:

- a. 500 feet above ground level at the site of the object;
- b. 200 feet above ground level or the established airport elevation, whichever is higher. These heights shall be measured within three nautical miles of the established reference point of an airport; and which height increases up to a maximum of 500 feet, at a slope of one foot vertically for every 100 feet horizontally, for a distance of 50,000 feet; or
- c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Airports Director to be a hazard to the safe and efficient use of airspace around an airport.

G. Airport Height Zone Definitions and Limitations

A property located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined below. These zones are depicted in plan view in Appendix Appendices 2 through 7 and in isometric view in Appendix 15. The specific definitions of each airport height zone (horizontal distance, width, arc radius, etc.) are listed on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway. General definition and height limitations are described in the Subsections to follow.

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1

Table 16.B.1.G-2 Specific Zone Definition, By Airport, By Runway

Airport/ Runway	Primary Zone Width (in feet)	Horizontal Arc Radius (in feet)	Conical Zone (in feet)	Approach Zone (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT (PBIA)						
Rwy 09L/10L/27R/28R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 13-14/34-32	500'			10,000'	500'	3,500'/1,500'
Rwy 09R/10R/27L/28L	250'	5,000'		5,000'	250'	1,250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/21						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'

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1. Primary Zone Definition

An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

a. Primary Zone Height Limitations

No structure or obstruction will be permitted within the Primary Zone that is not part of the landing, maneuvering and taking-off facilities.

b. Primary Zone Width for each Specific Airport

The specific width of each Primary Zone for each airport is listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

2. Horizontal Zone Definition

The area around each airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each airport's runways and connecting adjacent area by lines tangent to those arcs. The radius of the arc specified for each end of a value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the Horizontal Zone.

a. Horizontal Zone Height Limitations

No structure or obstruction that has a height greater than 150 feet above the airport elevation, will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway.

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- 1 **a. Conical Zone Height Limitation**
 2 No structure or obstruction will be permitted in the Conical Zone that has a height greater
 3 than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal
 4 Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of
 5 horizontal distance, measured outward from the inner boundary to a height 350 feet above
 6 the airport elevation at the outer boundary.
- 7 **b. Approach Zone Definition**
 8 An area longitudinally centered on the extended runway centerline and extending outward
 9 and upward from each end of the primary zone. An Approach Zone is designated for each
 10 runway based upon the type of approach available or planned for that runway end.
- 11 **4. Approach Zone Height Limitations**
 12 The permitted height limitation within an outer or inner Approach Zone is the same as the
 13 runway end height at the inner edge and increases with horizontal distance outward from the
 14 inner edge based upon the calculation method listed in Table 16.B.1.G-3, Specific Zone Height
 15 Limitation Calculation, by Airport, by Runway.
- 16 **a. Approach Zone Horizontal Distance for each Specific Airport**
 17 The specific Approach Zone dimensions for each airport is listed above on Table 16.B.1.G-
 18 2, Specific Zone Definition, by Airport, by Runway.
- 19

Table 16.B.1.G-3-Specific Approach Zone Height Limitation Calculation, By Airport, By Runway

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International (PBIA)	Runway 09L/10L/27R 28R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 13 14/31-32	One foot vertically for every 34 feet of horizontal distance.
	Runway 09R 10R/27L 28L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/21	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/ 23	One foot vertically for every 34 feet of horizontal distance.

- 20
- 21 **5. Transitional Zone Definition**
 22 The area extending outward from the sides of the Primary Zones and Approach Zones
 23 connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same
 24 as the Primary Zone or Approach Zone at the boundary line where these Zones meet (i.e., level
 25 with the nearest point on the runway centerline) and increase at a rate of one foot vertically for
 26 every seven feet horizontally, with the horizontal distance measured at right angles to the
 27 runway centerline and extended centerline, until the height matches the height of the Horizontal
 28 Zone, the Conical Zone or for a horizontal distance of 5,000 feet from the side of the part of the
 29 Precision Approach Zone that extends beyond the Conical Zone.
- 30 **a. Transitional Zone Height Limitation**
 31 No ~~object or~~ structure or obstruction will be permitted within the Transitional Zone greater
 32 in height than the Primary Zone or Approach Zone at their adjoining boundary lines
 33 increasing at a rate of one foot vertically for every seven feet horizontally, with the
 34 horizontal distance measured at right angles to the runway centerline and extended
 35 centerline, until the height of the slope matches the height of the Horizontal Zone or the
 36 height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that

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part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone.

6. Terminal Navigational Aid Obstruction Zone Definition

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse ~~effect~~ **effect** on the safe and efficient operation of navigational facilities. An Airport Surveillance Radar (ASR) facility Navigational Aid Obstruction Zone has been established extending in all directions to a radius of 3,500 feet from the navigation aid. This zone is shown on the Airspace Notification Map, Appendix 1.

a. Terminal Navigational Aid Obstruction Zone Limitation

No construction or alteration or installation of any electromagnetic device shall be permitted within this Navigation Aid Obstruction Zone without prior technical review by the FAA. If deemed necessary by the results of the FAA review, ~~approval~~ **a Permit for Obstruction** must be obtained from DOA following a review by the DOA and PZB.

7. Heliport/Vertiports

a. Primary Zone Definition

The Primary Zone coincides in size and shape with the designated take-off and landing area of a Heliport/Vertiport.

1) Primary Zone Limitation

This primary zone height limitation is described by a horizontal plane at the elevation of the established elevation.

b. Approach Zone Definition

The Approach Zone begins at each end of the Heliport/Vertiport Primary Zone with the same width as the Primary Zone and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet.

1) Approach Zone Height Limitation

The Approach Zone height limitation is a slope of one foot vertically for every eight feet horizontally.

c. Transitional Zone Definition

The Transitional Zone extends outward and upward from the lateral boundaries of the Primary Zone and from the Approach Zone for a distance of 250 feet measured horizontally from the centerline of the Primary and Approach Zones.

1) Transitional Zone Height Limitation

The Transitional Zone has a height limitation at a slope of one foot vertically for every two feet horizontally.

Reason for Amendments: [Airports]	
1.	Amendments to Chapter 333.07 require the local government to permit airspace obstructions. These amendments provide for a procedure for the Department of Airports to review for obstructions through the Development Review Officer and Building Permit processes. The Department of Airports is already integrated into these processes as a member of the DRO and a reviewing agency through the Building Department. The amended provisions outline the process by which obstructions will be reviewed by the FAA, Department of Airports and FDOT.
2.	References to Tall Structure Permit review is being removed as it will be replaced by the Permit for Obstruction review that will be accomplished through the DRO and/or Building Permit processes.

H. Airspace Height Review Procedures

All new construction, ~~or~~ reconstruction or alteration that which adds height to any ~~land or building obstruction~~ within areas shown on the ~~or~~ "Airspace Notification Map" ~~, (incorporated by reference and attached as Appendix 1),~~ shall be reviewed for compliance with the standards of this Section.

1. General

No ~~Tall Structure~~ Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to the satisfaction of DOA, PZB and County Attorney. No development permit application shall be issued if the proposed construction or alteration is found to violate the provisions of this Article, or exceed an obstruction standard of Federal Aviation Regulation ~~s~~, Part 77 or ~~any~~ other applicable Federal or State rules or regulations.

2. Tall Structure Permit for Obstruction Review Required

~~DOA shall make a determination if FAA notification is required, An application for the construction, reconstruction or alteration of any obstruction must be reviewed in accordance with the development review procedures in Article 2. DEVELOPMENT REVIEW PROCESS~~ prior to certification of an application by DRO or issuance of a building permit for a permanent or temporary structure obstruction located within areas Regulated Areas by this Article.

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a. FAA Review

The DOA shall inform the applicant that ~~prior~~ review by the FAA is required if DOA determines that the proposed ~~construction or alteration~~ obstruction represented in the application may exceed:

- 1) The standards of Federal Aviation Regulations Part 77;
- 2) The provisions of Article 16.B.1.F, Airport Height Limitations, and Article 16.B.1.G, Airport Height Zone Definitions and Limitations;
- 3) Any other Federal or State rules and regulations; or
- 4) Adversely affects the airspace surrounding any Airport defined herein. The FAA must review and issue a determination of the proposal's effect on navigable airspace where such prior notification under Title 14, CFR, Part 77 is required. PZB shall suspend any review of any development permit application process until FAA findings of aeronautical affect are approved.

~~b.5) Responsibility of the Applicant~~

The Applicant shall submit:

~~1) Obtain~~

- a) ~~FAA Form 7460-1 from the DOA and mail the completed form to Federal Aviation Administration Southern Regional Office, Attn: ASO-532, Systems Management Branch, P. O. Box 20636, Atlanta, GA 30320 electronically via the FAA's website at <https://oeaaa.faa.gov/>.~~

~~2) Bring~~

- b) In person or forward by Certified Mail (Return Receipt Requested) to the DOA, the FAA's ~~findings determination~~ of aeronautical affect, including a valid aeronautical study number along with and a copy of the ~~completed~~ original electronic submittal of FAA Form 7460-1.

b. DOA Review

- 1) Following receipt the FAA finding of aeronautical affect, if required, the DOA shall consider the following criteria when determining whether to certify a development application with or without conditions of approval, or recommend issuance or denial of a building permit.

a) The safety of persons on the ground and in the air.

b) The safe and efficient use of navigable airspace.

c) The nature of the terrain and height of existing structures.

d) The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Chapter 333 FS and rules adopted thereunder.

e) The character of existing and planned flight operations and developments at public-use airports.

f) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA.

g) The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.

h) The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.

~~32) Structure(s) Not Exceeding Obstruction Standards or Other Provisions~~ **DOA**

~~DOA shall~~ review the FAA's determination issued in response to the applicant's FAA Form 7460-1 and the permit application. If DOA determines that the proposed construction or alteration does not exceed the height limitations in this Section, the DOA shall ~~notify the applicant in writing~~ issue the permit or issue the permit with conditions of approval so that the proposed structure may be erected in accordance with permitting requirements of PZB. PZB may certify the development application or issue a building permit, as applicable. The applicant shall present a copy of the permit to PZB with the development application or building permit application.

~~43) Structure(s) Exceeding Obstruction Standards or Other Provisions~~

DOA shall review the FAA's determination issued in response to the applicant's FAA Form 7460-1 and the permit application. If DOA determines the proposed ~~construction obstruction~~ exceeds the height limitations outlined in this Section, then the DOA shall ~~notice the applicant deny the permit~~. The notice shall state the reasons for denial and inform the applicant that they may ~~apply for a variance pursuant to Article 16.C.2, Variances, and Article 2.B.3, Variances, of this Code, to allow deviations from the standards of this Section~~ appeal the decision pursuant to Article 16.C.2.

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EXHIBIT J

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4) FDOT Review

Following receipt of a complete application, the DOA shall provide a copy of the application to the FDOT aviation office for their review and evaluation pursuant to Chapter 333.025, Florida Statutes.

5) Zoning and Building Permit Requirement

If the Tall Structure permit is approved, the applicant shall present a copy of the Tall Structure Permit with all development order conditions to PZB with an application for the next applicable development order.

c.7 Building Permit Requirement

The applicant shall present a copy of the Tall Structure Permit Application, along with all Development Order comments and conditions of approval, to the Building Director in order to ensure that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions.

d.6) Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460H, Obstruction Marking or Lighting, as may be amended from time to time. The permit may be conditioned to require the applicant to mark and light the structure, at applicant's own expense, or to allow DOA to install, operate and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted.

Reason for Amendments: [Airports]

This amendment reflects terminology referenced in Chapter 333, Florida Statutes for determining incompatible uses on properties surrounding airports.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport. All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9 through 14 are subject to review and technical analysis by DOA, PZB, and other applicable governmental agencies, in consultation with PZB, in accordance with this Article.

To regulate land uses within these zones, an Off-Airport Land Use Compatibility Schedule Appendix 8, maps and review procedures have been established. The RPZ dimensions are defined in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The noise zones are depicted on the Airport Land Use Noise Maps, (Appendices 9 through 14).

B. Regulated Land Use

Notwithstanding any other provisions of this Article, no use may be made of land or water within the RPZ in such manner as to interfere with the operation of an airborne aircraft. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine additional land development requirements for uses identified in Article 4, USE REGULATIONS. Those activities and land uses not specifically listed in the Airport Land Use Compatibility Schedule are permitted or restricted based on their similarity to noise tolerance and compatibility with normal airport operations as exhibited by the activities and land uses which are listed in the Schedule.

1. Construction, defined

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, drainage or similar types of construction improvements.

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

Reason for Amendments: [Airports]

This amendment establishes a procedure for review of land uses in proximity to Airports to comply with Chapter 333.03(2). This amendment provides for a procedure for the Department of Airports to review land use compatibility through the Development Review Officer and Building Permit processes. The Department of Airports is already integrated into these processes as a member of the DRO and a reviewing agency through the building Department.

2. Review Procedure for Regulated Land Use

All new construction or reconstruction for temporary or permanent uses shall be reviewed for compliance with the standards of this Section in accordance with the development review procedures in Article 2, DEVELOPMENT REVIEW PROCESS, or at the time of application for a building permit. Prior to issuance of a development order or a building permit, the DOA, in consultation with PZB, shall review the application for compliance with this Article.

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport operations within these zones.

1. Runway Protection Zone (RPZ)

The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, in Appendices 2 through 7, for all airports in PBC.

2. Airport Land Use Noise Zones (ALUNZ)

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps, in Appendices 9 through 14, for all airports in PBC.

D. Airport Land Use Noise Zone(s) Established

All land uses shall be permitted within ALUNZ as provided in the Off-Airport Land Use Compatibility Schedule, Appendix 8.

1. Airport Land Use Noise Zones for Airports which have completed FAR Part 150 Noise and Land Use Compatibility Studies

Several PBC airports have completed a noise study in accordance with 14 CFR Part 150. Land uses within the area contiguous to these airports, within an area defined as the outer noise contour, or equivalent thereof shall be consistent with the type of use listed in Airport Land Use Compatibility Schedule.

a. Palm Beach International Airport (PBIA)

The Palm Beach International ALUNZ has been established and is incorporated herein as Appendix 9. This Zone is created based on yearly averaged, 24-hour day/night average noise level projections arising from aircraft flight operations at PBIA.

1) Palm Beach International Airport Land Use Noise Zone (ALUNZ) Define

That area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the Palm Beach International Airport Land Use Noise Zone Map. The boundary of the zone extends approximately ½ nautical mile beyond the projected yearly averaged, 24-hour day/night average noise level contour of 65 L_{dn}.

b. Boca Raton Airport

The Boca Raton ALUNZ has been established and is incorporated herein as Appendix 10. This Zone is created based on projections of aircraft flight operations at Boca Raton Airport.

1) Boca Raton Airport Land Use Noise Zone (ALUNZ) Defined

That area commencing at the outermost boundary of the airport and extending outward there from to a boundary indicated on the Boca Raton Airport Land Use Noise Zone Map. The outer boundary of the zone approximates a projected yearly averaged, 24-hour day/night average noise level contour of 60 L_{dn} or greater.

2. ALUNZs for Airports which have not completed an FAR Part 150 Noise and Land Use Compatibility Study

An overlay Land Use Noise Zone has been established for the civil airports which have not completed an Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Study. This Zone is created as an area beneath the standard VFR traffic pattern and buffer airspace established in FAA Order 7400.2D, *Procedures for Handling Airspace Matters*, which underlies the majority of recurring aircraft flight paths. Land Uses within this zone may be subject to aircraft noise that may be considered objectionable.

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS

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1 a. **Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport**
2 **Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport**

3 Land Use Noise Zones for these airports are established as the land lying within parallel
4 lines 9,108 feet in both directions from the approach and departure end of each runway,
5 the runway centerline, and all airspace in between. These zones are established and
6 attached as Appendices 11 through 14.

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

8 **1. The Off-Airport Land Use Compatibility Schedule (Appendix 8)**

9 Lists land uses as defined below:

10 a. **Land Uses Compatible Without Restriction (“P”)**

11 Uses noted with a "P" may develop pursuant to the development review procedures in the
12 Use ~~Regulation-Schedule Matrices~~ in Article 4, USE REGULATIONS, Article 3.B.
13 OVERLAYS and Article 2, DEVELOPMENT REVIEW PROCESS, and are not required to
14 comply with the conditional requirements set forth in Appendix 8, The Off-Airport Land Use
15 Compatibility Schedule.

16 b. **Land Uses Qualified As Compatible Only If In Compliance With Conditional**
17 **Requirements (“Q”)**

18 Uses noted with a "Q" may develop pursuant to the development review procedures in the
19 Use ~~Regulation-Schedule Matrices~~ in Article 4, USE REGULATIONS, Article 3.B.
20 OVERLAYS and Article 2, DEVELOPMENT REVIEW PROCESS, if regulated and
21 constructed in accordance with the conditional notes in Appendix 8. ~~Application for a Type~~
22 ~~II variance from the conditional requirements may be made to the ZC in accordance with~~
23 ~~the requirements in Article 2, DEVELOPMENT REVIEW PROCESS.~~ [Ord. 2006-036]

24 c. **Incompatible Land Uses (“N”)**

25 Uses noted as an "N" are considered to be incompatible in the Airport Zone Regulated
26 Areas. These uses shall not be allowed in the Runway Protect Zone (RPZ) and variance
27 relief is not available. ~~Uses within the Airport Land Use Zone shall require variance~~
28 ~~approval pursuant Article 16.C.2, Variances, herein and Article 2.B.3, Variances, and shall~~
29 ~~be subject to the development review procedures in the Use Regulation Schedule in Article~~
30 ~~4, USE REGULATIONS, and Article 2, DEVELOPMENT REVIEW PROCESS, prior to~~
31 ~~establishment of the use.~~

32 **Reason for Amendment: [Airports]**

This amendment references the prohibited uses by the naming convention used in Art. 4 - Use Regulations.

33 **2. Prohibited Land Uses**

34 a. In no case shall a new ~~educational facility~~-Limited or General Day Care, or ~~a public or~~
35 ~~private school~~ School- Elementary or Secondary be permitted at either end of a runway
36 within an area that extends five statute miles in a direct line along the centerline of the
37 runway and which has a width of the length of 1/2 the runway. [Ord. 2011-016]

38 1) Nothing in subsection a. above shall be construed to require the removal, alteration,
39 sound conditioning, or other change, or to interfere with the continued use or expansion
40 to contiguous properties of any public or private educational structure in existence, or
41 real property in use, on November 1, 1996. Construction of new education structures
42 shall meet the provisions of Article 16.B.1.H, Airspace Height Review Procedures, and
43 the provision of sound insulation materials in accordance with established architectural
44 and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later
45 version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft
46 Operations, is encouraged.

47 2) The language in subsection a. above shall not be construed to require the removal,
48 alteration, sound conditioning, or other change, or to interfere with the continued use
49 or expansion of any Limited or General Day Care use in existence, or real property in
50 use, or with a valid development order prior the effective date of this Ordinance.
51 Expansion or alterations of a Day Care located within the runway area that represents
52 an increase in the number of occupants shall be prohibited. [Ord. 2011-016]

53 b. In no case shall new residential construction be permitted within an area contiguous to the
54 airport measuring ½ the length of the longest runway on either side of and at the end of
55 each runway centerline unless it meets the conditional notes in the Off-Airport Land Use
56 Compatibility Schedule - Appendix 8. This area is shown as the “New Residential
57 Construction Limit” on Appendices 10-14.

58 **Notes:**

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

1) Exemption

Land uses within regulated areas defined in Article 16.C.1.D.1.a, Palm Beach International Airport (PBIA) and Article 16.C.1.D.1.b, Boca Raton Airport Land Use Noise Zone (Airports which have completed Federal Aviation Regulation Part 150 Noise and Land Use Compatibility Studies), "Palm Beach International Airport and Boca Raton Airport Land Use Noise Zone Defined" and which meet the standards set forth herein.

Reason for Amendment: [Airports]

This amendment identifies Landfills as a restricted use in Chapter 333.03(2)(a).

In no case shall a new Landfill be permitted, or an existing Landfill expanded, within 10,000 feet from the nearest point of any Airport runway used by only turbine aircraft; within 5,000 feet from the nearest point of any Airport runway used by only nonturbine aircraft; or within the lateral limits of the civil airport imaginary surfaces, Appendix 15.

3. Additional Use Regulations

In addition to the requirements contained in the Off-Airport Land Use Compatibility Schedule Appendix 8, all uses within regulated areas shall comply with the following provisions:

a. Lights and Illuminations

All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such manner that is not misleading or dangerous to aircraft operating from or to a public airport or in vicinity thereof.

b. Electronic Devices

No application, use, or operations of any type shall produce electronic interference with navigation signals or radio communication between aircraft; the airport tower, or other air traffic control facility.

c. Obscuration

No operations of any type shall produce smoke, glare or other obscuration within three statute miles of any usable runway of a public airport.

d. Bird Concentrations

No use of any type shall be permitted that attract or sustain hazardous bird movements, feeding, water, or roosting areas into or across an airport's runways' approach and departure pattern.

e. Noise Level Reduction (NLR) Requirements

If a proposed land use within an Airport Land Use Noise Zone is designated generally compatible (Q), or incompatible (N), then measures to achieve 30 dB NLR shall be incorporated into the regulated use.

1) Exemptions

Land Uses within regulated areas defined in Article 16.C.1.D.2.a, Land Use Noise Zone(s) Defined for PBC Park Airport (Lantana), PBC Glades Airport (Pahokee), Belle Glade Municipal Airport, and Palm Beach North County Airport.

2) Use and Occupancy

Buildings or structures supporting a legal use(s) which existed prior to (the effective date of this Article), may continue to support the existing use or occupancy provided such continued use does not jeopardize life or health.

3) Relocated Buildings

Buildings or structures moved into a RPZ or ALUNZ shall comply with the height and noise level reduction provisions of this Article, as applicable.

4) Proposed or Newly Constructed Buildings

Valid permits to construct a building, submitted to the Building Division of PZB prior to ~~(the effective date of this Article)~~ June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired.

5) Design Requirements

The NLR requirements of the Off-Airport Land Use Compatibility Schedule, ~~at~~ Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, *Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations*. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior

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EXHIBIT J

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (05/18/17)

walls or ceilings, when furnished in accordance with the intended final usage of the room.

f. Disclosure

The owner of any new building or structure or any existing building or structure which is substantially repaired, reconstructed or altered, as provided in Article 16, AIRPORT REGULATIONS, proposed to be located within regulated areas shall provide disclosure to all prospective purchasers or tenants of such building or structure that the building or structure is located within the Land Use Compatibility Noise Zone and that aircraft noise may be objectionable.

F. Review Procedure for Airport Land Use Noise Zones (ALUNZ)

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA and PZB shall review the application for compliance with this Article.

Reason for Amendment: [Airports]

This amendment removes the opportunity to seek a Variance due to amendments in Chapter 333 where the legislature removed the variance provisions.

Section 2 — Variances

~~Application for a Type II variance may be submitted to erect or increase the height of any structures, or to use property which does not comply with the regulations prescribed in this Article, to the ZC pursuant to the procedures and standards set forth in Article 2.B.3, Variances. [Ord. 2006-036]~~

Section 32 Nonconforming Uses

Uses nonconforming to the Airport ~~Zoning~~ Regulations shall be administered in accordance with the provisions identified within Article 16, AIRPORT REGULATIONS and Article 1.F. NONCONFORMITIES.

Section 43 Administration

- A. This section of the ULDC shall be interpreted by the Director of Airports. ~~PZB DOA~~, in consultation with the ~~DOA PZB~~, shall administer the review of development applications for compliance with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal Agreement with any jurisdiction which has permitting authority shall administer the review of development applications for compliance with this Article within the territorial limits of the municipality. If a ~~Fall~~ ~~Structure~~ Permit for Obstruction is required, then the DOA shall administer review with the FAA. Fees shall be established by the DOA and PZB to administer this Article. [Ord. 2008-003]
- B. In the event that any violation of the requirements of this Article are found, the Director of Code Enforcement shall give written notice to the property owner. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of said notice shall be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take any or all other action necessary to correct violations and obtain compliance with all the provisions of this Section.
- C. The DOA shall notify the Executive Director of PZB of all amendments to the airport master plan(s), or other regulations that ~~effect~~ affect the definitions or height limitations of the zones established herein.

Reason for Amendment: [Airports]

This amendment reflects the process by which airport signage is currently reviewed and implemented

- D. Airport signage shall not be subject to the requirements of Article 8 of the ULDC. Proposed signage shall be ~~subject to review by the Aviation and Airports Advisory Board and~~ approved or amended in conjunction with the Airport master plan. [Ord. 2008-003]

Section 54 Enforcement

A. Non-compliance

Failure to comply with the requirements of this Section or any permit or Approval granted or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease and Desist Order or withhold a Certificate of Occupancy until the provisions of this Section have been met. PBC may subject the owner of the premises to the violation and enforcement provisions in

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1 F.S. Chapter 333.07, ~~and 1995, as amended, seek injunctive relief, pursuant to~~ F.S. Chapter
2 333.13, as may be amended from time to time, ~~or may pursue any other remedy available at law,~~
3 in order to fully effectuate the purposes of this Ordinance. Each violation of this Ordinance or of
4 any regulation, order or ruling promulgated herein shall be considered a separate offense and
5 enforced in accordance with the provisions of Article 10, ENFORCEMENT.

6 **Section 65 Appeals**

7 ~~Any person aggrieved by the decision of PZB or the DOA made in the administration of this Article may~~
8 ~~appeal the decision to the Hearing Officer in accordance with the provisions of Article 2.B.3, Variances, of~~
9 ~~this Code. [Ord. 2006-036]~~

- 10
- 11 A. Hearing Officers, as established in Article 2.G.3.G., are hereby authorized to hear and decide
12 appeals of final decisions by the DOA.
- 13 B. An applicant shall file an appeal with DOA within 20 working days of a final decision by the DOA.
14 The appeal must state with specificity the reasons for the appeal and shall contain such data and
15 documentation upon which the applicant seeks to rely. The DOA, by Resolution of the BCC, may
16 establish a reasonable fee to be paid by the applicant upon filing an appeal. This fee shall not
17 exceed the cost to the County in processing the appeal.
- 18 C. The DOA shall schedule a hearing before the Hearing Officer no later than 90 working days after
19 an appeal has been filed. The DOA shall notify the applicant of the hearing date at least 15 working
20 days in advance of the hearing and invite the applicant or the applicant's representative to attend
21 the hearing. Any of the time limitations set forth in this paragraph may be waived upon mutual
22 agreement of the DOA and the party filing the appeal.
- 23 D. An appeal shall stay all proceedings in the underlying action appealed from, unless the DOA
24 certifies that a stay would, in its opinion, cause imminent peril to life or property. In such cases,
25 proceedings may not be stayed except by order of the BCC for good cause shown.
- 26 E. At the hearing, the Hearing Officer shall provide the applicant and the DOA an opportunity to
27 present testimony and evidence, provided such information was part of the review before the DOA.
28 The Hearing Officer shall affirm, reverse, or modify the final decision of the DOA in conformity with
29 this Chapter. The Hearing Officer shall affirm the decision of the DOA if there is substantial
30 competent evidence in the record that the DOA properly applied the standards in this Chapter.
- 31 F. Any aggrieved party, including PBC, may appeal an order of the Hearing Officer to the Fifteenth
32 Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo, but shall be a petition
33 for Writ of Certiorari and the Court shall be limited to appellate review of the record created before
34 the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid
35 by the Petitioner in accordance with F.S. §119.07, F.S., as amended from time to time.

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DEPARTMENT OF AIRPORTS
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AIRPORT ZONING REGULATIONS

APPENDIX 1 THROUGH 15

Reason for Amendments: [Airports]

This amendment references where Maps and other documents are available and to correct reference numbers.

NOTE: MAPS AND SCHEDULES IN THESE APPENDICES ARE REPRESENTATIONAL ONLY AND MAY BE AMENDED FROM TIME TO TIME. LOCATIONAL REQUIREMENTS CAN BE VERIFIED BY THE DEPARTMENT OF AIRPORTS. HARD COPY, SCALED MAPS ARE AVAILABLE UPON REQUEST FROM THE DEPARTMENT OF AIRPORTS DIVISION, OR MAY BE OBTAINED FROM THE WEB SITE.

APPENDIX 1	AIRSPACE NOTIFICATION MAPS
APPENDIX 4 <u>2</u>	MAPS A - PALM BEACH INTERNATIONAL AIRPORT
APPENDIX 4 <u>3</u>	MAP B - PBC PARK AIRPORT
APPENDIX 4	MAP C - PBC GLADES AIRPORT
APPENDIX 5	MAP D - BELLE GLADE MUNICIPAL AIRPORT
APPENDIX 6	MAP E - PALM BEACH NORTH COUNTY AIRPORT
APPENDIX 7	MAP F - BOCA RATON AIRPORT
APPENDIX 8	OFF-AIRPORT LAND USE COMPATIBILITY SCHEDULE
APPENDIX 9	AIRPORT LAND USE NOISE ZONE - PALM BEACH INTERNATIONAL AIRPORT
APPENDIX 10	AIRPORT LAND USE NOISE ZONE - BOCA RATON AIRPORT
APPENDIX 11	AIRPORT LAND USE NOISE ZONE - PBC PARK
APPENDIX 12	AIRPORT LAND USE NOISE ZONE - PBC GLADES AIRPORT
APPENDIX 13	AIRPORT LAND USE NOISE ZONE - BELLE GLADE MUNICIPAL AIRPORT
APPENDIX 14	AIRPORT LAND USE NOISE ZONE - PALM BEACH NORTH COUNTY AIRPORT
APPENDIX 15	ISOMETRIC VIEW OF AIRPORT HEIGHT ZONES AND IMAGINARY SURFACES

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EXHIBIT K

REQUESTED USE REFERENCE SUMMARY OF AMENDMENTS

(Updated 05/09/17)

1
2
3

Part 1. ULDC Table 5.G.2.D, Review Process (page 84 of 107), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete reference to Requested Use under the Density Bonus Review Process table. Requested Use was consolidated as Conditional Use through the Use Regulations Project.

4

Table 5.G.2.D - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use
Standard District >30% - 50%	X		
Standard District >50% - 100%		X	
PDD or TDD >30% - 100%		X	X
[Ord. 2009-040]			

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EXHIBIT L

ADMINISTRATIVE APPROVALS UNMANNED RETAIL STRUCTURES SUMMARY OF AMENDMENTS

(Updated 3/13/17)

1
2 Part 1. ULDC Art. 2.D.1.G.1, Modifications to BCC or ZC Approvals (pages 39-40 of 87), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] Clarify administrative authority to amend projects approved by the Zoning Commission or Board of County Commissioners, to allow for the addition or modification of an unmanned retail structure, consistent with provisions for the similar Freestanding ATM use. This clarification was inadvertently omitted from the recently adopted Use Regulations Project, where the use was partially established by Board direction to accommodate a freestanding ice dispensing facility. Typically, the addition of a freestanding structure would necessitate a request to the ZC or BCC for a Development Order Amendment (DOA); however, the structures in question are de minimis, and are not anticipated to result in the same impacts as would an occupied freestanding structure.

5 6 ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES

7 CHAPTER D ADMINISTRATIVE PROCESS

8 Section 1 Development Review Officer (DRO)

9 G. Modifications to Prior Development Orders

10 1. Modifications to BCC or ZC Approvals

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

17
18 I. Add new or amend existing Freestanding ATMs, or Unmanned Retail Structure. [Ord.
19 2013-021]

20 21 2. Administrative Modifications

22 a. Purpose

23 To establish procedures to allow for approvals of specific minor corrections, additions and
24 amendments to Final Plans approved by the BCC, ZC or DRO. [Ord. 2007-001] [Ord.
25 2014-001] [Ord. 2015-006] [Ord. 2016-016]

26 b. Agency Review

27 Agency Review is for applications that require amendment(s) to existing approved plan(s).
28 This type of application requires review, comments, and conditions by a maximum of five
29 DRO Agencies. The DRO shall determine which Agencies are required to review the
30 amendment based upon the request and compliance with County Ordinances. The Zoning
31 Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans,
32 outlining a list of minor amendments and establishing items that are exempt from the
33 Administrative Modifications process. Amendments include the following, provided Art.
34 2.D.1.G.1, Modifications to BCC/ZC Approvals, requirements are not exceeded: [Ord.
35 2008-003] [Ord. 2011-001] [Ord. 2014-001] [Ord. 2015-006] [Ord. 2016-016]

36
37 9) Proposed or relocated guard houses; ~~and~~, [Ord. 2014-001] [Ord. 2015-031]

38 10) PUD informational signs; ~~and~~, [Ord. 2015-031]

39 11) Add new or amend existing Freestanding ATMs, or Unmanned Retail Structure.

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52 Structures.docx

Notes:

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EXHIBIT M

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.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

3. Board Membership

a. Appointment

- 1) The LDRAB shall be composed of ~~16~~ 15 members and two at-large alternate members. [Ord. 2015-006]
- 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]

b. Qualifications

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

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

....

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Notes:
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EXHIBIT N

**ARTICLE 3.E, PLANNED DEVELOPMENT DISTRICTS
SUMMARY OF AMENDMENTS**

(Updated 04/21/17)

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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.”							

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 (MXPDP) Zoning district, which: <ul style="list-style-type: none"> Removed the ability for the MXPDP district to be applied with the High Residential - 12 (HR-12) or High Residential - 18 (HR-18) FLU designations, as MXPDP is intended to support intense commercial uses; and, Clarify that consistency of an MXPDP with Multiple Land Use (MLU) Future Land Use (FLU) designation is only applicable for sites located in the Urban/Suburban Tier.

Notes:

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EXHIBIT N

**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]

- a. the use of vertical or horizontal integration with residential and non-residential uses;
- b. 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:

- a. Provide ~~for the~~ vertical ~~and/or~~ horizontal integration of residential and non-residential uses;
- b. Provide a continuous non-vehicular circulation system for pedestrians;
- c. Allow for innovative building design and orientation;
- d. Provide for interconnection between all uses in and adjacent to the project; and,
- ~~e. 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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Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

General Reason for Amendments: [Zoning] The Future Land Use Element (FLUE) of the Comprehensive Plan was recently amended by Ord. 2017-004, to delete the requirement that the Lifestyle Commercial Center (LCC) be a standalone zoning district that mirrored the Traditional Marketplace Development (TMD) district. Revised FLUE Policy 4.4.4-d (fka 2.2.2-c) relocates several minor LCC specific provisions under the TMD district, eliminating a number of redundant provisions, while retaining the LCC specific exception that allowed for an individual tenant to occupy up to a maximum of 100,000 square feet. The TMD is one of several types of mixed-use development, allowed in any location with frontage on an arterial or collector roads as indicated in FLUE Policy 2.2.2-a. In addition, the recent Plan amendment also clarifies that the LCC is only allowed in the Urban/Suburban Tier on sites assigned a commercial future land use (FLU) designation, for two sites approved under Ordinances 2008-048 and 2009-028.

As a result, this amendment deletes the LCC as standalone zoning district throughout the ULDC; and, retains some LCC regulations not covered under TMD.

Part 1. ULDC Art. 1.1.2, Definitions (pages 30, 85, 102 and 117 of 119), is hereby amended as follows:

Reason for amendments: [Zoning] See General Reason for Amendment above.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

A. **Terms defined herein or referenced in this Article shall have the following meanings:**

....

~~7. **Access, Primary** – for the purposes of a Lifestyle Commercial Center, a primary access shall be from an arterial street. If a development fronts two arterial streets, the primary access shall have the largest ADT as determined by the County Engineer. [Ord. 2010-005]~~

....

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

....

49. **Build-to-Line** - an alignment establishing a certain location for a building from either the R-O-W for a public street or the curb line along internal streets for a TMD, TND Neighborhood Center, ~~LCC~~, WCRAO, IRO or PRA project. [Ord. 2010-005] [Ord. 2010-022]

....

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

59. **Lot Frontage** -

....

b. For the purposes of TDD, WCRAO, IRO, ~~LCC~~ or PRA projects where a build-to-line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build-to-line requirements shall be the lot frontage. [Ord. 2006-004] [Ord. 2010-005] [Ord. 2010-022]

....

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

....

41. **Planned Development, District (PDD)** - a zoning district which is approved pursuant to the policies and procedures of Art. 3.E, Planned Development Districts of this Code including: PUD, Residential Planned Unit Development District; MXPDP, Mixed-Use Planned Development District; MUPDP, Multiple Use Planned Development District; PIPDP, Planned Industrial Park Development District; MHPDP, Mobile Home Park Planned Development District; and, RVDP, Recreational Vehicle Park Planned Development District; ~~and LCC, Lifestyle Commercial Center.~~ [Ord. 2010-005]

....

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

....

~~99. **Street, Main** – for the purposes of a Lifestyle Commercial Center, a street consisting of buildings located on both sides with on-street parking; sidewalks for pedestrian circulation with provisions for streetscape; usable open spaces, and buildings with a variety of heights and sizes characterized by distinctive architectural elements. [Ord. 2010-005]~~

....

105. **Streetscape** – For the purposes of the IRO, WCRAO, PRAs, ~~LCC~~ and TDDs, the visual elements of a street, adjoining buildings, street furniture, trees, pedestrian areas and open spaces, that combine to form the street's character. [Ord. 2010-005] [Ord. 2010-022]

Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

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Part 2. ULDC Art. 2, Development Review Procedures (pages 12 and 46 of 87), is hereby amended as follows:

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

7 **CHAPTER A GENERAL**

8 **Section 1 Applicability**

9
10 **E. Pre-Application Conference (PAC)**

11
12 **1. Plan Review**

13 The applicant shall specify in the application whether the PAC is requested for a conceptual
14 plan review. A conceptual master plan shall be required for the Infill Redevelopment Overlay
15 (IRO), ~~Lifestyle Commercial Center (LCC)~~, or applications for rezoning or conditional use
16 approval for Development Orders in the Priority Redevelopment Areas (PRAs). **[Ord. 2005 –
17 002] [Ord. 2010-005] [Ord. 2010-022]**

18
19 **3. Additional ~~LCC~~, IRO and PRA Requirements**

20
21

Table 2.A.1.E - Conceptual Master Plan Requirements for PAC

Conceptual Master Plan Requirements	IRO	LCC	PRAs
Intensity or density	✓	✓	✓
Transect zones assigned to all land.	✓		✓
Vehicular and pedestrian circulation, including location of access points and interconnectivity to adjacent parcels, perimeter streets, internal street network including alleys.	✓	✓	✓
General outline of building placement and building type, including any tenants 65,000 square feet or larger.	✓		
Freestanding or any tenants 65,000 square feet or larger.		✓	
Pedestrian streetscape realm for all perimeter street frontages or required frontage types.	✓		✓
Pedestrian area for main street(s).		✓	
Proposed or required mix of uses, including residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓	✓
Location of any Conditional Uses, and outdoor uses such as Restaurant, Financial Institution with Drive Thru Facilities, Financial Institution Freestanding ATM, gasoline pumps and related queuing areas, outdoor dining areas, and required outdoor daycare areas, among others. Where applicable, additional detail shall be required to demonstrate how such uses will be located behind buildings, or shielded from adjacent residential uses or perimeter streets.	✓	✓	✓
Location of parking, loading and service areas (dumpsters, etc.).	✓	✓	✓
Required public open space or usable open space.	✓	✓	✓
Demonstrate consistency with the master plan or design guidelines adopted under the Future Land Use Atlas amendment ordinance, if applicable.		✓	
Green Building Incentive Program: Where applicable, include any site improvements that will be used towards an application for bonus height.			✓
[Ord. 2010-005] [Ord. 2010-022] [Ord. 2017-007]			

22

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

1 **Part 3. ULDC Art. 3.A.1.B, Overlays and Zoning Districts (pages 16 of 234), is hereby amended**
2 **as follows:**

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

4 **CHAPTER A GENERAL**

5 **Section 1 Districts**

6 **B. Overlays and Zoning Districts**

7 **3. Planned Development Districts (PDD)**
8 ~~LCC, Lifestyle Commercial Center [Ord. 2011-016]~~

13 **Part 4. ULDC Table 3.A.3.C – FLU Designation and Corresponding Planned Development**
14 **Districts (pages 18 of 234), is hereby amended as follows:**

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

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

	AGR (2)	RR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	
....												

	AGR (1)	RR	AGE	CL	CH	CLO	CHO	IND	INST	CR	MLU	EDC
....												
LCC				√	√							

[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005] [Ord. 2010-022] [Ord. 2014-031]

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]
....

19 **Part 5. ULDC Table 3.A.3.C – TDD Corresponding Land Use (pages 19 of 234), is hereby**
20 **amended as follows:**

Reason for amendments: [Zoning] Correct glitch by deleting provisions indicating that the TMD district is consistent with the Commercial Low Office (CLO) and Commercial High Office (CHO) FLU designations. Comprehensive Plan FLUE Policy 4.4.4-a only allows TMD to be located on sites with Commercial High (CH) or Commercial Low (CL) FLU designation.

22 **Table 3.A.3.D - TDD Corresponding Land Use**

	AGE	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
TND	(1)			√	√	√	√	√	√	√	√
TTD	√			√	√	√	√	√	√	√	√	
	AGE	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
TMD	(1)			√	√	√	√			√	√

[Ord. 2010-022] [Ord. 2014-025] [Ord. 2014-031]

Legend: Check (√) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]

Note:
1) A TND or TMD 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.

Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

1
2 Part 6. ULDC Art. 3.E.1.B.2.f, LCC Minimum Density Requirements (pages 133 of 234), is hereby
3 deleted:
4

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 1 General

7 B. FAR, Density, and Use Standards

8 2. Density

9 ~~f. LCC Minimum Density Requirements~~

10 ~~All residential units shall be vertically or horizontally integrated. The minimum required~~
11 ~~density shall be determined as a percentage of maximum density indicated in Table~~
12 ~~3.E.1.B, PUD Density, as follows: [Ord. 2010-005]~~

13 ~~1) Sites with Future Land Use designations of LR-2 or lower shall provide, at a minimum,~~
14 ~~50 percent of the maximum PUD density; or [Ord. 2010-005]~~

15 ~~2) Sites with an LR-3 Future Land Use designation shall provide, at a minimum, 33~~
16 ~~percent of the maximum PUD density; or [Ord. 2010-005]~~

17 ~~3) Sites with Future Land Use designations of MR-5 or higher shall provide, at a minimum,~~
18 ~~20 percent of the maximum PUD density. [Ord. 2010-005]~~

19 ~~Minimum workforce housing units shall be calculated in accordance with Art. 5.G.1,~~
20 ~~Workforce Housing Program. [Ord. 2010-005]~~

21
22
23 Part 7. ULDC Art. 3.E.1.D.1, Pre-Application Conference (pages 137 of 234), is hereby deleted:
24

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district. Specific application procedures are in place for TMDs.

25 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

26 Section 1 General

27 D. Application Requirements

28 For a rezoning to a PDD, the applicant shall comply with the requirements in Article 2.B.1, Official
29 Zoning Map Amendment (Rezoning), Art. 2.A.1.G.2, Application Procedure, General and
30 Art.2.A.1.G.3, Plan Requirements for certification and final approval by the DRO. [Ord. 2009-040]

31 ~~1. Pre-Application Conference (PAC)~~

32 ~~All applications for a LCC shall require a PAC pursuant to Art. 2.A.1.E, Pre-Application~~
33 ~~Conference. [Ord. 2010-005]~~

34 [Renumber Accordingly]

35
36
37 Part 8. ULDC Art. 3.E, Lifestyle Commercial Center Development (LCC) (pages 117 of 119), is
38 hereby amended as follows:
39

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

As a result, this amendment deletes most of the LCC requirements and relocates specific LCC provisions related to Interconnectivity, Perimeter Frontage and Type 1 Waivers to be under the TMD as they are not covered under the TMD regulations,

40 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

41 ~~Section 8 Lifestyle Commercial Center Development (LCC)~~

42 ~~A. General~~

43 ~~1. Purpose and Intent~~

44 ~~The purpose and intent of the LCC is to implement the FLUE Policy 2.2.2-c of the Plan, as~~
45 ~~amended. A LCC is a mixed use form of development that incorporates a variety of uses such~~

Notes:

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EXHIBIT O

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1 as: commercial, residential, civic and recreational. The LCC may be a transitional form of
2 development located adjacent to properties with a residential future land use or Zoning district.
3 The layout typically supports an open-air, traditional market place design configuration, which
4 consists of one or more main streets with integrated in-line tenants and may include limited
5 freestanding tenants.

6 LCC regulations are established to provide predictability in the built environment with a degree
7 of design flexibility while ensuring compatibility, interconnectivity and intensity issues are
8 addressed. **[Ord. 2010-005]**

2. ~~Applicability~~

9 The requirements of this Section shall apply to all LCCs. **[Ord. 2010-005]**

3. ~~Conflicts~~

10 If a conflict exists between this Section and other Articles in this Code, the provisions of this
11 Section shall apply to the extent of the conflict. **[Ord. 2010-005]**

B. ~~Design Principles~~

12 The LCC form of development shall consider the impact of proposed commercial uses, and the
13 need to establish an interface with existing and future adjacent developments. This interface shall
14 be comprised of the following: site layout, building form, interconnectivity, and mixed of uses that
15 will support the surrounding residential uses. The LCC shall be laid out with one or more main
16 streets that incorporate any in-line large tenant that is designed as a multi-tenant store front. It may
17 also include a freestanding large tenant and outparcel tenants that are located outside of the main
18 street. **[Ord. 2010-005]**

1. ~~Site Layout~~

a. ~~Street~~

19 Streets within an LCC shall be designed to create block configurations composed of main
20 streets, secondary streets and alleys, as defined in Art. 3.E.8.C.3, Site Layout. **[Ord. 2010-
21 005]**

b. ~~Interconnectivity and Circulation~~

22 The site layout shall provide interconnectivity between the LCC and adjacent parcels on at
23 least two sides. The ingress/egress shall be aligned with that of existing and future
24 developments on adjacent parcels and shall be shown on the Preliminary Site Plan (PSP)
25 pursuant to Art. 2.A.1.G.3, Plan Requirements. The design principles are: **[Ord. 2010-
26 005]**

27 1) Minimize internal vehicular trips by arranging buildings, amenities, and parking in
28 proximity to each other to reduce pedestrian walking distance; **[Ord. 2010-005]**

29 2) Establish location of vehicular or pedestrian interconnectivity points with adjacent
30 properties; **[Ord. 2010-005]**

31 3) The site shall be designed without any provisions for gates unless stated otherwise
32 herein. **[Ord. 2010-005]**

c. ~~Buildings~~

33 1) A majority of the buildings (building square footage) shall front on an internal main
34 street with a build-to-line. Buildings shall frame the main street integrating site
35 elements such as sidewalks and pedestrian amenities. **[Ord. 2010-005]**

36 2) Buildings in developments that include a freestanding large tenant, or outparcel
37 tenants, shall be oriented in a manner that complements the main street buildings and
38 associated parking areas, and mitigates the impact of potential incompatibilities on
39 surrounding properties. **[Ord. 2010-005]**

d. ~~Pedestrian Area and Usable Open Space~~

40 1) Pedestrian areas in any form of usable open space shall function as activity nodes
41 within the development. These areas or activity nodes shall include, but not limited to:
42 art, fountains, shaded sitting areas and other similar amenities to encourage public
43 use. **[Ord. 2010-005]**

44 2) Large or out-parcel tenants located outside of the main street areas shall be connected
45 to the LCC pedestrian circulation system through a series of usable open spaces and
46 shaded sidewalks. **[Ord. 2010-005]**

e. ~~Parking and Loading~~

47 1) Required parking and loading for each tenant shall be located to the side and rear of
48 the building. **[Ord. 2010-005]**

49 2) Perimeter of parking lots shall be framed by buildings, structures or landscaping to
50 create user friendly spaces. **[Ord. 2010-005]**

f. ~~Transitional Elements~~

51 Drainage or preserve areas shall serve as a transition between the commercial portion of
52 the development and adjacent existing residential uses when possible. **[Ord. 2010-005]**

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1

Figure 3.E.8.B—Typical Open Space and Main Street Layouts



Parking areas and pedestrian interconnectivity

Main street layout

Usable open space adjacent to large tenants

Main street configuration, architectural focal points, mid-block plaza.

[Ord. 2010-005]

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2.—Building Forms and Design

- a.—Buildings shall be designed in scale and proportion to provide pedestrian-level interest and establish a sense of place by incorporating a variety of heights and façade treatments. Architectural, landscape, or hardscape focal points shall be provided at key locations such as internal street intersections, public gathering areas and along external streets to create a sense of arrival and place or to provide terminus. [Ord. 2010-005]
- b.—Buildings facing the arterial street shall provide pedestrian sidewalks or usable open space to be oriented towards the arterial street to encourage walkability, and a positive visual interface along the street right-of-way. [Ord. 2010-005]

3.—Mixed Use and Integration

- The LCC shall primarily consist of commercial related uses, live-work units, and limited residential units based upon the site's FLU designation. The integration of uses shall consist of the following: [Ord. 2010-005]
- a.—Placement of buildings providing a harmonious interface between internal mixed uses, and adjacent uses; and [Ord. 2010-005]
 - b.—Horizontally integrated residential units are serving as a transition between the more intense uses and immediately adjacent existing or future residential uses to reduce the need for large buffers. [Ord. 2010-005]

C.—Design and Development Standards

An LCC shall comply with all standards listed below unless a waiver is granted pursuant to Article 3.E.8.D, Type I Waivers. [Ord. 2010-005]

1.—Minimum Site Area

Site area shall be 10 acres. [Ord. 2010-005]

2.—Access and Frontage

- a.—Minimum frontage shall be consistent with PDD standards pursuant to Art. 3.E.1.C.2.a., Access and Circulation. [Ord. 2010-005]
- b.—Primary access shall be provided from the arterial street to a main street of the LCC. [Ord. 2010-005]

3.—Site Layout

Blocks and streets shall establish the general framework for the site layout. [Ord. 2010-005]

a.—Blocks

- Blocks shall be created by utilizing streets and alleys to provide continuous vehicular circulation, interconnectivity, and accessibility within the LCC, with exception in area where an access is required by the Engineering Department. Blocks shall be subject to the following thresholds: [Ord. 2010-005]
- 1) Minimum length of a block shall be 160 feet; [Ord. 2010-005]

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1 ~~2) Maximum length of a block shall be 660 feet without pedestrian pass-thru; and, [Ord.~~
2 ~~2010-005]~~

3 ~~3) Maximum length of a block shall be 750 feet with pedestrian pass-thru. [Ord. 2010-~~
4 ~~005]~~

5 ~~b. Streets~~

6 ~~Streets shall include main streets, secondary streets, alleys, and driveways that are~~
7 ~~designed consistent with the following. Streets designated as public or private R-O-W shall~~
8 ~~also comply with any Engineering requirements. [Ord. 2010-005]~~

9 ~~1) Main Street~~

10 ~~The main street(s) shall be designed as the primary street(s) in the LCC and shall~~
11 ~~comply with the following standards: [Ord. 2010-005]~~

12 ~~a) A continuous main street shall traverse a minimum of 60 percent of the length or~~
13 ~~width of the LCC, whichever is greater; [Ord. 2010-005]~~

14 ~~b) The design shall be consistent with Figure 3.F.2.A, TDD Commercial Street or the~~
15 ~~TMD design exception summarized in Figure 3.F.4.D, Typical Example of TMD~~
16 ~~Commercial Street with Angled Parking; [Ord. 2010-005]~~

17 ~~c) A minimum of 65 percent of the total GFA for the overall development shall be~~
18 ~~located on the main street(s); [Ord. 2010-005]~~

19 ~~d) A plaza may be located at the end of a main street provided a building is located~~
20 ~~immediately adjacent to the plaza to frame the space and establish a visual~~
21 ~~terminus; and, [Ord. 2010-005]~~

22 ~~e) Intersections of two main streets, if provided, shall provide an amenity including,~~
23 ~~but not limited to: roundabout with decorative pavers and a focal point; or any other~~
24 ~~element that reflects a common architectural theme of the LCC. [Ord. 2010-005]~~

25 ~~2) Secondary Street~~

26 ~~Secondary streets shall be designed consistent with Figure 3.F.2.A, TDD Commercial~~
27 ~~Street, except that on-street parking may not be required and minimum sidewalk width~~
28 ~~may be reduced from ten to four feet in width. [Ord. 2010-005]~~

29 ~~3) Alley~~

30 ~~Alley access shall not be permitted from a main street. Alleys shall conform with the~~
31 ~~requirements of Art. 3.F.2.A.1.e, Alleys. [Ord. 2010-005]~~

32 ~~c. Interconnectivity~~

33 ~~1) Interconnectivity shall be required if the LCC is adjacent to an existing development or~~
34 ~~vacant parcels. The Planning Division shall review and make a recommendation on~~
35 ~~interconnectivity, pursuant to Objective 4.3, Community Design of the Plan. In~~
36 ~~addition, the following shall apply: [Ord. 2010-005]~~

37 ~~2) All required connecting points shall be paved up to the property line of adjacent parcels~~
38 ~~and a cross access agreement shall be recorded. [Ord. 2010-005]~~

39 ~~3) All connecting access points shall be designed and constructed pursuant to the Land~~
40 ~~Development Design Standards Manual. [Ord. 2010-005]~~

41 ~~4) The use of gates or other preventative barriers is prohibited, exceptions are allowed~~
42 ~~for: dumpsters, loading areas, private garages and parking areas. [Ord. 2010-005]~~

43 ~~4. Buildings~~

44 ~~All buildings shall front a street, and shall be designed in compliance with the following: [Ord.~~
45 ~~2010-005]~~

46 ~~a. Internal Frontage~~

47 ~~1) Buildings or structures located on the main or secondary street shall be setback a~~
48 ~~minimum of 15 feet and maybe expanded to 25 feet to provide outdoor dining areas,~~
49 ~~pedestrian area or usable open space. Setbacks are measured from the proposed~~
50 ~~building façade to the inside edge of the curb. [Ord. 2010-005]~~

51 ~~b. Perimeter Frontage~~

52 ~~Buildings that front on the perimeter of a LCC and adjacent to residential uses, arterial~~
53 ~~streets or any other street exterior to the development shall be considered perimeter~~
54 ~~building frontage, and shall comply with the following: [Ord. 2010-005]~~

55 ~~1) Buildings or structures located on the perimeter of the site shall be setback a minimum~~
56 ~~of 25 feet. Setbacks are measured from the proposed building façade to the inside~~
57 ~~edge of the perimeter R-O-W buffer. [Ord. 2010-005]~~

58 ~~2) Facade shall provide design features including, but not limited to: building entrances,~~
59 ~~display windows, usable open space and pedestrian circulation system. [Ord. 2010-~~
60 ~~005]~~

61 ~~3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to:~~
62 ~~gas sales, financial institution, restaurants, and other facilities with drive-thru shall only~~
63 ~~be allowed if the associated outdoor vehicular activities are not visible from the street~~
64 ~~or adjacent residential uses. [Ord. 2010-005]~~

65 ~~c. Building Design~~

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(Updated 3/23/17)

- 1 1) ~~The facade design of all buildings shall comply with Art. 5.C, Design Standards. [Ord. 2010-005]~~
- 2 2) ~~For perimeter building that faces a street R-O-W, a pedestrian area with sidewalks and~~
- 3 ~~street trees shall be provided abutting the building. [Ord. 2010-005]~~
- 4
- 5 **d. Building Height**
- 6 ~~The maximum building height shall be 45 feet. The height limit shall not apply to those~~
- 7 ~~exceptions listed in Art. 3.D.1.E.4, Height Exceptions.~~
- 8 **e. Tenant Size and Large Tenant**
- 9 1) ~~The total square footage for all freestanding buildings and large tenants shall not~~
- 10 ~~exceed 40 percent of the GFA of the LCC. [Ord. 2010-005]~~
- 11 2) ~~Large tenants occupying more than 100,000 square feet shall be prohibited. [Ord.~~
- 12 ~~2010-005]~~
- 13 3) ~~Any large scale single tenant retail use (as defined by the definition of big box in the~~
- 14 ~~Plan), with or without accessory tenants, in a single building, shall not exceed 65,000~~
- 15 ~~square feet. [Ord. 2010-005]~~
- 16 4) ~~Large tenants shall be architecturally designed to appear as a multi-tenant building.~~
- 17 ~~[Ord. 2010-005]~~
- 18 5) ~~Large tenants shall comply with requirements for fenestration details and exterior~~
- 19 ~~treatments of Table 5.C.1.I-13, Large Scale Commercial Development. [Ord. 2010-~~
- 20 ~~005]~~
- 21 6) ~~No single tenant shall occupy more than 200 feet of frontage. An increase of up to 240~~
- 22 ~~feet per single tenant shall be permitted, provided that any increase over 200 feet~~
- 23 ~~incorporates the appearance of a separate storefront to include: a distinct architectural~~
- 24 ~~style a minimum of 40 feet in length, similar transparency, and an additional building~~
- 25 ~~entrance, or appearance of an entrance. [Ord. 2010-005]~~
- 26 **f. Integrated Residential Use**
- 27 ~~Residential uses shall be provided in compliance with Art. 3.E.1.B.2.f, LCC Minimum~~
- 28 ~~Density Requirements and the following standards: [Ord. 2010-005]~~
- 29 1) ~~For project with vertically integrated units, these units shall be located above non-~~
- 30 ~~residential buildings, and shall be accessed from the main street through a common~~
- 31 ~~area, including but not limited to: an internal lobby, courtyard, gathering areas, or~~
- 32 ~~usable open space between buildings. [Ord. 2010-005]~~
- 33 2) ~~For horizontally integrated units, alternative frontage requirements may be permitted~~
- 34 ~~pursuant to Art. 3.F.4.D.4.d, Optional Standards for Residential PDRs. [Ord. 2010-~~
- 35 ~~005]~~
- 36 **5. Pedestrian Area on Main Street**
- 37 ~~The area between the building façade and the main street curb is defined as pedestrian area,~~
- 38 ~~and shall be subject to the following: [Ord. 2010-005]~~
- 39 a. ~~Required on both sides of a main street with open or arcaded sidewalks, street trees,~~
- 40 ~~pedestrian amenities, and street furniture. [Ord. 2010-005]~~
- 41 b. ~~All sidewalks shall be a minimum six feet width with no encumbrance. The width may be~~
- 42 ~~increased to accommodate seating areas or other pedestrian amenities. In addition to the~~
- 43 ~~sidewalk, a minimum width of five feet shall be provided for the installation of street trees,~~
- 44 ~~landscaping and street lights. [Ord. 2010-005]~~
- 45 c. ~~A minimum of 75 percent of the frontage on the main street shall have arcaded sidewalks~~
- 46 ~~or any other architectural element that provides shade to pedestrians such as permanent~~
- 47 ~~canopies and awnings. All arcades or architectural shade elements shall have a minimum~~
- 48 ~~height clearance of 12 feet. When canopies or awnings are provided to comply with the~~
- 49 ~~75 percent requirement, they shall extend at least 6 feet to shade pedestrian sidewalks.~~
- 50 ~~[Ord. 2010-005]~~
- 51 d. ~~Pedestrian pass thru that connects the main street and the parking lots or service areas at~~
- 52 ~~the rear or the side of the building shall have a maximum width of 25 feet. Pedestrian pass-~~
- 53 ~~thrus shall be occurred at intervals no greater than 100 feet to provide convenient~~
- 54 ~~pedestrian access. [Ord. 2010-005]~~
- 55 **6. Pedestrian Area on Secondary Street**
- 56 ~~Pedestrian area shall be a minimum width of ten feet and shall be located on both sides of the~~
- 57 ~~street. The sidewalk shall be a minimum width of five feet with no encumbrance and a minimum~~
- 58 ~~width of five feet for amenities such as street trees and street lights. [Ord. 2010-005]~~
- 59 **7. Usable Open Space**
- 60 ~~A minimum of five percent of the total site GFA shall be provided as usable open space. [Ord.~~
- 61 ~~2010-005]~~
- 62 a. **Dimensions**
- 63 ~~All usable open spaces shall meet the minimum dimensions provided under Table 3.E.8.C,~~
- 64 ~~Dimensions for Usable Open Space. The provision of usable open space in excess of the~~
- 65 ~~minimum required shall be notated. [Ord. 2010-005]~~
- 66 b. **Street Frontage**

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(Updated 3/23/17)

- 1 Usable open space shall be bounded by a street on at least one side. ~~[Ord. 2010-005]~~
- 2 ~~c. Landscaping~~
- 3 A minimum of 15 percent of each usable open space shall be shaded by landscape material
- 4 or shade structures at time of construction, and a minimum of 30 percent of the total square
- 5 footage shall be pervious. ~~[Ord. 2010-005]~~
- 6 ~~d. Pedestrian Amenities~~
- 7 If one or more usable open spaces are provided within the LCC, a minimum of 50 percent
- 8 of these spaces shall be designed with seating areas for pedestrians. Each space shall
- 9 have a minimum of one linear foot of seating for each 200 square feet of overall area. ~~[Ord.~~
- 10 ~~2010-005]~~
- 11 ~~8. Street Trees, Street Lights and Utilities~~
- 12 a. ~~Street trees shall be planted pursuant to Art. 3.F.2.A.4.d, Street Trees. [Ord. 2010-005]~~
- 13 b. ~~Street lights shall be provided along all streets and alleys pursuant to Art. 3.F.2.A.1.f.2).a),~~
- 14 ~~TDD Street Lighting. At least one light fixture shall be located at the pedestrian crosswalk~~
- 15 ~~and along of all pedestrian pass-thru. [Ord. 2010-005]~~
- 16 c. ~~All public utilities shall be installed in accordance to the standard of Art. 11.E.7, Utilities.~~
- 17 ~~[Ord. 2010-005]~~
- 18 ~~9. Parking and Loading~~
- 19 Parking shall comply with Art. 6, Parking, unless otherwise stated below: ~~[Ord. 2010-005]~~
- 20 a. ~~Parking Lot~~
- 21 A maximum of 200 parking spaces shall be permitted in each parking lot. The perimeter of
- 22 the parking lot shall be framed by: ~~[Ord. 2010-005]~~
- 23 1) ~~buildings or structures on all four sides; or [Ord. 2010-005]~~
- 24 2) ~~an eight-foot wide landscape strip. The landscape strip shall have a 30 inch high hedge~~
- 25 ~~or a 30 inch concrete wall and appropriate groundcover. Canopy trees shall be planted~~
- 26 ~~at 20 feet on center. [Ord. 2010-005]~~
- 27 b. ~~Parking Structures~~
- 28 Parking for any use in excess of six spaces per 1,000 square feet of non-residential floor
- 29 area shall be located in a parking structure. ~~[Ord. 2010-005]~~
- 30 c. ~~Service and Loading Areas~~
- 31 All service and loading areas shall be located along the rear or side of the structures, and
- 32 shall not be visible from the main street and any usable open space. The service areas
- 33 shall be located within the footprint of the building or immediately adjacent to the building.
- 34 ~~[Ord. 2010-005]~~
- 35 ~~10. Landscaping~~
- 36 Landscaping shall comply with Art. 7, Landscaping, unless otherwise stated below: ~~[Ord.~~
- 37 ~~2010-005]~~
- 38 a. ~~Landscape Buffer Exemption~~
- 39 Required perimeter buffers may be modified subject to an approved Alternative Landscape
- 40 Plan, if: ~~[Ord. 2010-005]~~
- 41 1) ~~the proposed horizontally integrated residential units of the LCC are located adjacent~~
- 42 ~~to existing residential units of the same housing type and density, and the adjacent~~
- 43 ~~parcel has an existing buffer that meets this Code; or [Ord. 2010-005]~~
- 44 2) ~~the adjacent non-residential development is compatible with the LCC and has an~~
- 45 ~~existing buffer that meets this Code. [Ord. 2010-005]~~
- 46 b. ~~Foundation Planting~~
- 47 Foundation planting shall be in compliance with Art. 7, Landscaping, unless otherwise
- 48 stated below: ~~[Ord. 2010-005]~~
- 49 1) ~~Foundation plantings shall not be required for the following: buildings with frontages~~
- 50 ~~on the main streets, secondary streets, buildings along an alley or internal street~~
- 51 ~~between non-residential buildings, or where buildings front on a plaza or square. [Ord.~~
- 52 ~~2010-005]~~
- 53 2) ~~Buildings that face a perimeter street R-O-W and designed with: arcades, pedestrian~~
- 54 ~~area or framed by an usable open space. [Ord. 2010-005]~~
- 55 ~~D. Type I Waivers~~
- 56 *An applicant may seek Type I Waivers from specific code requirements listed in accordance with*
- 57 *Art. 2.D.6, Type I Waiver, and Table 3.E.8.D, LCC Waivers. Type I Waiver approval shall be*
- 58 *granted prior to DRO certification. The following table summarizes the development standards that*
- 59 *could be requested through a Type I Waiver process. [Ord. 2011-016] [Ord. 2012-027]*

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1

Table 3.E.8.D – Type I Waivers

Requirements	Waiver	Criteria of Review (1)
Main Street		
Art. 3.E.8.C.3.b.1).a) A continuous main street shall traverse a minimum of 60 percent of the length or width of the LCC; whichever is greater.	Reduce a maximum of 10 percent.	-Constraints on site configuration prohibiting compliance with minimum length; -Encumbrance by existing natural features or easements (lake, preserve, etc.);
Art. 3.E.8.C.3.b.1).c) A minimum of 65 percent of the total GFA shall be located on the main street(s).	Reduce a maximum of 10 percent.	-Existing site constraints that prohibit compliance with required layout and square footage cannot be accommodated on main streets.
Interconnectivity		
Art. 3.E.8.C.3.c.4) The use of gates or other preventative barriers is prohibited, exceptions are allowed for: dumpsters, loading areas, private garages and parking areas.	Allow use of gates within the development.	-Special circumstances between adjacent uses; -Specific user requirements within the LCC requires building(s) to be gated provided these gates do not impact the continuity of the LCC street network.
Perimeter Frontage		
Art. 3.E.8.C.4.b.2) Facade shall provide design features, including but not limited to: building entrances, display windows, usable open space and pedestrian circulation system.	No facade design features	-If proposed building is separated from the adjacent street or use by a canal R-O-W or other geological encumbrance or utility easement that is 80 feet or greater. -Facade shall meet Art.5.C.
Art. 3.E.8.C.4.b.3) Outdoor vehicular circulation and queuing areas for uses including, but not limited to: gas sales, financial institution, restaurants, and other facilities with drive-thru shall only be allowed if the associated outdoor vehicular activities are not visible from the street or adjacent residential uses.	Allow outdoor vehicular activities to be visible from the perimeter street.	-Provide a Type 3 Incompatibility Buffer, and exemplary architectural design that incorporates walls or other visual barriers a minimum of six feet in height, or a combination of the two.
Building Height		
Art. 3.E.8.C.4.d The maximum building height shall be 45 feet.	Increase building height up to a maximum of 60 feet. >60 feet shall be subject to a Waiver approval by the BCC.	-Demonstrate that the use associated with the building requires additional height due to its use or structural reasons related to the use or building design; -Architectural focal point shall be provided and proportional to the additional height of the building. -Additional height of the building shall create no impact on adjacent properties. -Utilize Green Architecture, if applicable.
Tenant Size and Large Tenant		
Art. 3.E.8.C.4.e.1) The total square footage for all freestanding building and large tenants shall not exceed 40 percent of the GFA of the LCC.	Increase a maximum of 10 percent of the total GFA to be designated for freestanding buildings and large tenants.	-Increase Architectural features that exceed Art.5.C ; or -Utilize Green Architecture, if applicable; and -Increase usable open space by 10% for the site.
Art. 3.E.8.C.4.e.6) Single tenants shall not occupy more than 240 feet of frontage.	Increase to a maximum of 325 feet for sides that do not have pedestrian use areas or street frontages other than for service areas.	-Provide Architectural features that exceed Art.5.C ; -Utilize Green Architecture, if applicable
Vertical Integration		
Art. 3.E.8.C.4.f.1) Vertically integrated units shall be accessed from the main street through a common area, including but not limited to: an internal lobby, courtyard, gathering area or usable open space between buildings.	Vertically integrated units without access from the main street	-Proposed access complies with the entry requirements of Art. 5.C.1.H.1.d, Entries, provided it is adjacent to usable open space.
Usable Open Space		
Table 3.E.8.C. Dimensions for Usable Open Space	Reduce a maximum of 25 percent of the minimum dimensions.	-Proposed design features of the reduced usable open space elements shall exceed minimum code requirements; and, -Demonstrate the overall usable open spaces are evenly distributed to meet the purpose and intent of this requirement.
Parking Lot		
Art. 3.E.8.C.9.a A maximum of 200 parking spaces shall be permitted in each parking lot.	Increase a maximum of 20 percent.	-Only allowed if framed by buildings on all four sides and designed to give the appearance of small parking lots.
[Ord. 2010-005] [Ord. 2012-027]		
Notes:		
1. The applicant can submit additional justification or documentation to support waiver request.		

2
3

Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

1
2 **Part 9. ULDC Art. 3.F, Traditional Development Districts (TDDs) (pages 177 and 192 of 213), is**
3 **hereby amended as follows:**
4

Reason for amendments: [Zoning]
1. See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.
2. Delete reference to Live/Work use from TDD regulations as the use was removed from the Code through Ordinance 2017-007.

5 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

6 **Section 1 General Provisions for TDDs**

7 **D. Types of TDDs**

8 TDDs include the following:

9

10 **2. Traditional Marketplace Development (TMD)**

11 TMDs are mixed-use commercial, residential, and office areas that function as town activity
12 centers serving residents in the vicinity. The Lifestyle Commercial Center (LCC) is a type of
13 TMD in the Urban Suburban Tier limited only to sites required by Condition of Approval by
14 Ordinances 2008-048 and 2009-028.

15

16 **Section 3 Traditional Neighborhood Development (TND)**

17 **D. Land Use Zones**

18 **1. Neighborhood Center**

19 A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential
20 uses and services. It may include professional offices, community facilities, and civic uses to
21 serve the population of the TND and adjacent neighborhoods. Multi-family ~~or live/work~~
22 ~~residential uses are~~ **is** encouraged when located above non-residential uses. **[Ord. 2012-027]**

23 **a. General Standards**

24

25 **6) Maximum Total Floor Area**

26 40,000 square feet of GFA, excluding multi-family units ~~or the residential portion of a~~
27 ~~live/work unit counted as density.~~

28 **Ord. 2012-027]**

29 **b. Building Standards**

30

31 **3) Multi-family ~~and Live/Work~~**

32 Multi-family ~~residential and live/work~~ units shall only be permitted subject to the
33 following: **[Ord. 2012-027]**

34

35
36
37 **Part 10. ULDC Art. 3.F.4.C, Development Standards for All TMDs (pages 199 of 213), is hereby**
38 **amended as follows:**
39

Reason for amendments: [Zoning]
1. See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.
2. Clarify the maximum square footage for a single tenant in a TMD with CL FLU designation is 65,000 sq. ft. when approved through BCC public hearing. Currently the regulation for the Urban/Suburban Tier in TMD limits single tenants to 50,000 sq. ft. and allows expansion via public hearing approval and further indicates single tenant more than 100,000 sq. ft as prohibited. In the other hand, Art. 5.I, Large Scale Commercial Development limits single tenant square footage to 65,000 sq. ft. in CL FLU designation. The proposed amendment looks to create consistency between Art. 3.F.4.C and 5.I. by limiting single tenants in TMDs with CL FLU designation to 65,000 sq. ft. and clarify that 100,000 sq. ft. limitation is applicable to sites expected with high intensity as CH FLU designation.

40 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

41 **Section 4 Traditional Marketplace Development (TMD)**

Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

C. Development Standards for all TMDs

The following standards apply to TMDs located in all tiers: [Ord. 2005 – 002]

1. General Standards

The following standards apply to all TMDs; however, additional standards or provisions shall apply to the AGR Tier, per Art. 3.F.4.D, Standards Applicable to AGR Tier, and Urban/Suburban Tier, per Art. 3.F.4.E, Standards Applicable to Urban/Suburban Tier. [Ord. 2005-002] [Ord. 2005-041]

c. Maximum Floor Area per Single Tenant [Ord. 2005-041]

1) U/S Tier

Variance from these requirements shall be prohibited. No single tenant may occupy more than 50,000 ~~sq. ft. unless approved as a requested use square feet, except as follows:~~

a) CL FLU

A maximum of 65,000 square feet may be permitted subject to Class A Conditional Use approval.

b) CH FLU

Single tenants occupying more than A maximum of 100,000 square feet ~~are prohibited~~ may be permitted subject to Class A Conditional Use approval. [Ord. 2005 – 002]

2) Exurban/Rural and AGR Tiers

No single tenant may occupy more than 25,000 ~~sq. ft. square feet~~ unless approved as a ~~requested~~ Conditional Use. Single tenants occupying 65,000 ~~sq. ft. square feet~~ or more are prohibited. [Ord. 2005 – 002]

3. Building Form

a. Maximum Building Height

1) U/S Tier

a) 45 feet and two stories unless waived through a Type 2 Waiver. A third story is allowed if the top floor is dedicated to residential uses. [Ord. 2005 – 002]

b) The height limit shall not apply to those exceptions listed in Art. 3.D.1.E.4, Height Exceptions. [Ord. 2005 – 002]

Part 11. ULDC Art. 3.F.4, Traditional Marketplace Development (TMD) (pages 209 of 213), is hereby amended as follows:

Reason for amendments: [Zoning] Establish regulations for TMDs in the Urban/Suburban Tier when developed in the form of LCC as requirements for LCC were modified from the Comprehensive Plan through Ordinance 2017-004 making LCC a type of TMD.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

E. Urban/Suburban Tier – Lifestyle Commercial Center (LCC)

1. Applicable to existing sites assigned a commercial FLU designation and Condition of Approval requiring the use of the LCC within the boundaries of two site specific FLUA amendments:

a. LGA 2008-009 - Lake Worth Commercial - Ordinance 2008-048

b. LGA 2009-006 – Lake Worth/Turnpike SW Commercial - Ordinance 2009-028

2. Unless stated otherwise, TMD provisions shall apply to all site specific FLUA noted above.

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EXHIBIT O
LIFESTYLE COMMERCIAL CENTER (LCC)
SUMMARY OF AMENDMENTS
(Updated 3/23/17)

TABLE 4.B.2.A - COMMERCIAL USE MATRIX

STANDARD DISTRICTS														Use Type	Supplementary Use Standards (1) #	PLANNED DEVELOPMENT DISTRICTS (PDDs)												TRADITIONAL DEV. DISTRICTS (TDDs)																								
AG/CON	RESIDENTIAL					COMMERCIAL					IND	INST	PUD			MUPD				MXPD	PIPD	M	R	LCC	TND		TMD																									
	P	A	A	AR	R	R	R	R	C	C			C			C	C	U	U	U	U				U	I	I	I	I	I	P	P	P	T	T	T	T	U	E	U	E	AGR										
C	G	P	R	U	E	T	S	M	N	L	C	H	G			R	C	C	C	C	C	C	I	E	I	C	C	I	C	I	D	H	V	D	C	C	R	N	O	R	N	O	R	R	D	P						
R	S	A	S	A	R	E	T	S	M	N	L	C	H	G	R	C	C	C	C	C	I	E	I	C	C	I	C	I	D	H	V	D	C	C	R	N	O	R	R	D	P											
Commercial Uses																																																				
-	-	-	-	-	-	-	-	-	-	A	-	A	-	A	-	A	A	A	A	A	A	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
Gas and Fuel Sales, Retail 15																																																				
-	-	-	-	-	-	-	-	-	-	D	-	D	-	D	-	D	D	D	D	D	D	D	-	D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Green Market 16																																																				
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Hotel or Motel 17																																																				
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Kennel, Type 2 (Commercial) 18																																																				
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Kennel, Type 3 (Commercial Enclosed) 19																																																				
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Landscape Service 20																																																				
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Laundry Service 21																																																				
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Marina 22																																																				
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Medical or Dental Office 23																																																				
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Microbrewery 24																																																				
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Office, Business or Professional 25																																																				
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Parking, Commercial 26																																																				
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Pawnshop 27																																																				
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Personal Services 28																																																				
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Repair and Maintenance, Heavy 29																																																				
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[Ord. 2004-051] [Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2017-007]

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

C. Definitions and Supplementary Use Standards for Specific Uses

4. Car Wash

Reason for amendments: [Zoning] See General Reason for Amendment above. Delete references to LCC for consistency with recent amendments to FLUE Policy 4.4.4-d (fka 2.2.2-c), which allows for the LCC to be consolidated under the TMD district.

e. ~~LCC-District~~ **Zoning District – TMD**

A maximum of one Car Wash may be allowed. The Car Wash shall be located outside the main street, and may be accessed from a secondary street, alley or from a parking lot. The Car Wash shall not be visible from the main street. **[Ord. 2010-005]**

11. Financial Institution with Drive Thru Facilities

b. Approval Process

1) **CC District, Commercial Pod of PUD, CLO PDD, ~~CL-LCC~~ and TMD**

b) ~~PDD or LCC~~ with CLO future land use designation; and,

c. ~~Zoning Districts~~ - **TDD and LCC**

12. Financial Institution – Freestanding ATM

b. ~~Zoning Districts~~ - **TDD and LCC**

15. Gas and Fuel Sales, Retail

e. ~~Zoning Districts~~ – **TMD and LCC**

32. Restaurant, Type 1

d. ~~Zoning Districts~~ – **TMD and LCC**

33. Restaurant, Type 2

c. ~~Zoning Districts~~ - **TND, and TMD, and LCC**

40. Vehicle Sales and Rental, Light

e. ~~Zoning Districts~~

2) ~~LCC and~~ **TMD**

41. Veterinary Clinic

d. ~~Zoning District~~

2) **MUPD with CL FLU Designation, ~~LCC~~ and TDD Districts**

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EXHIBIT O

**LIFESTYLE COMMERCIAL CENTER (LCC)
SUMMARY OF AMENDMENTS
(Updated 3/23/17)**

- 1 Section 6 Agricultural Uses
- 2 A. Agricultural Use Matrix
- 3

TABLE 4.B.6.A - AGRICULTURAL USE MATRIX

STANDARD DISTRICTS																Use Type	#-Supplementary Use Standards (2)	PLANNED DEVELOPMENT DISTRICTS (PDDs)													TRADITIONAL DEV. DISTRICTS (TDDs)																				
AG/ CON		RESIDENTIAL					COMMERCIAL					IND	INST		PUD			MUPD				MXPD	PIPD		M	R	LCC	TND			TMD																				
P	A	A	AR	R	R	R	R	C	C	C	C	C	C	U	U			U	U	U	I	I	I	I	I	P	P	I	H	V	FLU	TIER			TIER																
C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	U			U	U	U	U	L	L	H	H	L	G	O	P	P	P	L	H	U/S	EX/ RURAL	U	E	AGR													
C	R	A	A	A	A	A	A	A	A	A	A	A	A	A	1			2	3	1	2	L	L	H	H	P	P	P	P	P	P	P	P	P	R	N	O	R	N	O	S	X	AGR								
Agricultural Uses (1)																																																			
-	P	P	A	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	A	A	P	A	Agriculture, Bona Fide	1	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P					
-	D	D	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Agriculture, Light Manufacturing	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
-	D	D	A	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	D	D	-	-	Agriculture, Packing Plant	3	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
-	D	D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	B	Agriculture, Research/ Development	4	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	-	P	-	-	-	-	-	-	-
-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Agriculture, Renewable Fuels Production	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
-	B	-	-	-	-	-	-	-	-	A	P	-	-	-	-	-	-	-	D	D	-	-	Agriculture, Sales and Service	6	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-			
-	P	P	P	P	D	D	D	D	P	P	P	-	-	-	-	-	-	-	-	P	P	P	P	Agriculture, Storage	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
-	D	D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	D	P	-	-	Agriculture, Transshipment	8	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-
-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Aviculture, Hobby Breeder	9	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	D	D	D	D	-	-	-	-	Community Vegetable Garden	10	-	D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	P	
-	D	-	B	B	B	-	-	-	A	A	B	B	B	P	-	-	-	-	-	B	B	D	D	Equestrian Arena, Commercial	11	-	-	-	R	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
-	D	-	D	-	-	-	-	-	P	-	P	-	P	-	D	D	D	D	D	D	D	D	Farmers Market	12	-	-	-	-	-	P	-	-	P	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	-	-	

[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040][Ord. 2010-005][Ord. 2011-016] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2017-007]

....

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC)
SUMMARY OF AMENDMENTS
(Updated 3/23/17)

1 Section 9 Commercial Communication Towers
2 A. Commercial Communication Towers Matrix
3

TABLE 4.B.9.A -COMMERCIAL COMMUNICATION TOWERS MATRIX

Table with columns for STANDARD DISTRICTS (AG/CON, RESIDENTIAL, COMMERCIAL, IND, INST), Tower Type, # Supplementary Use Standards (1), PLANNED DEVELOPMENT DISTRICTS (PDDs) (PUD, MUPD, MXPD, PIPD, etc.), and TRADITIONAL DEV. DISTRICTS (TDDs) (TND, TMD, etc.). Rows include various tower types like Stealth Tower and Monopole Tower with their respective zoning district codes.

4
5

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EXHIBIT O

**LIFESTYLE COMMERCIAL CENTER (LCC)
SUMMARY OF AMENDMENTS**

(Updated 3/23/17)

- 1 **B. General Standards**
- 2
- 3 **2. Separation and Setbacks**
- 4
- 5 **b. Towers Located in Non-Residential Zoning Districts**
- 6

Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD	MXPD	PIPD	LCC	
....																				
....																				
....																				
[Ord. 2015-006]																					
Notes:																					
(1) Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																					
(2) Applicable to any tower height																					
% Separation or setback as a percentage of tower height																					

- 7
- 8 **4. Distance Between Towers**
- 9 Towers shall be subject to the following minimum distances between towers:
- 10

Table 4.B.9.B - Distances Between Towers

Tower Type	Zoning District							
	AGR, PC, and parcels less than 10 acres in AR	CC, CHO, CLO, CN, RE, RM, RS, RT, TND - NC	PUD: Commercial and Recreation pods. UC, UI CG, CRE, MUPD: CL and CH FLU. MXPD, LCC, TND OSREC	Parcels less than 10 acres in: AP, IG, IL, PIPD	Parcels 10 or more acres in: AP, AR, IG, IL, PIPD	PO	PUD: Civic pod, MUPD: INST FLU, IPF	FPL Trans. R-O-Ws and FDOT R-O-Ws
....								
....								

11

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Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS *(Updated 3/23/17)*

1 Section 10 Excavation Uses

2 A. Excavation Uses Matrix

3
4

TABLE 4.B.10.A - EXCAVATION USE MATRIX

STANDARD DISTRICTS																	Supplementary Use Standards (1)	PLANNED DEVELOPMENT DISTRICTS (PDDs)												TRADITIONAL DEV. DISTRICTS (TDDs)																																								
AG/CON			RESIDENTIAL				COMMERCIAL						IND		INST			PUD			MUPD				MXPD		PIPD		M		R		LCC		TND			TMD																																
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Excavation Uses																	#																																																					
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Type 1B Excavation																		3																																																				
Type 2-Excavation																		4																																																				
Type 3A Excavation																		5																																																				
Type 3B Excavation																	5																																																					
Ord. [Ord. 2005-002] Ord. 2010-005 [Ord. 2014-025] [2016-016] [Ord. 2017-007]																																																																						
Use approval process key:																																																																						
P Permitted by Right																																																																						
S Subject to Special Permit Approval																																																																						
D Subject to DRO Approval																																																																						
B Subject to Zoning Commission Approval (Class B Conditional Use)																																																																						
A Subject to BCC Approval (Class A Conditional Use)																																																																						
- Prohibited use, unless stated otherwise within Supplementary Use Standards																																																																						
(1) Supplementary Use Standards for each use must be reviewed regardless the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standard column.																																																																						

5

Notes:

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EXHIBIT O

LIFESTYLE COMMERCIAL CENTER (LCC) SUMMARY OF AMENDMENTS

(Updated 3/23/17)

1 **C. Definitions and Supplementary Use Standards for Specific Uses**

2
3 **5. Recycling Drop-Off Bin**

4
5 **c. Location**

6 The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not
7 be located within required parking spaces. In TMD ~~and LCC~~ districts, and for IRO projects,
8 the recycling drop-off bins shall be designed to be consistent with the building's design and
9 shall not be located on a Main Street. **[Ord. 2010-005] [Ord. 2013-001]**

10
11
12
13 **Part 13. ULDC Art. 5, Supplementary Standards (pages 15, 38 of 100), is hereby amended as**
14 **follows:**

Reason for amendments: [Zoning] Delete reference to LCC as the Zoning District is consolidated with TMD per revised Plan policy FLUE 4.4.4-d (fka 2.2.2-c) and contained in Ord. 2017-004.

16 **CHAPTER B ACCESSORY AND TEMPORARY USES**

17 **Section 1 Supplementary Regulations**

18 **A. Accessory Uses and Structures**

19
20 **2. Fences and Walls**

21
22 **e. Dangerous Materials**

23
24 **2) Electrified Fences - Exceptions and Regulations**

25
26 **b) Standards**

27
28 **(7) URAO, IRO, ~~LCC~~, WCRAO and TDD Limitations**

29 (a) Electrified fences shall not be permitted in any URAO, IRO, ~~LCC~~, or TDD
30 developments constructed with a required build to line or any other area
31 unless located behind buildings and in areas not accessible by the public.
32 **[Ord. 2013-018]**

33
34
35
36 **Part 14. ULDC Art. 5, Supplementary Standards (pages 15, 38 of 100), is hereby amended as**
37 **follows:**

Reason for amendments: [Zoning]
1. Delete reference that exempts LCC from the requirements of Art. 5.C. related to recesses and projections. Requirements for LCC as a standalone zoning district were deleted from the Plan FLUE through Ordinance 2017-004. The revised Plan policy FLUE 4.4.4-d (fka 2.2.2-c) makes LCC a type of TMD and TMD primary and secondary frontage are not subject to the Architectural Guidelines in Art. 5.C.
2. Currently Art. 5 limits development in CL FLU to 65,000 square feet for single tenant with the exception of a specific geographic area. This amendment expands exception of square footage limitation for single tenants to 100,000 square feet for sites in the Urban/Suburban Tier and condition of approval requiring the use of LCC by Ordinances 2008-048 and 2009-028 as established in Plan policy FLUE 4.4.4-d (fka FLUE 2.2.2-c). Regardless of the provisions established by Ordinance 2017-004 allowing 100,000 square feet of single tenant in LCC, the site under Ord. 2009-048 is limited to 65,000 square feet.

39 **CHAPTER C DESIGN STANDARDS**

40 **Section 1 Architectural Guidelines**

41 **C. Exemptions**

42
43 ~~7.—All building frontages that are required to be located on a main street in an LCC shall be exempt~~
44 ~~from the requirements of Art. 5.C.1.H.1.c.1),a), Recesses and Projections. **[Ord. 2010-005]**~~

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EXHIBIT O

**LIFESTYLE COMMERCIAL CENTER (LCC)
SUMMARY OF AMENDMENTS**

(Updated 3/23/17)

1
2 **I. Large Scale Commercial Development**

3
4 **1. Single Tenant Limit**

5 Variances from these requirements shall be prohibited. [Ord. 2005 – 002] [Ord. 2011-001]

6 **a. CL FLU**

7 The maximum building size for a single tenant shall be less than 65,000 gross square feet
8 except as follows: [Ord. 2005-002] [Ord. 2013-001]

9 1) ~~The commercial development of the parcel located at the northwest corner of Southern~~
10 ~~Boulevard and Seminole Pratt Whitney Road and identified in the legal description in~~
11 ~~Ordinance 2010-030 (LGA 2010-012); and, shall be exempt from the maximum square~~
12 ~~footage limitation for single tenants in the CL FLU designation. [Ord. 2005-002] [Ord.~~
13 ~~2013-001]~~

14 2) Sites approved under Ordinances 2008-048 and 2009-028 as an LCC in the
15 Urban/Suburban Tier are allowed to have up to a maximum of 100,000 square feet.

Reason for amendments: [Zoning] Delete reference to LCC as the Zoning District is consolidated with TMD per revised Plan policy FLUE 4.4.4-d (fka 2.2.2-c) and contained in Ord. 2017-004.

19 **CHAPTER E PERFORMANCE STANDARDS**

20 **Section 5 Hours of Operation**

21 **A. Proximity to Residential**

22 Any non-residential use shall be subject to the hours of operations indicated in Table 5.E, Hours of
23 Operation, when-located within 250 feet of a Residential FLU designation or use, unless stated
24 otherwise. Mixed uses located in the following zoning districts shall not be considered residential
25 uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood
26 Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXP, ~~LCC,~~
27 and TMD. [Ord. 2017-007]

30 **Part 15. ULDC Art. 7, Landscaping (pages 16 of 52), is hereby amended as follows:**

Reason for amendments: [Zoning] Delete reference to LCC as the Zoning District is consolidated with TMD per revised Plan policy FLUE 4.4.4-d (fka 2.2.2-c) and contained in Ord. 2017-004.

Table 7.C.3 - Minimum Tier Requirements

Code Requirements	U/S Tier ⁸	AGR and Glades Tiers	Exurban and Rural Tiers
....			
....
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-001] [Ord. 2014-025] [Ord. 2014-031]			
Notes:			
....			
6. TDDs, LCC, IRO and PRA Development Orders are exempt from foundation planting requirements for primary and secondary, or other similar types of building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2010-022]			
....			

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EXHIBIT P

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

<p>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.</p>

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

<p>Reason for amendments: [Zoning]</p>

<p>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.</p>

<p>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.</p>
--

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 P

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 Q

RETAIL GAS AND FUEL ADDITIONAL STANDARDS FOR APPROVAL SUMMARY OF AMENDMENTS (Updated 3-20-17)

1
2 Part 1. ULDC Art. 4.B.2.C.16.d, Additional Standards for Approval [Related to Retail Gas and
3 Fuel], is hereby amended as follows:
4

Reason for amendments: [Zoning] Delete redundant standards previously established for Retail Gas and Fuel uses, which are either redundant to existing Standards regulating site development, or must be demonstrated. Specifically, Art. 2.B.1.B.2, Consistency with the Code; Art. 2.B.1.B.3, Compatibility with Surrounding Uses; and Art. 2.B.1.B.5, Development Patterns, among others, already establish sufficient standards for uses requiring Class A Conditional Use approval. Similar standards would apply for Waivers or subsequent Development Order Amendments.

5 6 ARTICLE 4, USE REGULATIONS

7 Section 2 Commercial Uses

8 C. Definitions and Supplementary Use Standards for Specific Uses

9 15. Gas and Fuel Sales, Retail

10 d. Additional Standards for Approval

11 ~~In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and~~
12 ~~Development Order Amendments, or Art.2.B.2.G.3, Standards (Type 2 Waiver), when~~
13 ~~considering a Development Order application for a Conditional Use, DOA or Type 2~~
14 ~~Waiver, the BCC shall consider whether or not: [Ord. 2011-016]~~

15 1) ~~Adequate ingress and egress have been provided. [Ord. 2006-004]~~

16 2) ~~Adequate buffering and setbacks from residential areas have been provided. [Ord.~~
17 ~~2006-004]~~

18 3) ~~Sufficient vehicle stacking, circulation, access, and area for turning movements have~~
19 ~~been provided. [Ord. 2006-004]~~

20 4) ~~The number of fueling positions proposed is excessive. [Ord. 2006-004]~~

21 5) ~~There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]~~

22 [Renumber accordingly.]
23
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56 Approval.docx

Notes:

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EXHIBIT R

**ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS**

(Updated 04/26/17)

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

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]

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

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 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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EXHIBIT R

ARTICLE 6, PARKING SUMMARY OF AMENDMENTS

(Updated 04/26/17)

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
<u>Repair and Maintenance, Heavy</u>	<u>1 space per 250 sq. ft.</u>	<u>B</u>

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EXHIBIT R

ARTICLE 6, PARKING SUMMARY OF AMENDMENTS (Updated 04/26/17)

Repair and Maintenance, Light	1 space per 250 sq. ft.	B
....		
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
Self-service Storage Limited Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	(6)
Self Service Storage, Multi-Access	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A
....		
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	A
....		
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	A
Vehicle Equipment Sales and Rental, Heavy	1 space per 250 sq. ft. of enclosed area; plus 1 space per 5,000 sq. ft. of outdoor sales, rental and display area	A
Vehicle Sales and Rental, 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	A

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 Assembly 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]	1 space per 4 seats	C
....		
Nursing Home or Convalescent Facility	1 space per 3 beds; plus 1 space per 200 sq. ft. of office space	D (12)
....		
Use Type Classification: Industrial	Parking	Loading (1)
....		
Equestrian Waste Management 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	A
Use Type Classification: Agricultural	Parking	Loading (1)
....		

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Notes:

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EXHIBIT R
ARTICLE 6, PARKING
SUMMARY OF AMENDMENTS
(Updated 04/26/17)

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 S

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]

Notes:

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EXHIBIT S

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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65 Signage].docx

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EXHIBIT T

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. 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.		

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 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 T

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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EXHIBIT T

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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