

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)  
NOVEMBER 30, 2016 MEETING**

**AMENDMENTS TO THE AGENDA  
(Updated 11/29/16)**

<b>#1</b>	<b>Exhibit G – Amend Table 6.A.1.B – Minimum Off- Street Parking and Loading Requirements, Part 1, Page 74 of 234, (line 9)</b>
	Keep relocated parking requirements for Marina as it was inadvertently shown as deleted.

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

Use Type: Commercial	Parking	Loading (1)
<del>Marina</del> [Relocated from Marine Facility under Recreation]	<del>1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips</del>	<u>A</u>
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		

<b>#2</b>	<b>Exhibit K – Amend Art. 4.B.5.A, Industrial Use Matrix, Part 1, Page 81 of 234, (lines 6 - 8)</b>
	Remove duplicated proposed language that explains the Use Matrix. The User Guide of Article 4 already contains such information.

~~The Industrial Use Matrix identifies all principal industrial uses and the approval processes in unincorporated Palm Beach County zoning districts. The User Guide and General Provisions section of this article outlines in detail how to read use matrices.~~

<b>#3</b>	<b>Exhibit K – Amend Art. 4.B.5.C.5, Gas and Fuel Wholesale, Part 1, Page 91 of 234, (line 14)</b>
	Update titles of Section or Subsection of the Code to establish consistency with the proposed construction of Art. 4, Use Regulations.

**b. ~~Overlay - Airport Zoning Overlay (AZO)~~**

<b>#4</b>	<b>Exhibit K – Amend Art. 4.B.5.C.10, Multi-Media Production, Part 1, Page 96 of 234, (line 18)</b>
	Update titles of Section or Subsection of the Code to establish consistency with the proposed construction of Art. 4, Use Regulations.

**de. ~~Zoning District - LCC~~**

<b>#5</b>	<b>Exhibit K – Amend Art. 4.B.5.C.11, Recycling Center, Part 1, Page 97 of 234, (line 19)</b>
	Update titles of Section or Subsection of the Code to establish consistency with the proposed construction of Art. 4, Use Regulations.

**d be. ~~DRO-Approval Exception-Process~~**

<b>#6</b>	<b>Exhibit K – Amend Art. 4.B.5.C.12, Recycling Plant , Part 1, Page 100 of 234 (lines 31 and 33 to 35)</b>
	Remove proposed redundant language related to Chipping and Mulching accessory to Recycling Plant since the standard is already under Chipping and Mulching use.

**eh. ~~Chipping or Mulching Collocated Uses~~**

~~If a recycling plant facility includes chipping or mulching, adherence to the standards of Article 4.B.1.A.28, Chipping and Mulching, is required. Chipping and Mulching may be approved by the DRO subject to the supplementary use standards for Chipping and Mulching.~~

<b>#7</b>	<b>Exhibit K – Amend Art. 4.B.5.C.13, Research and Development, Part 1, Page 102 of 234, (line 28)</b>
	Update titles of Section or Subsection of the Code to establish consistency with the proposed construction of Art. 4, Use Regulations.

**b.c. ~~Overlay - Biotechnology Bioscience~~ Research Protection Overlay (BRPO)**

**Notes:**

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

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

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

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

Text in **green** represents changes done as part of the add-delete and shall have the same meaning as the double underlined or double stricken text.

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)  
NOVEMBER 30, 2016 MEETING**

**AMENDMENTS TO THE AGENDA  
(Updated 11/29/16)**

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<b>#8</b>	<b>Exhibit K – Amend Art. 4.B.5.C.17, Warehouse, Part 1, Page 102 of 234, (lines 25, 33 and 36)</b>
	Indicate appropriate terminology to indicate standard titles consistent with the construction of Art. 4, Use Regulations.
	Update reference to Westgate Community Redevelopment Area Overlay (WCRAO) to indicate the applicable provisions for accessory office which has specific percentage of office space allowed as accessory to Warehouse use.

**dc. Overlay - WCRAO Overlay**

....

Conditional Use, or as specified in “d” below the Overlay –WCRAO standard, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay.

**deb. Sales**

General retail sales shall be prohibited, except as approved where allowed in conjunction with Flex Space.

<b>#9</b>	<b>Exhibit M – Amend Art. 4.B.8.C.2, Heliport, Part 1, Page 140 of 234, (lines 1,4 and 5)</b>
	Show text related to Heliport accessory to a Public Park which was inadvertently omitted from the LDRC packet. The text was originally presented to LDRAB on April 27, 2016 which now is proposed to be deleted.

- a) The use helipad Subject to a Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation or use. A heliport shall be Permitted by Right if located more than is not within 1,000 feet of from a parcel of land with a residential use or FLU designation or use. For Public Parks comprised of multiple parcels, Mmeasurement shall be made from the overall boundary of the Public Park edge of the helipad to the property line of a parcel of land with a residential use or FLU designation or use; or,

<b>#10</b>	<b>Exhibit M – Amend Art. 4.B.8.C.5, Transportation Facility, Part 1, Page 144 of 234, (lines 1, 2 and 8)</b>
	Clarify standard title; delete the term “elements” to minimize confusion with the use of the term in Art. 1 that relates to nonconformities; and, clarify that setback from residential is applicable from the vehicular circulations paved areas.

**f. Vehicular and Pedestrian Circulation Areas**

The site design shall include address the following elements:

....

- 4) On-site vehicular circulation paved areas system shall be setback a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.

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**Notes:**

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

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

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

Text in green represents changes done as part of the add-delete and shall have the same meaning as the double underlined or double stricken text.



November 23, 2016

**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

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

**RE: November 30, 2016 LDRAB/LDRC Meeting**

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in  
preparing for the LDRAB/LDRC hearing on Wednesday, November 30, 2016.

The meeting will commence at **2:00 p.m.** in the Vista Center 1<sup>st</sup> 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](mailto:WCross@pbcgov.org), or Monica Cantor,  
Senior Site Planner at (561) 233-5205, or via email at [MCantor@pbcgov.org](mailto:MCantor@pbcgov.org).

Sincerely,

William Cross, AICP  
Principal Site Planner, Zoning Division

Attachments: November 30, 2016 LDRAB/LDRC Agenda

- c: Faye Outlaw, 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)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**NOVEMBER 30, 2016**

**BOARD MEMBERS**

**Wesley Blackman, AICP, Chair** (PBC Planning Congress)

**David Carpenter, RLA, Vice Chair** (District 2)

**Michael J. Peragine** (District 1)

**Barbara Katz** (District 3)

**James Knight** (District 4)

**Lori Vinikoor** (District 5)

**Vacant** (District 6)

**Henry D. Studstill,** (District 7)

**Daniel J. Walesky** (Gold Coast Builders Assoc.)

**Joni Brinkman** (Palm Beach League of Cities)

**Terrence N. Bailey** (Florida Engineering Society)

**James M. McKay** (American Institute of Architects)

**Tommy B. Strowd** (Environmental Organization)

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

**Derek Zeman** (Fl. Surveying and Mapping Society)

**Vacant** (Association Gen. Cont. of America)

**James M. Brake** (Member at Large/Alternate)

**Leo Plevy** (Member at Large/Alternate)

**Board of County Commissioners**

**Paulette Burdick**  
**Mayor, District 2**

**Melissa McKinlay**  
**Vice Mayor, District 6**

**Hal R. Valeche**  
**Commissioner, District 1**

**David Kerner**  
**Commissioner, District 3**

**Steven L. Abrams,**  
**Commissioner, District 4**

**Mary Lou Berger**  
**Commissioner, District 5**

**Mack Bernard**  
**Commissioner, District 7**

**Verdenia C. Baker**  
**County Administrator**



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



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

**WEDNESDAY, NOVEMBER 30, 2016 AGENDA  
2300 NORTH JOG ROAD  
KEN ROGERS HEARING ROOM - 1<sup>ST</sup> FLOOR (VC-1W-47)  
2:00 P.M.**

**A. CALL TO ORDER/CONVENE AS LDRAB**

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of Nov. 16, 2016 Minutes (Exhibit A)

**B. ULDC AMENDMENTS**

1. Exhibit B – Art. 3.D.1.D.1, Base Building Line
2. Exhibit C – Regulating Plans
3. Exhibit D – FPL Commercial Communication Towers Privately Initiated Amendment (PIA)

**C. USE REGULATIONS PROJECT (URP) AMENDMENTS**

1. Clerical Amendments Not Previously Presented
  - a) Exhibit E – Article 1, General Provisions
  - b) Exhibit F – Article 2, Development Review Process
  - c) Exhibit G – Article 6, Parking
  - d) Exhibit H – Article 7, Landscaping
  - e) Exhibit I – Article 8, Signage
  - f) Exhibit J – Article 12, Traffic Performance Standards
2. Modification to Exhibits Previously Presented to LDRAB
  - a) Exhibit K – Industrial Uses
  - b) Exhibit L – Agricultural Uses
  - c) Exhibit M – Transportation Uses
  - d) Exhibit N – Commercial Communication Towers
  - e) Exhibit O – Excavation Uses

**D. Exhibit CONVENE AS LDRC**

1. Proof of Publication
2. Consistency Determination
  - a. See Exhibits B.1 through B.3 listed above
  - b. See Exhibits C.1.a) through C.1.f) listed above
  - c. See Exhibits C.2.a) through C.2.e) listed above

**E. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

**F. PUBLIC COMMENTS**

**G. STAFF COMMENTS**

**H. ADJOURN**

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## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) (Updated 11/22/16)

#### Minutes of November 16, 2016 LDRAB Meeting

On Wednesday, November 16, 2016 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

#### A. Call to Order/Convene as LDRAB

##### 1. Roll Call

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

##### Members Present: 12 <sup>(v)</sup>

Wesley Blackman (PBC Planning Congress)  
Michael Peragine (District 1)\*  
David Carpenter (District 2)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Stuart R. Fischer (District 6) <sup>(v)</sup>  
Terrence Bailey (Florida Eng. Society)  
Frank Gulisano (PBC Board of Realtors)\*\*\*  
Tommy Strowd (Environmental Organization)  
Daniel J. Walesky (Gold Coast Bld. Assoc.)\*\*  
Derek Zeman (FL Surveying & Mppng. Soc.)  
James McKay (AIA)

##### Members Absent: 4

Henry Studstill (District 7)\*  
Joni Brinkman (Palm Bch. League of Cities)  
James Brake (Member at Large, Alt.)  
Leo Plevy (Member at Large, Alt.)

##### Vacancy: 2 <sup>(v)</sup>

(Assoc. General Contractors of America)

##### County Staff Present

Leonard Berger, Chief Assistant County Attorney  
William Cross, AICP, Principal Site Planner, Zoning  
Erin Fitzhugh Sita, Senior Planner, Planning  
Zona Case, Zoning Technician, Zoning

##### 2. Additions, Substitutions, and Deletions

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

##### 3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0).

##### 4. Adoption of October 26, 2016 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (9 - 0).

\*Mr. Peragine arrived at 2:03 p.m.

#### B. ULDC Amendments

Mr. Cross clarified that B did not apply to the Use Regulations Project, but was comprised of usual and customary ULDC Amendments.

##### 1. Exhibit B – AGR Tier - Previously Approved and Non-conforming Uses

Mr. Cross provided a general overview on the context of amendments, as follows:

- When the Agricultural Reserve (AGR) was first created, provisions were established in both the Comprehensive Plan (Plan) and Unified Land Development Code (ULDC), to recognize that existing Commercial and Institutional Uses were to be accommodated and allowed to continue.
- Over time, it became increasingly difficult for applicants and staff to confirm that subsequent modifications to these developments were consistent with the intent of the Plan and ULDC.
- This issue was recently resolved as part of the recent BCC Workshop Series on the AGR Tier, resulting in text amendments to the Plan to allow for the bulk of these properties to receive staff initiated future land use (FLU) amendments and rezoning to applicable Commercial and Institutional FLU designations and zoning districts.

Mr. Cross further elaborated on the amendments:

- Identification of the Commercial and Institutional sites, which under the Agricultural Reserve (AGR) future land use (FLU) designation, are now considered “conforming Commercial uses and “conforming” Institutional uses.
- The maximum development potential of eligible Commercial or Institutional parcels with AGR FLU and zoning.

He further clarified these sites were rezoned, the existing provisions under the AGR district no longer applied. However, he noted that additional language was required for Faith Farms Ministries under the Institutional and Public Facilities (IPF) Zoning District,

## EXHIBIT A

**PALM BEACH COUNTY**  
**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**  
**LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**  
(Updated 11/22/16)

### Minutes of November 16, 2016 LDRAB Meeting

to accommodate existing accessory commercial or other uses not accommodated in the INST FLU designation or IPF Zoning District. Alternatively, the existing AGR language was modified to recognize one remaining site located West of SR 7.

\*\*Mr. Walesky arrived at 2:07 p.m.

Motion to approve by Mr. Knight, seconded by Ms. Vinikoor. Motion passed (11 – 0)

#### 2. Exhibit C – AGR Tier - Planned Development Districts

Mr. Cross explained that, similar to above, Plan amendments resulting from the recent BCC Workshops on the AGR Tier, required in Plan amendments to Future Land Use Element Objective 1.5, Agricultural Reserve Tier, summarized as follows:

\*\*\*Mr. Gulisano arrived at 2:11 p.m.

- allow for Multiple Use Planned Development Districts (MUPD) in the Tier;
- eliminate the requirement that all new commercial development shall be in the form of a Traditional Marketplace Development (TMD);
- add revisions specific to the AGR Tier for mixed use in MUPDs, which are not provided for under the current MUPD development standards;
- require new commercial development greater than 16 acres to provide Preserve Areas; and,
- establish general design standards for all new commercial or mixed use development.

Mr. Cross noted that several of these updates were necessary to acknowledge that the previously approved Canyons TMD was rezoned to the newly established AGR MUPD. The Chair pointed out that on Page 14, line 10, the word “it” should be corrected to read “in”.

In response to Ms. Katz inquiry on the 60/40 Preserve Requirement, Mr. Cross affirmed that has not changed, and Ms. Fitzhugh-Sita confirmed that the Plan specifies that the requirement applies to “greater than 16 acres”.

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

#### 3. Exhibit D – Art. 3.B.16, Urban Redevelopment Area Overlay (URAO)

Mr. Cross explained that recent Plan amendments responded to Industry and staff feedback citing obstacles to redevelopment efforts within the URA. The redevelopment standards intended to encourage a more desirable multi-use and pedestrian friendly form of development; however, a number of mandatory standards required by the Plan were perceived as being too rigid, resulting in property owners opting out or seeking BCC Waivers. The amendments seek to redress several of these shortcomings as follows:

- Property owners may be allowed the flexibility to utilize the previous FLU designations and zoning subject to a pre-application meeting with Planning and Zoning staff to determine Zoning and FLU consistency. In the case of inconsistency the property owner may (1) elect to rezone to a district which is consistent with the alternative FLU designation, or (2) may elect to retain the original UC or UI district.
- Amendment of Minimum Building Frontage requirements for Block Buildings to recognize expansion of existing provisions allowing for parking or outdoor uses along the side of buildings. The add/delete sheet also noted that accessory structures to Single Family Residential are allowed, in accordance with Art. 5, Supplementary Standards.
- The minimum two-story requirement for both the UC and UI FLU designations has been deleted. Most Zoning applications had sought Waiver relief from the requirement.
- Glitches: (1) Address standards for concrete in locations that precludes the use of pervious or other acceptable sidewalk materials. The add/delete sheet addresses deletion of the requirement for Engineering Department approval; and, (2) reduce the number of benches required.

**EXHIBIT A**

**PALM BEACH COUNTY  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)  
(Updated 11/22/16)**

**Minutes of November 16, 2016 LDRAB Meeting**

- Amendment to clarify that the UI FLU designation may allow both residential “and/or” non-residential uses, by deleting language which implied that the district was residential with some non-residential.”
- Expand existing provisions allowing for Waiver relief to correspond with deletions or expansion related to several of the above amendments.

Motion to approve as amended, by Mr. Knight, seconded by Mr. Gulisano. Motion passed (12 - 0).

**4. Exhibit E – Reasonable Accommodation Time Limitation**

Mr. Cross clarified that the Reasonable Accommodation establishes a process for disabled persons, groups or service providers to seek out accommodations from land development regulations based on the specific needs. The amendment establishes a reasonable timeframe of one year to utilize a determination granting an accommodation, or potentially longer when incorporated into another Development Order.

The provision is retroactive and shall apply to all prior Determinations for a Reasonable Accommodation prior to the effective date of this Ordinance.

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

**C. ADJOURN AS LDRAB AND CONVENE AS LDRC**

**1. Proof of Publication**

Motion to accept proof of publication approved by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 - 0).

**2. Consistency Determination**

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Ms. Fitzhugh-Sita confirmed that the proposed amendments were consistent with the Comprehensive Plan.

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

**D. ADJOURN AS THE LDRC AND RECONVENE AS THE LDRAB**

**E. PUBLIC COMMENTS**

There were no Public Comments

**F. STAFF COMMENTS**

Mr. Cross advised the Board that the bulk of the Exhibits for the Use Regulations Project (URP) will be presented at the November 30<sup>th</sup> meeting, along with two Exhibits for Round 2016-02, and the FPL Phase II Privately Initiated Amendment (PIA) for Commercial Communications Towers. He advised that the December 14<sup>th</sup> meeting was needed to allow for completion of the URP. He responded to an inquiry regarding the Public Hearing dates for Round 2016-02, as follows: December 7, Request for Permission to Advertise for Public Hearing on January 5, 2017, January 5, 2017 1<sup>st</sup> Reading, and Adoption Hearing on January 26, 2017.

**G. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 2:45 p.m.

**Editor’s note: (v)** Mr. Stuart Fischer was not an official LDRAB member for this Meeting, hence his vote on each Exhibit was not counted.

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





**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Charles Wesley Blalock, hereby disclose that on November 16, 2016

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of ETC - Bill Marnett, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ETC owns a piece of property zoned Urban Infill. The voting concerned allowing a land use and zoning change back to a previous category that would potentially benefit the owner

November 18, 2016  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# EXHIBIT B

## ART. 3.D.1.D.1, BASE BUILDING LINE SUMMARY OF AMENDMENTS (Updated 11-17-16)

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Part 1. ULDC Art. 3.D.1.D.1, Base Building Line (pages 128 - 129 of 234), is hereby amended as follows:

Reason for amendments:
1. [Zoning] Delete reference suggesting that temporary auto display areas may be permitted within the base building line, as this use would conflict with requirements for landscaping.
3. [Zoning] Clarify that the placement of required parking or landscaping shall be prohibited in the area between the base building line and the existing right of way (or easement). Installation of such elements would result in a poorly configured or landscaped area when future roadway or relocated utility easements are constructed in these areas.

### ARTICLE 3 OVERLAYS & ZONING DISTRICTS

#### CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

##### Section 1 PDRs for Standard Zoning Districts

###### D. Setbacks

###### 1. Base Building Line

....

###### d. Permitted Encroachments

Pursuant to approval by the County Engineer, temporary, removable, and non-habitable structures such as signs, ~~and fences, and auto display areas~~, may be located between a street and the base building line. Approval shall be subject to a removal agreement with the DEPW. Setbacks shall be measured from the existing street boundaries and the affected area shall be landscaped in accordance with Article 7, LANDSCAPING.

###### e. Landscaping and Parking

In the event the County Engineer does not waive the base building line requirement, Required required landscaping and parking shall ~~not~~ be prohibited located in the area between a street and the base building line.

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#### Notes:

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

## REGULATING PLANS SUMMARY OF AMENDMENTS (Updated 11/21/16)

1  
2 Part 1. ULDC Art.2.A.1.G.3.g, Regulating Plans, related to Application Procedures (page 15-16  
3 of 87), is hereby amended as follows:  
4

Reason for amendments:
1. [Zoning] Revise Plan Requirements to indicate that the Regulating Plans are no longer a submittal requirement. Oftentimes, Regulating Plans are redundant whereas design details such as landscaping or signs are already shown on other required documents, such as Landscape Plans and Sign Plans. However, Staff may recommend or the Applicants may choose to submit Regulating Plans depicting design details to garner support from the Approving Authority.
2. [Zoning] Delete requirements specific to Regulating Plans under the Public Hearing and Administrative Approval Process since these requirements (e.g. Tabular Data format) are located in the Zoning Technical Manual.
3. [Zoning] Delete Architectural Elevations, Signs and Alternative Landscape from the Regulating Plans since these design and technical elements should be submitted under other Types of Plans. Example, Architectural Elevation Plans, Sign Plans or Programs and Alternative Landscape Plans.

### 5 CHAPTER A GENERAL

#### 6 Section 1 Applicability

#### 7 G. Application Procedures

#### 8 3. Plan Requirements

9 All applications or applicants submitting for a Public Hearing or an Administrative Approval  
10 ~~administrative approval~~ process, excluding FLU Amendments, shall submit Plan(s) a plan to  
11 the DRO or Zoning Director, except where indicated otherwise. The type of plan shall be  
12 based upon the type of application request(s), and shall be prepared to include graphics and  
13 tabular data consistent with the Technical Manual requirements and standards. The Plan  
14 ~~plan~~ shall provide sufficient information for County Agencies to review in order to render  
15 comments on the project for compliance with applicable standards of the Code pursuant to  
16 Art.2.B.1.B, Standards, Art.2.B.2.B, Standards, or Art.2.D.1.E, Standards for Administrative  
17 Approval. In addition, the plan shall be prepared in compliance with the following: **[2009-  
18 040] [2015-006]**

19 ....

#### 20 g. Regulating Plans - **Optional**

21 When applicable, Regulating Plans shall provide a comprehensive graphic and written  
22 description of the project.

#### 23 1) **Thresholds**

24 Regulating Plan(s) may be submitted to the Zoning Division for review or for approval  
25 under the following circumstances:

- 26 a) The Applicant may choose to provide design details to demonstrate the intent of  
27 the requests or the requests are in compliance with the Standards of the Code;
- 28 b) Staff may recommend the submittal of the Regulating Plans due to the size and  
29 complexity of the application and site design; or
- 30 c) By a ZC or BCC Condition of Approval.

#### 31 2) **Submittal Requirements**

32 If submitted, the Plans shall be prepared in accordance with the Submittal  
33 Requirements, and consistent with the format requirements pursuant to the Technical  
34 Manual. Regulating Plans shall be drawn to scale or labeled with notes,  
35 specifications and dimension, and shall include where applicable, the following:  
36 **[Partially Relocated from below]**

- 37 a) Street cross sections, including sidewalks, bike lanes, street trees, on street  
38 parking and lighting; [Ord. 2009-040] [Relocated from below]
- 39 b) Typical lot layouts for each housing type, including building envelope, screen  
40 enclosure/pool setbacks, and driveway access; [Ord. 2009-040] [Relocated  
41 from below]
- 42 c) Landscape buffer details (plan view and cross section); [Ord. 2009-040]  
43 [Relocated from below]
- 44 d) Median landscape detail; [Ord. 2009-040] [Relocated from below]
- 45 e) Pedestrian circulation plan in accordance with Art. 3.E, Planned Development  
46 Districts (PDDS); [Ord. 2009-040] [Relocated from below]
- 47 f) Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005]  
48 [Relocated from below]
- 49 g) Screening details; and [Ord. 2009-040] [Relocated from below]
- 50 h) Neighborhood parks. [Ord. 2009-040] [Relocated from below]

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**EXHIBIT C**  
**REGULATING PLANS**  
**SUMMARY OF AMENDMENTS**  
(Updated 11/21/16)

The regulating plan shall reflect the necessary tabular and graphic information required in the Technical Manual, which provides a comprehensive graphic and written description of the project and shall include but not be limited to: lot layout for housing type, street cross sections, design details of site elements, etc. Each element of the regulating plan shall be drawn to scale or labeled with notes, specifications and dimensions. ~~[Ord. 2009-040]~~  
**[Partially relocated above]**

**1) Preliminary Regulating Plan (PRP) for Public Hearing Approval**

The DRO shall review and certify a PRP for all requests that are subject to the Public Hearing approval process. The BCC shall approve a PRP for: Conditional Uses, Requested Uses, rezoning to a PDD, the affected area of modifications to previously approved PDDs, and shall include, at a minimum, the following elements: ~~[Ord. 2009-040]~~

- a) Focal points; ~~[Ord. 2009-040]~~
- b) Exemplary features; ~~[Ord. 2009-040]~~
- c) Public amenities; and, ~~[Ord. 2009-040]~~
- d) Preliminary Master Sign Plan or Program. ~~[Ord. 2009-040]~~

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

a) After a PRP is approved by the BCC or ZC, the applicant shall submit a FRP to the DRO for final review and approval. The FRP shall be consistent with the BCC or ZC approved PRP. All modifications to the plan must be approved by the BCC or ZC unless the proposed changes are required to meet conditions of approval, are not in conflict with the BCC or ZC approval or are in accordance with the ULDC. ~~[Ord. 2009-040]~~

b) The DRO shall review and approve a FRP for any requests for uses that have a "D" in any Use Matrix in Art. 3.B, Overlays, or Table 4.A.3.A, Use Matrix; or any requests subject to Table 4.A.3.A, Thresholds for Project Requiring DRO Approval. ~~[Ord. 2009-040] [Ord. 2011-016]~~

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

- (1) Street cross sections, including sidewalks, bike lanes, street trees, on-street parking and lighting; ~~[Ord. 2009-040]~~ **[Relocated above]**
- (2) Typical lot layouts for each housing type, including building envelope, screen enclosure/pool setbacks, and driveway access; ~~[Ord. 2009-040]~~  
**[Relocated above]**
- (3) Landscape buffer details (plan view and cross section); ~~[Ord. 2009-040]~~  
**[Relocated above]**
- (4) Median landscape detail; ~~[Ord. 2009-040]~~ **[Relocated above]**
- (5) Master Sign Plan; ~~[Ord. 2009-040]~~
- (6) Elevations, if submitted pursuant to Art. 5.C, Design Standards; ~~[Ord. 2009-040]~~
- (7) Pedestrian circulation plan in accordance with Art. 3.E, Planned Development Districts (PDDs); ~~[Ord. 2009-040]~~ **[Relocated above]**
- (8) Phasing pursuant to Art. 2.E, Monitoring; ~~[Ord. 2009-040]~~ ~~[Ord. 2010-005]~~  
**[Relocated above]**
- (9) Screening details; ~~[Ord. 2009-040]~~ **[Relocated above]**
- (10) Neighborhood parks; and, ~~[Ord. 2009-040]~~ **[Relocated above]**
- (11) Alternative Landscape Plan (ALP) or Alternative Sign Plan (ASP). ~~[Ord. 2009-040]~~

U:\Zoning\CODEREV\2016\LDRAB\Meetings\11-30-16\4 - Final Packet\Exh. C - Regulating Plans.docx

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## EXHIBIT D

# FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

1

### General Background and Summary:

The following amendments are based upon the Phase II PIA submitted by FPL in accordance with the March 24, 2016 BCC approval to initiate amendments to Communication Tower provisions for utility transmission poles and substations, as detailed in the following staff summary: <http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-03-17.pdf>

Staff continues to concur that the collocation of cellular equipment with existing utility infrastructure will potentially mitigate the need for additional stand alone Communication Towers, while accommodating the continued need for expanded cellular resulting from ever increasing data usage by the general public.

However, while the Phase II PIA submittal addressed several of the staff recommendations related to the initial draft amendments, several issues remain resulting in the incorporation of the following staff recommended revisions:

- **Accessory Structures:** The FPL submittal did not include agreed upon provisions related to standards for any cellular equipment structures, which may located on adjacent properties, where Engineering or other entities might prohibit such equipment within a R-O-W. FPL representatives generally agreed with staff recommendations, listed below:
  - ✓ establishing provisions allowing such structures as a principal or collocated use;
  - ✓ discouraging placement in the middle or parking lots or in front of more prominent principal structures or uses in favor or locating adjacent to any required side or rear perimeter buffers; and,
  - ✓ clarifying that such improvements would be subject to all typical development standards, including but not limited to foundation planting, architectural standards (where applicable to the overall site), requirements for terminal islands, etc.
- **Approval Process:** Staff continues to recommend that approval processes be based on the percentage of height that the existing utility structures are increased by, versus simply establishing maximum height thresholds. Modifications to existing electrical utility infrastructure, emphasis on increased height, are necessary to establish safe operational or functional separations between electrical transmission lines or structures, and attached cellular equipment. Such modifications typically require larger diameter structures to support the increased height, equipment, or to meet hurricane wind load standards, etc.

While a reasonable increase in height would have little visual impact where incorporated into existing utility infrastructure corridors or substations, the modifications should be commensurate and proportional to inter-related utility infrastructure (e.g. a 104 foot tall collocated Commercial Communication Tower may look out of place when installed in a row of 50 foot tall transmission poles). FPL representatives indicate that the targeted transmission corridors or substations typically utilize standardized infrastructure, which should result in a predictable expectation of what increased heights will be feasible. In either event, both the applicant and staff agree that once such structures exceed a certain height, BCC approval may be required.

- **Waivers:** With exception to structures proposed within a transmission corridor abutting most non-residential uses, staff continues to recommend that all Waivers from setbacks, emphasis on structures abutting residential communities, continue to require BCC approval.
- **Additional Revisions Necessary for Consistency with Use Regulations Project (URP):** Lastly, these amendments have been developed in anticipation of the formatting revisions to the Use Matrix established as part of the URP, tentatively scheduled for adoption in February of 2017. However, additional calibration is required for consistency with the URP Commercial Communication Towers update presented to the BCC on June 23, 2016, as outlined here: <http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-06-9.pdf>. Hence, both the concept of the applicant's PIA amendments and other changes or calibrations to URP revisions will be formatted as double stricken in blue (e.g. ~~stricken~~) or where applicable, double underlined in blue (e.g. underline).

A copy of the FPL PIA application and justification statement has been attached herein for comparison.

2

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EXHIBIT D

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

Attachments – July 5, 2016 FPL Phase II Privately Initiated Application Submittal:

- Attachment a – July 5, 2016 Phase II Application Letter
Attachment b - FPL Tech and Back-up Information dated (revised 10/28/15)
Attachment c-1 – FPL Phase II PIA Proposed Summary of Amendments
Attachment c-2 – FPL Phase II PIA Proposed Use Matrix
Attachment d - FPL Photos of Typical Substation Commercial Communication Towers
Attachment e - FPL Photos of Typical Transmission Line Commercial Communication Towers
Attachment f - FPL Illustration of Typical 66' (99') Transmission Pole
Attachment g - FPL Illustration of Typical 80' (104') Transmission Pole
Attachment h - FPL Illustration of Typical 80' (120') Transmission Pole
Attachment i-1 - October 25, 2015 FPL Cellular Coverage vs. Tower Height Analysis
Attachment i-2 - FPL Illustrations of Coverage Ranges

ULDC Amendments

Part 1. ULDC Art. 1.1.2.E, Definitions (pages 56 and 104 of 119), is hereby amended as follows:

Reason for amendments:

- 1. [Zoning] As summarized above, the applicant is proposing to delete Art. 4.C.3.C, Electrical Transmission Line Streets and replace with updated standards which will not be based on the term "Streets." Since a new definition was proposed as part of the Use Regulations Project (URP) reorganization, this will also need to be deleted.
2. [FPL] The proposed definition provides additional clarification to the types of utility infrastructure intended to be used for new Stealth or Full Array Electrical Communication Structures and Poles, when located within utility transmission corridors, including those within public rights of way.

ARTICLE 1 GENERAL PROVISIONS

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

100. Street -

a. a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.

b. For the purposes of Art. 4.B.9, Commercial Communication Towers, means Electric Transmission lines or Florida Department of Transportation I-95 and the Florida Turnpike corridors having 250 feet in width or more of right-of-way (R-O-W) or easements.

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

59. Transmission Pole – for the purposes of Art. 4.B.9, Commercial Communication Towers, means electrical transmission poles supporting 69kV conductors or greater. This does not include distribution.

[Renumber accordingly]

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EXHIBIT D

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

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

Reason for Amendment: [Zoning] Expand Zoning authority to amend prior BCC or ZC Approvals to accommodate certain Stealth Commercial Communication Towers collocated with Electrical Transmission Lines and Substations – Structures and Poles. Staff recommends that additional flexibility be allowed for de minimus modifications or increases in height to existing utility infrastructure is allowed subject to Building Permit or Zoning Administrative Approval.

ARTICLE 2 DEVELOPMENT REVIEW PROCEDURES

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Modifications to Prior Development Orders

1. Modifications to BCC or ZC Approvals

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

....

q. Add new or amend existing Commercial Communication Tower Transmission Poles or Substation Structures, and any associated Minor Utility, where allowed subject to DRO approval, or Permitted by Right.

Part 3. New ULDC Art. 4.B.9, Communication Towers, Commercial, is hereby established as follows:

Reason for Amendment:
1. [FPL] See applicant Justification Statement attached.
2. [Zoning] Calibrate 2016 URP amendments to incorporate proposed PIA deletion of existing standards for Electrical Transmission Line Streets. Note the applicants request inadvertently excluded the deletion of these existing did not include this requisite revision; however, the intent is clearly demonstrated in other amendment requests to related Supplemental Use Standards. The PIA proposed to establish
3. [Zoning] Noting that the proposed deletion of provisions limiting collocation on utility infrastructure to 250 foot wide "Electrical Transmission Line Streets" and replacement with more flexible standards for Electrical Transmission Corridors or Substations, staff continues to recommend alternatives to the applicant's request to establish approval processes based solely on a maximum height, tower type and Zoning district. Staff's position remains that in highly visible or residential locations, that de minimus modifications to existing utility infrastructure may be approved through an administrative approval process; however, significant modifications or height increases may be subject to the approval process for similar Commercial Communication Towers in the same districts, if permitted.
4.

CHAPTER CB COMMUNICATION TOWER, COMMERCIAL USE CLASSIFICATION

Section 9 Commercial Communication Tower Uses

A. Commercial Communication Tower Use Matrix

Reason for amendment:
1. [FPL] Introduce newly proposed Stealth or Full Array tower types into the Use Matrix.
2. [Zoning] Amend FPL request to establish caps on maximum height allowed for each Tower type with exception to the Fully Array Rural, and resolve overlapping of min/max heights. The open ended heights specified is inconsistent with the premise that reasonable modifications to existing utility infrastructure is sufficient to accommodate collocated cellular equipment, and suggests that the utility use would be incidental or subordinate to the Commercial Communication Tower. Hence, staff

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## EXHIBIT D

### FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

- recommends that proposals to collocate on structures that exceed the reasonable caps would only be permitted where allowed under an existing Commercial Communication Tower type.
3. [Zoning] Amend FPL request to establish the most restrictive approval process in the Use Matrix for consistency with one of the primary tenets of the URP. As noted in the March 24, 2016 BCC Zoning Hearing staff report and the General Background and Summary above, staff recommends limiting maximum tower height allowed by administrative approval, to reasonable percentages that ensures such modifications are consistent with the scale and appearance of existing utility infrastructure. These exceptions to the approval processes in the Use Matrix will be spelled out under additional Supplementary Use Standards.
  4. [Zoning] Staff recommends further calibrating the approval process for certain structures to more closely reflect the approval process for other tower types, based on Zoning district or proposed heights. This includes prohibiting certain types of Towers in certain districts, namely Residential districts, or those associated with Conservation or other similar uses.
  5. [Zoning] Additionally, similar to other requests in the AGR Tier, staff does not recommend expanding Commercial Communication Tower uses into Planned Development District (PDD) or Traditional Development District (TDD) Preserve Areas at this time. Notwithstanding that there is at least one such tower, which predated the Tier or Preserve designation, there are a number of factors supporting this recommendation. Namely, the need to solicit and allow feedback from other more traditional cellular industry representatives, who would not be afforded similar opportunities in this zoning district. As outlined as part of the Use Regulations Project, this make take place as part of a more holistic future evaluation of development standard for Commercial Communication Towers. Additionally, noting the recent BCC Workshops related to the AGR Tier, any substantial changes necessitates ensuring that interested parties and property owners within the Tier are afforded similar opportunities to comment on the requested changes. This would likely include the development of standards to ensure that collocated cellular equipment would not adversely impact farming or other intended uses within the PDD Preserve Areas.

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## EXHIBIT D

# FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

1 **B. General Standards**

2 .....

Reason for Amendment:
<p>1) [FPL] The FPL amendments include changes in how setbacks are measured from developed residential properties, which would be less than what currently applies to other similar Tower structures. Also expands on this to establish exceptions for certain non-residential uses. Additional requested revisions created blanket exemptions for setbacks from non-residential.</p> <p style="text-align: center;"><i><u>“Percentage of tower height with setback measured from nearest residential unit. When lot is vacant measurement is (taken) from the residential lot’s adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks, Reductions in setback are subject to Article 4.C.3.K.”</u></i></p>
<p>2) [Zoning] As highlighted in the March 24, 2016 staff report, staff generally does not support the requested modifications to delete setback requirements and replace with separation requirements from residential structures only. However, staff does recognize the benefits of collocated Commercial Communication Towers with electric utility infrastructure, and recommends more flexible separations and setbacks for the proposed combination towers than would normally be required for standalone Commercial Communication Towers.</p> <p>This is achieved by establishing the minimum separation and setback requirements in the tables below, in combination with additional Supplementary Standards, which may allow for exceptions based on the uses and/or structures located on adjacent properties. The proposed exceptions can be found below under new Art. 4.B.9.D.1.e, Exceptions to Separation and Setback Requirements. Note: Recognizing that most “Stealth” collocated Towers are generally more preferable to the more intrusive Full Array Towers, staff recommendations provide greater incentive to utilize the Stealth variant.</p>

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

TOWER TYPE	Adjacent to	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
....	....	....										
<u>Stealth (3)</u>	<u>Residential Existing (1) or Vacant (2)</u>	<u>150% of tower height for separation, and 100% of tower height for setback from property line.</u>										
	<u>Non Residential</u>	<u>20% of tower height or zoning district setback whichever is greater.</u>										
<u>Full Array Urban ≤ 80' (3)</u>	<u>Residential Existing (1) or Vacant (2)</u>	<u>150% of tower height for separation, and 100% of tower height for setback from property line.</u>										
	<u>Non Residential</u>	<u>20% of tower height or zoning district setback whichever is greater.</u>										
<u>Full Array Urban &gt;80' &gt; 150' (3)</u>	<u>Residential Existing (1) or Vacant (2)</u>	<u>600% of tower height for separation, and 100% of tower height for setback from property line.</u>										
	<u>Non Residential and Public R-O-W</u>	<u>20% of tower height or zoning district setback whichever is greater.</u>										
<u>Full Array Rural (3)</u>	<u>Residential Existing (1) or Vacant (2)</u>	<u>600% of tower height for separation, and 150% of tower height for setback from property line.</u>										
	<u>Non Residential and Public R-O-W</u>	<u>20% of tower height or zoning district setback whichever is greater.</u>										
<u>Electric Transmission Line-FPL</u>		<i>Height, tower type, and setbacks limited as provided in this section—Art. 4.B.9, Commercial Communication Towers</i>										
<b>FDOT</b>												
<b>[Ord. 2005-002]</b>												
<b>Notes:</b>												
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
(2)	Applicable to any tower height.											
(3)	Exceptions to minimum setbacks or separations may be allowed in accordance with 4.B.9.D.1.e, Setback Exceptions.											

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**EXHIBIT D**

**FLORIDA POWER AND LIGHT (FPL)  
COMMERCIAL COMMUNICATION TOWERS  
PRIVATELY INITIATED AMENDMENT (PIA)  
(Updated 11/22/16)**

1 ....

**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
Stealth (3)	Residential Existing (1) or Vacant (2) Non Residential	150% of tower height for separation, and 100% of tower height for setback from property line. 20% of tower height or zoning district setback whichever is greater.																		
Full Array Urban ≤ 80' (3)	Residential Existing (1) or Vacant (2) Non Residential	150% of tower height for separation, and 100% of tower height for setback from property line. 20% of tower height or zoning district setback whichever is greater.																		
Full Array Urban >80' > 150' (3)	Residential Existing (1) or Vacant (2) Non Residential and Public R-O-W	600% of tower height for separation, and 100% of tower height for setback from property line. 20% of tower height or zoning district setback whichever is greater.																		
Full Array Rural (3)	Residential Existing (1) or Vacant (2) Non Residential and Public R-O-W	600% of tower height for separation, and 150% of tower height for setback from property line. 20% of tower height or zoning district setback whichever is greater.																		
Electric Transmission Line FPL	Residential Non-residential	150' setback from abutting residential property line 100' setback from abutting non-residential property line																		
FDOT	Residential Non-residential	150' setback from abutting residential property line 75' setback from abutting non-residential property line																		
<b>[Ord. 2015-006]</b>																				
<b>Notes:</b>																				
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.																			
(2)	Applicable to any tower height																			
(3)	Exceptions to minimum setbacks or separations may be allowed in accordance with 4.B.9.D.1.e, Setback Exceptions.																			
%	Separation or setback as a percentage of tower height																			

2

Reason for Amendment: [Zoning] Calibrate with concurrent URP amendments.

3

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

ZONING DISTRICT Tower Type	Zoning District							
	AGR, AR less than 10 acres, 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	Pparcels less than 10 acres in: AP, IG, IL, PIPD	Pparcels 10 or more acres in: AP, AR, IG, IL, PIPD	PO	PUD: Civic pod, MUPD: INST FLU, Public Civic Sites IPF	Electrical Transmission Lines and Substations- Structures and Poles FPL Trans. R-O-Ws and FDOT R-O-Ws
....	....	....	....	....	....	....	....	....

4

[Relocated from Art. 4.C.4.D, Distance/Separation Between Towers]

5

....

6

**Reason for amendments:**

- [FPL] Art. 4.C.3.C, Electrical Transmission Line Streets, will be completely replaced with the new proposed text amendments.
- [Zoning] Staff recommends deletion of the existing provisions for Electrical Transmission Streets, if only for the title reference to "Streets", but primarily due to the limitation "...located in streets a minimum of 250 feet in width", where few if any such facilities exist in locations where additional cellular coverage is desired.

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EXHIBIT D

FLORIDA POWER AND LIGHT (FPL)
COMMERCIAL COMMUNICATION TOWERS
PRIVATELY INITIATED AMENDMENT (PIA)
(Updated 11/22/16)

C. Definitions and Supplementary Tower Standards

D. Collocation in Streets R-O-W or Electrical Transmission Lines and Substations

~~C1. Electrical Transmission Line Streets~~

~~Communication towers, antennas, and related facilities may be located in such streets as provided herein. [Relocated from Art. 4.C.3.C, Electrical Transmission Line Street]~~

~~1a. Transmission Poles~~

~~Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section. [Relocated from Art. 4.C.3.C.1, Transmission Poles]~~

Table with 2 columns: Reason for amendments, [Zoning]. Row 02: Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit. Row 03: Delete standard that allows approval of combined transmission/communication structures in Electrical Transmission Line street located in PUD to Class A Conditional Use. The Use Matrix has been amended to reflect that approval.

~~2b. Combined Transmission/Communication Structures~~

~~Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.3.1, Residential District Tower Location and Type of Review, and Table 4.C.3.1, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix, and subject to the following requirements. [Relocated from Art. 4.C.3.C.2, Combined Transmission/Communication Structures]~~

~~a1) Structures installed in transmission line streets with a residential Plan and Zoning designation shall be: [Relocated from Art. 4.C.3.C.2.a.]~~

~~1a) Be located in streets a minimum of 250 feet in width; [Relocated from Art. 4.C.3.C.2.a.1)]~~

~~2b) Be limited to combination structures which are similar to monopole towers; [Relocated from Art. 4.C.3.C.2.a.2)]~~

~~3c) Not exceed No more than 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director; [Relocated from Art. 4.C.3.C.2.a.3)]~~

~~4d) Be setback a minimum 150 feet from any property line possessing a residential designation; and [Relocated from Art. 4.C.3.C.2.a.4)]~~

~~5) Not be located within a PUD unless approved by the BCC as a Class A conditional use; and [Relocated to Table 4.B.9.A, Commercial Communication Tower Matrix]~~

~~6e) Require review as provided in Table 4.C.3.1, Residential District Tower Location and Type of Review, and Table 4.C.3.1, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.C.2.a.6)]~~

~~b2) Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall be: [Relocated from Art. 4.C.3.C.2.b.]~~

~~1a) Be located in streets a minimum of 250 feet in width; [Relocated from Art. 4.C.3.C.2.b.1)]~~

~~2b) Be limited to combination structures which are similar to Monopole Towers or Self-Support/Lattice Towers; not exceed 300 feet in height; [Relocated from Art. 4.C.3.C.2.b.2)]~~

~~3c) Be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and [Relocated from Art. 4.C.3.C.2.b.3)]~~

~~4d) Be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and [Relocated from Art. 4.C.3.C.2.b.4)]~~

~~5e) Require review as provided in Table 4.C.3.1, Residential District Tower Location and Type of Review, and Table 4.C.3.1, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.C.2.b.5)]~~

~~3c. Separation of New Combined Transmission/Communication Structures~~

Notes:

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# EXHIBIT D

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

~~New Combined Transmission Communication Structures shall be subject to the standards as provided in Table 4.C.4.D 4.B.9.B, Separation/Distances Between Towers. [Relocated from Art. 4.C.3.C.3, Separation of New Combined Transmission/Communication Structures]~~

### Reason for amendments:

1. [FPL] Article 4.C.3.C, Electrical Communication Transmission Lines and Substations – Structures and Poles, is hereby established. See applicant Justification Statement attached.
2. [Zoning] Staff recommends simplifying the proposed title. Including the term “Communication” in the title is redundant to the Chapter in which these standards are located, or inadvertently suggests that the accommodation allowing for collocation on modified Structures or Poles might be applied more broadly. Staff further recommends additional clarification to ensure that these provisions are limited to cellular equipment collocated on applicable structures or poles, to ensure that height or modifications are appropriately regulated as intended.

### 1. Electrical Transmission Lines and Substations

Antennas and other wireless equipment may be attached to existing or modified Transmission Poles or utility structures within an Electric Distribution or Transmission Substation, subject to the following:

#### a. Stealth Electrical Communication Structures and Poles

##### 1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which is not readily identifiable as a tower. Stealth structures are limited to canister-type antenna design.

#### b. Full Array Electrical Communication Structures and Poles

##### 1) Definition

A Transmission Pole, or structure within an Electric Distribution Substation or Electric Transmission Substation, supporting collocated wireless attachments, which are visible and readily identifiable as a Commercial Communication Tower.

#### c. Typical Structures

Typical structures include Transmission Poles within utility transmission corridors or substations, or other similar electrical transmission infrastructure located within substations such as lighting masts or backup transformer connection poles.

Figure 4.B.9.D - Typical Examples of Electrical Transmission Poles or Utility Structures



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## EXHIBIT D

# FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

[Ord. ...]

1  
2  
3 **d. Modifications to Transmission Poles or Utility Structures**

4 Height increases to Transmission Poles and other Substation structures may be allowed  
5 to accommodate antenna attachments. Modified replacement poles or utility structures  
6 may be permitted to the extent required to meet structural or Building Code requirements  
7 due to increased wind load from height increases or attachments, provided that  
8 modifications generally appear to be of a similar dimensions and appearance to existing  
9 or adjacent poles or structures.

10 **1) Application Requirements**

11 Applications for Stealth or Full Array Electrical Transmission Poles or Utility  
12 Structures shall include a detailed analysis and supporting documentation  
13 establishing the original dimensions, including height or any other structural  
14 characteristics, that the proposed modifications are based on.

15 **2) Determination of Original Pole or Structure Dimensions**

16 The final determination of the original dimensions specified in an application shall be  
17 decided by the DRO in consultation with the Building Official, or the Building Official  
18 where Permitted by Right.

19 **e. Approval Process**

20 Exceptions to the approval processes for modification to Electric Transmission Poles or  
21 Utility Structures specified in Table 4.B.9.A, Commercial Communication Towers, Stealth  
22 Transmission Poles or Utility Structures, may be allowed as follows:

23 **1) Stealth**

24 **a) Subject to DRO Approval**

25 May be Permitted by Right provided the increase in height is either:

26 (1) less than 35 percent, or

27 (2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public  
28 Street or parcel with a residential FLU designation or use.

29 **b) Subject to Class A or Class B Conditional Use Approval**

30 May be allowed subject to DRO approval provided the increase in height is  
31 either:

32 (1) less than 35 percent, or

33 (2) 50 percent and the Tower is located a minimum of 2,500 feet from a Public  
34 Street or parcel with a residential FLU designation or use.

35 **2) Full Array Urban**

36 **a) Subject to DRO Approval**

37 May be Permitted by Right where allowed in Agricultural, Commercial, Industrial,  
38 or Institutional zoning districts, provided the increase in height is:

39 (1) less than 35 percent, and

40 (2) the Tower is located a minimum of 2,500 feet from a Public Street or any  
41 parcel with a residential FLU designation or use.

42 **b) Subject to Class A or Class B Conditional Use Approval**

43 May be allowed subject to DRO approval, where allowed in Agricultural,  
44 Commercial, Industrial or Institutional zoning districts, provided the increase in  
45 height is either:

46 (1) less than 35 percent, or

47 (2) 50 percent and the Tower is located a minimum of 2,500 feet from any Public  
48 Street, or parcel with a residential FLU designation or use.

49 **c) Residential Districts including Residential Pod of PUD**

50 May be allowed to be collocated within a Transmission or Distribution Substation  
51 subject to Class A Conditional Use approval.

52 **3) Full Array Rural**

53 **a) Subject to DRO Approval**

54 May Permitted by Right where allowed in Agricultural, Commercial, Industrial or  
55 Institutional Zoning districts, subject to the following:

56 (1) the increase in height is less than 50 percent,

57 (2) located a minimum of:

58 (a) 2,500 feet from any Public Street,

59 (b) 1 mile from any Arterial or Collector, and

60 (c) parcel with a residential FLU designation or use.

61 **b) Subject to Class A or Class B Conditional Use Approval**

62 May be allowed subject to DRO approval, where allowed in Agricultural,  
63 Commercial, Industrial or Institutional Zoning districts, provided the increase in  
height is less than 50 percent, and the Tower is located a minimum of 2,500 feet

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## EXHIBIT D

### FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

1 [from any Public Street, and 1 mile from any Arterial or Collector or parcel with a](#)  
2 [residential FLU designation or use.](#)  
3

#### Reason for Amendment:

1) [FPL] The FPL proposal includes a change in how setbacks are measured from developed residential properties, which would be less than what currently applies to other similar Tower structures. Also expands on this to establish exceptions for certain non-residential uses. Additional requested revisions created blanket exemptions for setbacks from non-residential.

*“Percentage of tower height with setback measured from nearest residential unit. When lot is vacant measurement is from the residential lot’s adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks. Reductions in setback are subject to Article 4.C.3.K.”*

2) [Zoning] As previously highlighted in the Phase I PIA Staff report (see link above), staff does not support revising how setbacks are measured from residential property lines, nor blanket exemptions from setbacks from non-residential parcels. However, staff does support the concept of developed alternative exceptions, due to use of existing utility infrastructure to accommodate collocated cellular equipment, as follows:

- establish a deminimus exception for minor modifications to Stealth towers or scenarios where the adjacent parcel is included within the Development Order for the Tower. This would include non-residential uses, and potentially residential properties where collocated Minor Utility may be permitted. This first scenario recognizes that the eligible utility structures are typically exempt from local land development regulations, while the latter recognizes that inclusion within the Development Order is similar to as if the tower were constructed on the adjacent site (note – this may include common areas under control by an HOA or COA, but would not include separate fee simple residential, or residential structures; and,
- expand upon the proposed exception related to non-residential uses by clarifying the need for protecting common areas around recreational or institutional uses.

#### e. Exceptions to Separation and Setback Requirements

The following exceptions may be allowed from the minimum separation or setbacks established in Art. 4.B.9.B.2, Separation and Setbacks:

##### 1) General Exceptions

###### a) Stealth

Modifications to Stealth Transmission Poles or Electric Distribution or Transmission Substation utility structures that do not exceed 35 percent of the height of the original Pole or structure.

###### b) R-O-W with Collocated Minor Utility on Adjacent Parcel

Setbacks from adjacent parcels that are included in the Development Order for the purposes of providing for a supporting Collocated Minor Utility (excluding separations from residential or occupied buildings).

###### c) Adjacent Properties with Bona-fide Agriculture Uses

Parcels with an Agricultural FLU designation and zoning district, supporting Bona-fide Agriculture, provided that separation distances from occupied structures are a minimum of 150 percent of the Tower height.

##### 2) Towers Located on Residential Parcels

Measurement may exclude Open Space areas designated on an approved Plan for non-residential uses such as water management tracks or landscape buffers, but excluding any common areas located within 50 feet of a Recreation Amenity or Public or Civic use such as Daycares, Schools, or Places of Assembly, including any outdoor recreation areas.

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**Reason for amendment:** [Zoning] As recommended in the original Phase I PIA, the following establishes basic standards, to ensure that modified Transmission Poles maintain the general appearance of the original utility use. Note also, that this precludes the placement of “backpack” cellular equipment, unless pre-empted by Federal or State law. Many South Florida jurisdictions have adopted moratoriums or otherwise prohibit or regulate the placement of this type of cellular support infrastructure, due to complaints from residents. Hence, additional prohibitions are added to ensure that usual and customary equipment sheds are limited to Arterial or Collector streets.

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## EXHIBIT D

# FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 11/22/16)

1 **f. Other Attachments or Structures**

2 Additional wireless support attachments or structures other than that permitted at the top  
3 of the structure or pole, may be allowed subject to the following:

4 **1) Transmission Corridors**

5 **a) Attachments**

6 Attachments must be concealed within the pole or structure. External  
7 attachments such as, electrical or mechanical boxes or backpacks, excluding a  
8 utility meter, electrical cabling, platforms or other similar modifications shall be  
9 prohibited, unless allowed otherwise herein.

10 **b) Equipment Boxes**

11 Equipment boxes may be allowed within an Arterial or Planned Collector Street,  
12 subject to approval by the County Engineer.

13 **c) Equipment Shelters**

14 Equipment shelters supporting collocated cellular equipment placed on Electrical  
15 Transmission Lines, may be allowed to be located on an adjacent parcel, subject  
16 to compliance with the following:

17 **(1) Minor Utility**

18 May be allowed in accordance with the districts, approval process and any  
19 other development standards for a Minor Utility.

20 **(2) Developed Parcels**

21 Where a Minor Utility is collocated with another use, the Minor Utility shall be  
22 prohibited within the front or side street yard, unless abutting a perimeter  
23 buffer. In either scenario, the Minor Utility shall not adversely impact interior  
24 site design or function, including but not limited: to pedestrian or vehicular  
25 circulation, landscaping, or commonly recognized CPTED standards.

26 **g. FDO Requirements**

27 Prior to the issuance of a Building Permit, the applicant shall supply a letter from FDO  
28 demonstrating no anticipated impact to the usual and customary transmission or  
29 reception operability of public safety communication systems. This letter shall be based  
30 upon information supplied to FDO by the applicant identifying the latitudinal and  
31 longitudinal coordinates of the proposed wireless communication equipment, the  
32 proposed RF spectrum of operations, and any further technical information deemed  
33 necessary by FDO in order to render a technical conclusion. Any costs incurred by FDO  
34 for an independent third party to provide technical assistance in rendering a conclusion,  
35 as determined by FDO in its sole and absolute discretion and authorized in advance by  
36 the applicant, shall be the responsibility of the applicant regardless of permit issuance,  
37 failure to obtain a permit or withdrawal.

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64 PIA.docx

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July 5, 2016

Mr. Jon MacGillis  
Palm Beach County Zoning Director  
2300 North Jog Road  
West Palm Beach, Florida 33411

**Re: Privately Initiated Amendment (PIA) Phase II  
Communication Towers, Commercial – FPL**

Dear Jon:

It is our pleasure to submit on behalf of our client, Florida Power and Light (FPL) a Text Amendment to the Unified Land Development Code for Communication Towers, Commercial. It is common knowledge that Florida Power and Light owns and operates thousands of miles of transmission lines throughout the State of Florida. In Palm Beach County alone there are thousands of power poles which are connected to transmission lines and substations throughout the County. The proposed Text Amendment would provide Florida Power and Light with clear direction on placing wireless attachments (including cellular antennas) on their existing infrastructure including substation structures and transmission lines. There is a rapidly increasing demand for greater bandwidth and capacity due to an exponential increase in data usage amongst cell phone users using such devices as “smart phones” and tablets. As a result, this has put an incredible burden on the existing cell phone tower network, requiring new emergent technologies (such as 5G) in order to keep up with these increasing demands.

Communication tower locations within urban areas have always been law-difficult issues for local governments. Governing agencies recognize the importance that cell phone towers play for local residences and businesses; however, balance between strong availability and independent cell phone coverage, mixed with aesthetics for the community, has been a persistent challenge for governments. Strong cell phone coverage is essential in areas where people live and work. These built environments have been developed in accordance with specific rules and regulations for height, setbacks and aesthetics. Placing a new standalone tower within an area which does not have any existing tall structures is the dilemma for local governing agencies. The Unified Land Development Code provides the regulations for cell phone towers within unincorporated Palm Beach County.

The built environment consists of several elements, including buildings, landscaping, and signage. One element which exists within the built environment are utilities, such as transmission poles and substations which assist in supplying power to its users, both residential and non-residential. The generation, transmission and distribution of electricity has been part of each community's built environment for a very long time. As a result, communities, residents, business owners, visitors and tourists have generally accepted these utility poles and wires as part of their built environment and everyday life.

Mr. Jon MacGillis  
July 5, 2016  
Page 2

The text amendment submitted provides solutions for these difficult issues within Palm Beach County. The text amendment provides clear regulations supporting wireless attachments on existing Florida Power and Light utilities and infrastructure such as transmission and substation structures. Specifically, the text amendment incorporates several different situations in substations, transmission corridors and road right-of-ways in Palm Beach County where wireless attachments can be supported. It is recognized that structures with wireless attachments within a substation surrounded by single-family homes would be treated differently than structures in open and undeveloped fields. The proposed text amendments address these situations and provide clear direction to Florida Power and Light in the attachment of wireless devices to their existing utility structures throughout Palm Beach County. The use of FPL's existing infrastructure for wireless attachments supports compatibility with the surrounding environment while reducing the need for standalone wireless / cellular sites in areas where increasing cellular use must be addressed. A technical appendix has been included with this submittal which addresses the details and operational aspects associated with the requested cell tower heights.

The proposed text amendment does not include language for screening/siting for ground mounted equipment. We acknowledge that language is required and we will work with staff to create the required language.

If you have any questions or need additional information, please do not hesitate to contact me any time at (561) 650-0719.

Best regards,

Joshua I. Long, AICP

JIL/op

Encls:

Cc: Bruce Barber, FPL FiberNet  
Mike Tammaro, Esq, FPL

**FPL Tech and Back-up Info**  
(rev 10/28/15)

**(1) REQUIREMENT TO REPLACE EXISTING TRANSMISSION /SUBSTATION POLE WITH NEW:**

FPL has stringent structural requirements and electrical standards for its transmission poles and substation structures in order to maintain a reliable electrical system for its customers. As a result, in most cases, the existing pole or structure would need to be replaced with a larger pole in order to support the attachment of wireless antennas and sometimes the equipment at the base of the pole. The pole height would also need to be increased to create a "Separation Zone" between FPL and Carrier attachments (often 10' or greater from FPL's grounding wire). This area includes attachment devices such as flanges, is a buffer to reduce electrical interference, maintains separation from the transmission lines / ground wire, and increases safety for both utility and wireless maintenance. FPL also requires, in most situations, that the cables connecting the antennas with the base equipment, are routed through the inside of the pole for purposes of reliability, safety and aesthetics. The replacement utility poles that support wireless attachments have both an increased diameter and custom port holes at the top and bottom of the pole to support this. (see attached conceptual pole elevation details)

**(2) REQUIREMENT TO INCREASE EXISTING POLE HEIGHT MORE THAN 15% ABOVE EXISTING:**

A taller pole / antenna increases coverage over a larger area, therefore reducing the number of cell towers in that area. This can be demonstrated in the attached exhibit titled, "Antenna Height vs. Coverage Area". According to the cellular coverage map, an 85' antenna / pole height would require more than twice the number of additional cell towers than a 105' pole. This 20' difference in height has minimal visual impact from the ground (surrounding uses), which is minimized further due to the fact that these transmission and substation poles, lines and structures are existing. The proposed setbacks and separation distances from residential uses adequately address the different situations in rural vs. higher density residential areas. The pole and structure heights reflected in these proposed amendments have been accepted all over Florida in over a hundred locations and are compatible with most surrounding uses. As a result BCC review would only be necessary in select cases. (see attached exhibit – "Antenna Height vs Coverage Area")

**(3) OFF-SITE EQUIPMENT:**

Off-site ground equipment shall not interfere with the site's circulation, property development regulations and function and shall comply with all development regulations associated with this equipment.

# EXHIBIT X

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 06/17/16)

1  
2 Part 1. ULDC Art. 1.I.2.E, Definitions (pages 56 and 104 of 119), is hereby amended as follows:  
3

**Reason for amendments:** [FPL] The proposed new definitions are established to provide additional guidance and support for the proposed “Electrical Communication Structures and Poles – Transmission Lines and Substations” text amendments.

### 4 CHAPTER I DEFINITIONS & ACRONYMS

#### 5 Section 2 Definitions

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

7 ....

8 14. Electrical Communication Structures and Poles, Stealth - for the purposes of Art. 4, a  
9 transmission pole or substation structure supporting wireless attachments (ie. antennas)  
10 which is not readily identifiable as a tower. Stealth structures are limited to canister-type  
11 antenna design.

12 15. Electrical Communication Structures and Poles, Full Array - for the purposes of Art. 4, a  
13 transmission pole or substation structure supporting wireless attachments (ie. antennas)  
14 which are visible. Full Array structures have no limit to the amount of protrusion away from  
15 the pole.

16 [Renumber accordingly]

17  
18 T. Terms defined herein or referenced Article shall have the following meanings:

19 ....

20 59. Transmission Poles – Support 69kV conductors or greater. This does not include  
21 distribution.

22 [Renumber accordingly]

23  
24  
25 Part 2. ULDC Art. 4.C.3.C, Electrical Transmission Line Streets (page 115 of 171), is hereby  
26 **deleted**, as follows:  
27

**Reason for amendments:** [FPL] Art. 4.C.3.C, Electrical Transmission Line Streets, will be completely replaced with the new proposed text amendments. For brevity a strike through of the entire section was not included.

### 28 CHAPTER C COMMUNICATION TOWER, COMMERCIAL

#### 29 Section 3 Siting Requirements

##### 30 ~~1. Transmission Poles~~

31 ~~Antennas attached to existing electrical transmission poles shall not be required to obtain~~  
32 ~~building permits. Building permits are required for accessory structures, such as equipment~~  
33 ~~cabinets, constructed to support such antennas or panels. Height increases to transmission~~  
34 ~~poles to allow antenna attachment shall be subject to the provisions of this Section~~

##### 35 ~~2. Combined Transmission/Communication Structures~~

36 ~~Combined transmission/communication structures may be installed in an electrical~~  
37 ~~transmission streets as provided in Table 4.C.3.I, Residential District Tower Location and~~  
38 ~~Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of~~  
39 ~~Review, and subject to the following requirements.~~

40 ~~a. Structures installed in transmission line streets with a residential Plan and Zoning~~  
41 ~~designation shall:~~

42 ~~1) be located in streets a minimum of 250 feet in width;~~

43 ~~2) be limited to combination structures which are similar to monopole towers;~~

44 ~~3) not exceed 100 feet in height, however the height may be increased to a maximum of~~  
45 ~~125 feet if an additional provider is accommodated, and proof of collocation is~~  
46 ~~provided in a form acceptable to the County Attorney and the Zoning Director;~~

47 ~~4) be setback a minimum 150 feet from any property line possessing a residential~~  
48 ~~designation;~~

49 ~~5) not be located within a PUD unless approved by the BCC as a Class A conditional~~  
50 ~~use; and~~

#### Notes:

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# EXHIBIT X

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 06/17/16)

- 1                   6) ~~require review as provided in Table 4.C.3.I, Residential District Tower Location and~~  
2                   ~~Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type~~  
3                   ~~of Review.~~  
4           b. ~~Transmission lines/streets in areas with a nonresidential Plan and Zoning designation~~  
5                   ~~shall:~~  
6                   1) ~~be located in streets a minimum of 250 feet in width;~~  
7                   2) ~~be limited to combination structures which are similar to monopole towers or self~~  
8                   ~~support towers; not exceed 300 feet in height;~~  
9                   3) ~~be setback a minimum of 200 feet from any property line possessing a nonresidential~~  
10                   ~~designation; and~~  
11                   4) ~~be setback a minimum of 100 feet from any property line possessing a nonresidential~~  
12                   ~~designation; and~~  
13                   5) ~~require review as provided in Table 4.C.3.I, Residential District Tower Location and~~  
14                   ~~Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type~~  
15                   ~~of Review.~~

16           **3. Separation of New Combined Transmission/Communication Structures**

17           ~~New Combined Transmission Communication Structures shall be subject to the as provided~~  
18           ~~in Table 4.C.4.D, Separations/Distances Between Towers.~~

21   Part 3.    **New** ULDC Art. 4.C.3.C, Electrical Communication Structures and Poles –  
22           Transmission Lines and Substations (page 115 of 171), is hereby **established**, as  
23           follows:  
24

Reason for amendments: Article 4.C.3.C, Electrical Communication Structures and Poles – Transmission Lines and Substations, is hereby established.
---

25   **CHAPTER C   COMMUNICATION TOWER, COMMERCIAL**

26   **Section 3     Siting Requirements**

27    **C. Electrical Communication Structures and Poles, Transmission Lines and Substations**

28    ~~Electrical communication structures and poles may be located in such transmission corridors,~~  
29    ~~road R/W or electrical substations as provided herein.~~

30    **1. Transmission and Substation Communication Structures and Poles:**

31    ~~Antennas & other wireless equipment shall be attached to an existing transmission or~~  
32    ~~substation structure or on a replacement pole or structure of similar thickness to the existing~~  
33    ~~or adjacent poles or structures in the immediate area or within the substation parcel. Ground~~  
34    ~~equipment may be located on an adjacent/contiguous lot, when the associated transmission~~  
35    ~~pole is located within a road R/W, provided that the adjacent lot is not zoned residential.~~  
36    ~~Permits are required for accessory structures, such as equipment cabinets, shelters and~~  
37    ~~support platforms for antennas and equipment. Height increases to transmission and~~  
38    ~~substation poles and structures to accommodate antenna attachments, setbacks and~~  
39    ~~separations shall be subject to the provisions of this Section.~~

40    ~~a. Transmission Communication Structures and Poles, unless otherwise provided herein,~~  
41    ~~are permitted in any zoning district and require review as provided in Table 4.C.3.I.~~  
42    ~~Residential District Tower Location and Type of Review, and Table 4.C.3.I. Non-~~  
43    ~~Residential District Tower Location and Type of Review.~~

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**Notes:**

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

# EXHIBIT X

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA) (Updated 06/17/16)

1

**Table 4.3.C.A. – Transmission Communication Structures & Poles**

<u>Electrical Communication Structures and Poles</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>
<u>Stealth</u>	<u>104'<sup>1</sup></u>	<u>100%<sup>2</sup></u>
<u>Full Array (Urban)</u>	<u>80'<sup>1</sup></u>	<u>100%<sup>2</sup></u>
<u>Full Array (Rural)</u>	<u>250'<sup>1</sup></u>	<u>150%<sup>2</sup></u>
<b>Notes:</b>		
<ol style="list-style-type: none"> <li>1. <u>May be increased subject to Article 4.C.3.K</u></li> <li>2. <u>% of tower height with setback measured from nearest residential unit. When lot is vacant measurement is from the residential lot's adjacent nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks. Reductions in setback are subject to Article 4.C.3.K.</u></li> </ol>		

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b. Substation Communication Structures and Poles, unless otherwise provided herein, are permitted in any zoning district and require review as provided in Table 4.C.3.I. Residential District Tower Location and Type of Review, and Table 4.C.3.I. Non-Residential District Tower Location and Type of Review.

**Table 4.C.3.B. – Substation Communication Structures & Poles**

<u>Electrical Communication Structures</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>
<u>Stealth</u>	<u>104'<sup>1</sup></u>	<u>100%<sup>2</sup></u>
<u>Full Array (Urban)</u>	<u>80'<sup>1</sup></u>	<u>100%<sup>2</sup></u>
<u>Full Array (Rural)</u>	<u>250'<sup>1</sup></u>	<u>150%<sup>2</sup></u>
<b>Notes:</b>		
<ol style="list-style-type: none"> <li>1. <u>May be increased subject to Article 4.C.3.K.</u></li> <li>2. <u>% of tower height with setback measured from nearest residential unit. When lot is vacant measurement is from the residential lot's nearest building setback line. Non-residential tracts such as canals, R/Ws, common areas shall no not be considered residential for purposes of measuring setbacks. Reductions in setback are subject to Article 4.C.3.K.</u></li> </ol>		

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**Notes:**

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# EXHIBIT X

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 06/17/16)

1  
2 Part 4. ULDC Table 4.C.3.I, Residential District Tower Location and Type of Review (page 118  
3 of 171), is hereby amended as follows:  
4

**Reason for amendments:** The approval process for Electrical Communication Structures and Poles,  
Transmission Lines and Substations within Residential Districts is hereby set forth:

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Table 4.C.3.I – Residential District Tower Location and Type of Review  
**SEE COMMUNICATION STRUCTURE HIERARCHY**

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### Notes:

- Underlined indicates **new** text.
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- .... A series of four bolded ellipses indicates language omitted to save space.





**EXHIBIT X**

**FLORIDA POWER AND LIGHT (FPL)  
COMMERCIAL COMMUNICATION TOWERS  
PRIVATELY INITIATED AMENDMENT (PIA)  
(Updated 06/17/16)**

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**Part 7. ULDC Table 4.C.3.I, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts (page 126 of 171), is hereby amended as follows:**

**Reason for amendments:** The separation standards for Electrical Communication Structures and Poles, Transmission Lines and Substations located within Non-Residential Districts is hereby set forth:

**Table 4.C.3.I – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts**

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
....	Residential	....																		
	Non-residential	....																		
<u>Transm Stealth</u>	<u>Residential</u>	<u>100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>Subst Stealth</u>	<u>Residential</u>	<u>100% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>Full Arr Urb Tra</u>	<u>Residential</u>	<u>150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>Full Arr Urb Sub</u>	<u>Residential</u>	<u>150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>Full Arr Rur Tra</u>	<u>Residential</u>	<u>150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>Full Arr Rur Sub</u>	<u>Residential</u>	<u>150% of tower height for separation between tower and adjacent residential structure. When adjacent lot is vacant measurement is taken from residential lot's nearest building setback line.</u>																		
	<u>Non-residential</u>	<u>N/A</u>																		
<u>FPL</u>	<u>Residential</u>	<u>150' setback from abutting residential property line</u>																		
	<u>Non-residential</u>	<u>100' setback from abutting residential property line</u>																		
<b>[Ord. 2015-006]</b>																				
<b>Notes:</b>																				
(1)	Percentage measured as a separation between tower and adjacent residential structures																			
(2)	Measured from property line of tower location.																			
(3)	Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations																			
(4)	Limited to Commercial High (CH) Designation																			
%	Separation or setback as a percentage of tower height																			

**Notes:**

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# EXHIBIT X

## FLORIDA POWER AND LIGHT (FPL) COMMERCIAL COMMUNICATION TOWERS PRIVATELY INITIATED AMENDMENT (PIA)

(Updated 06/17/16)

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Language 10-22-2015.docx

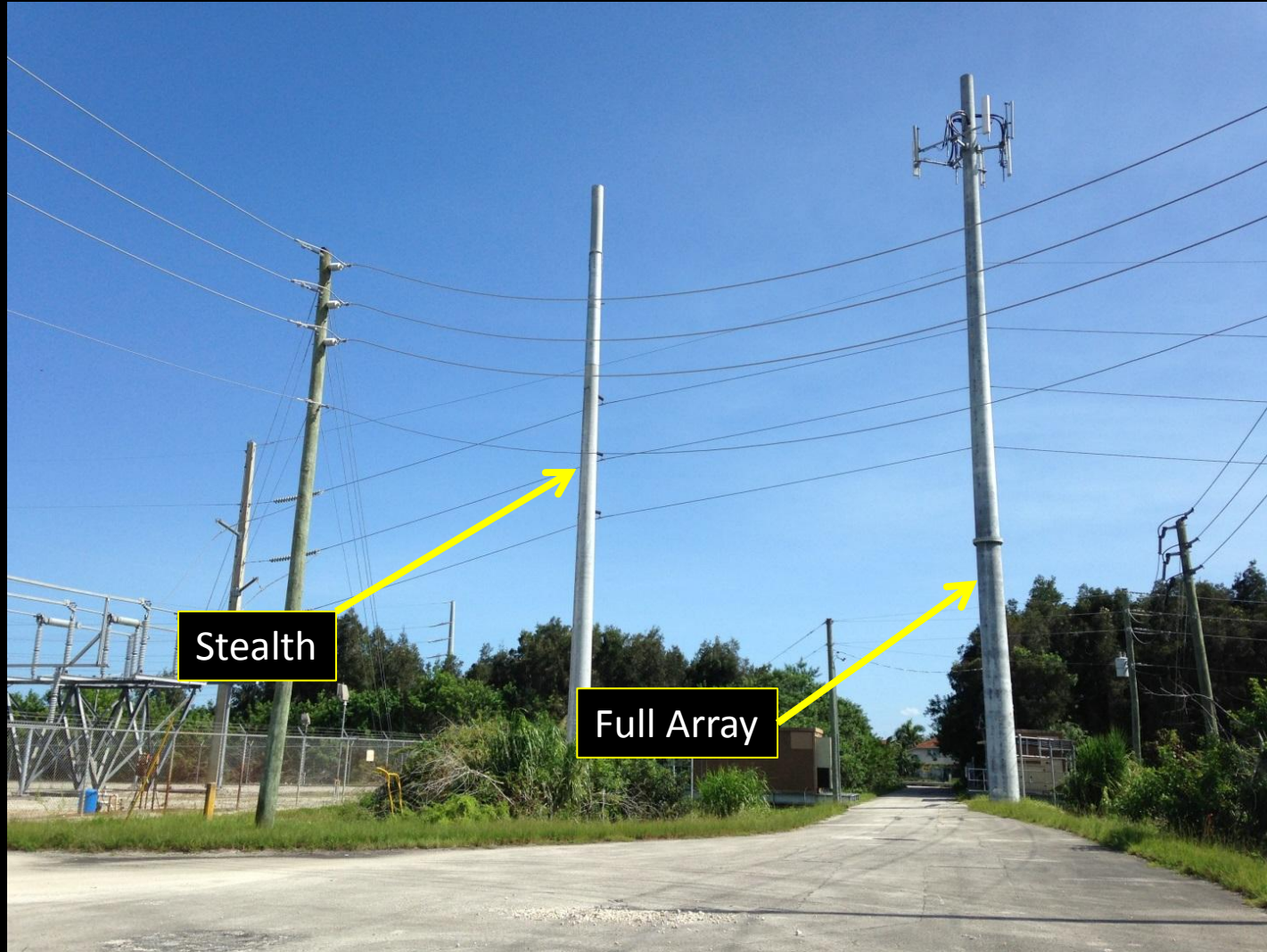
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### Notes:

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



# Substation



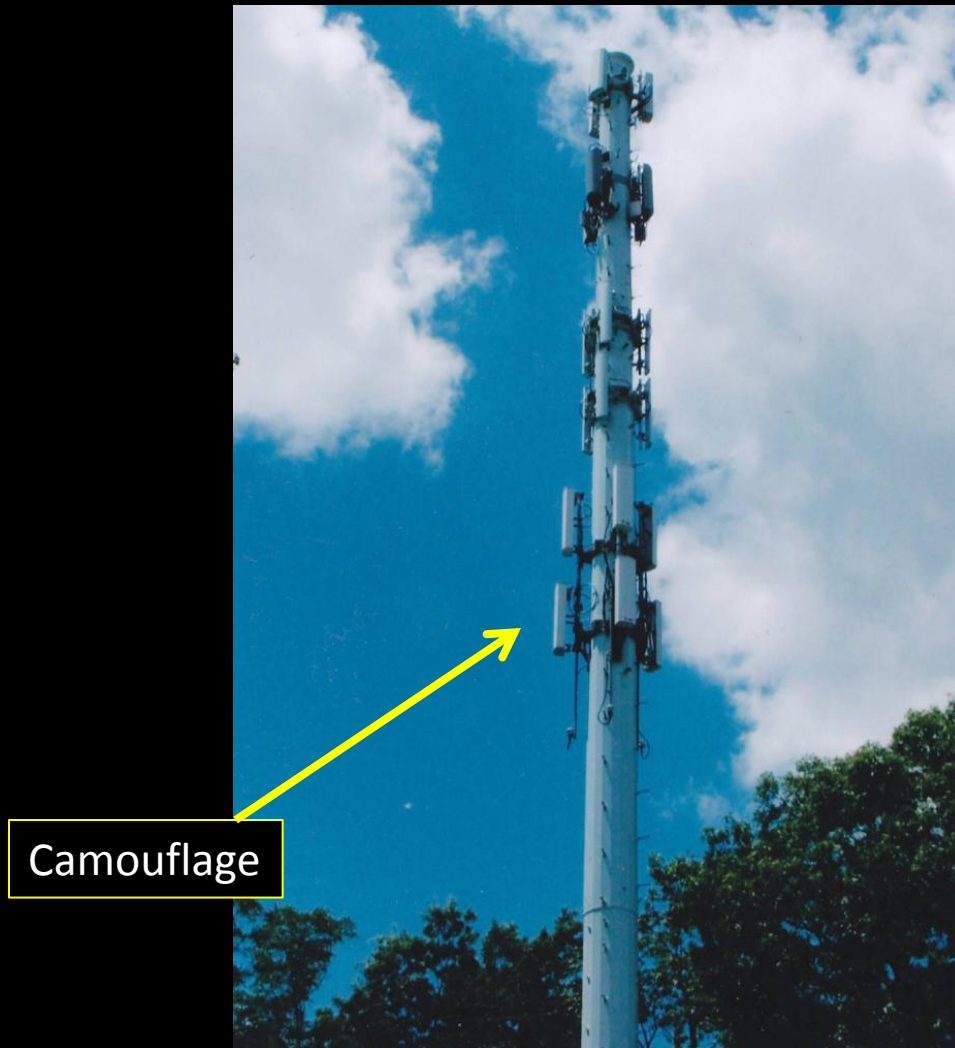
# Substation



Stealth

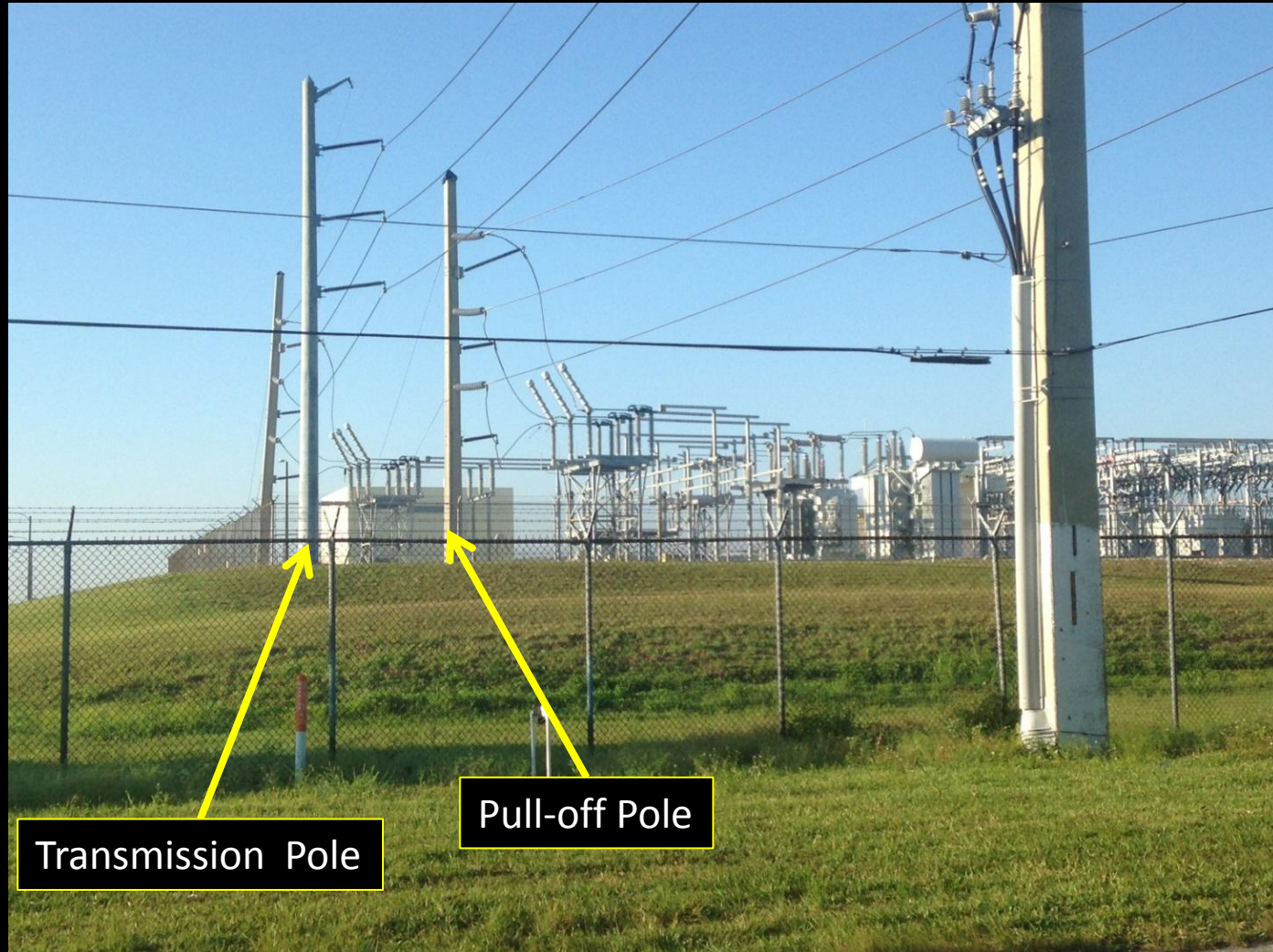
Lighting Shielding Masts

# Substation (Stand Alone)



Camouflage

# Substation

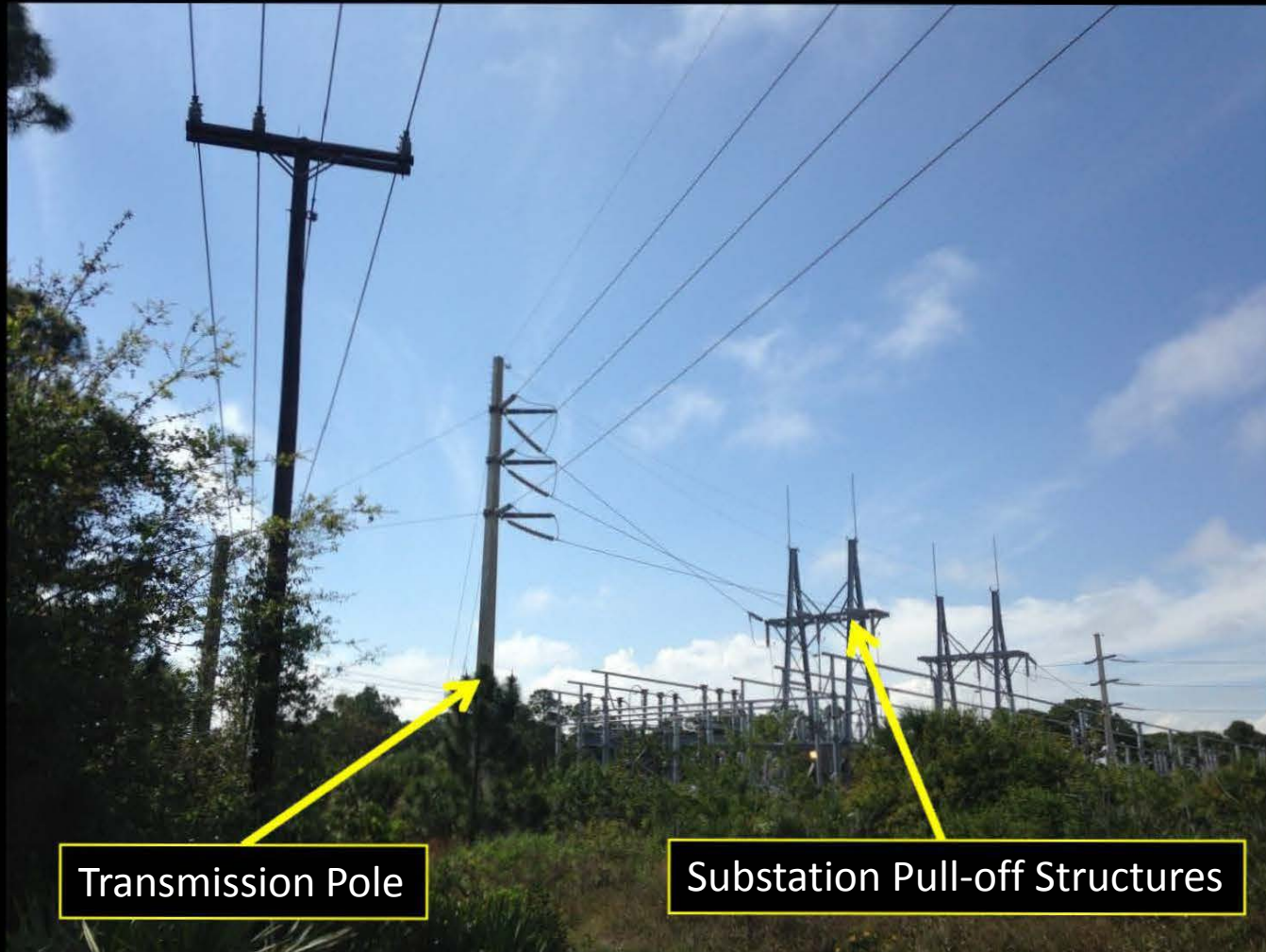


Transmission Pole

Pull-off Pole



# Substation



Transmission Pole

Substation Pull-off Structures

# Transmission



Full Array

# Transmission

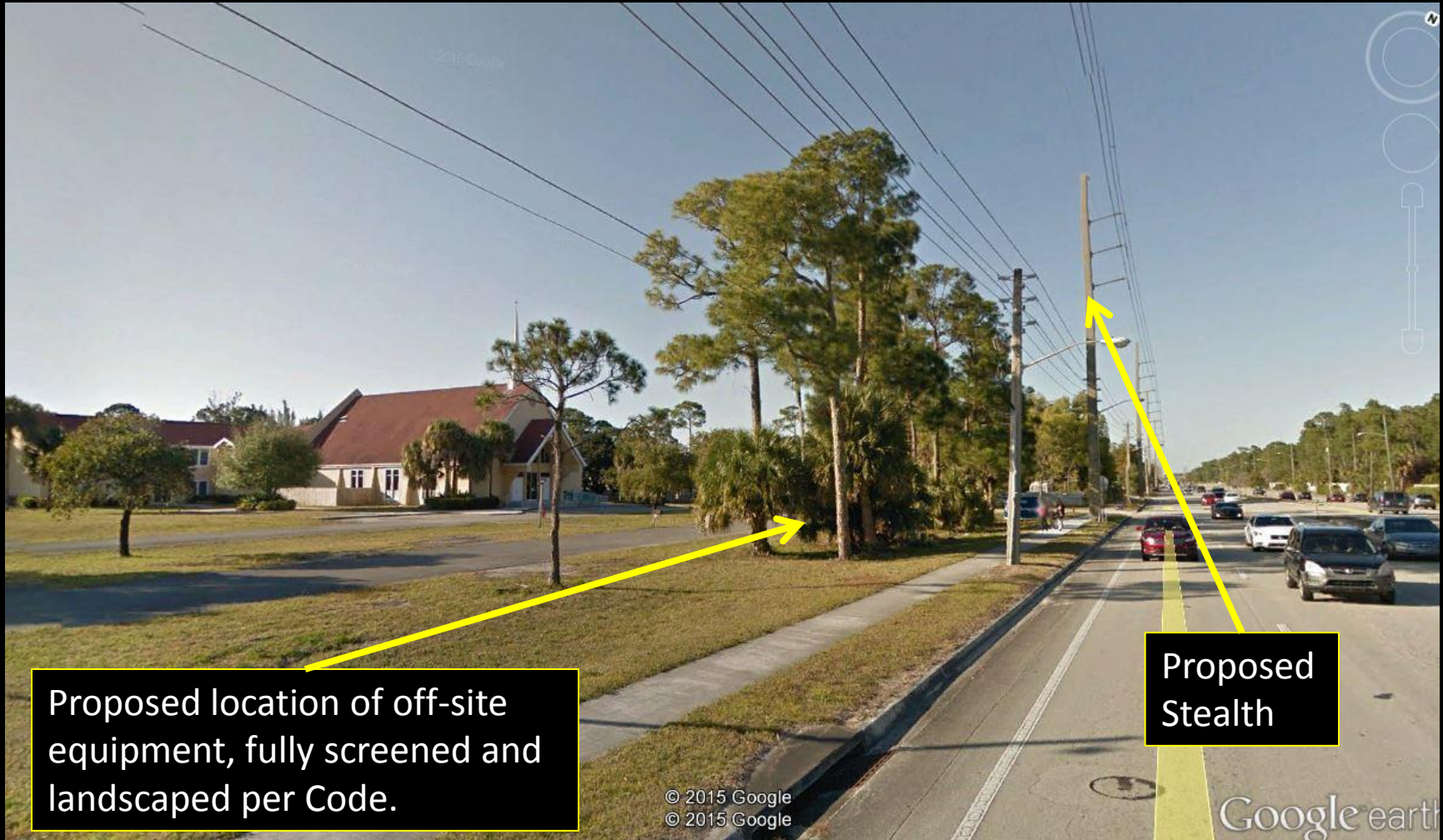


Full Array

© 2015 Google  
© 2015 Google

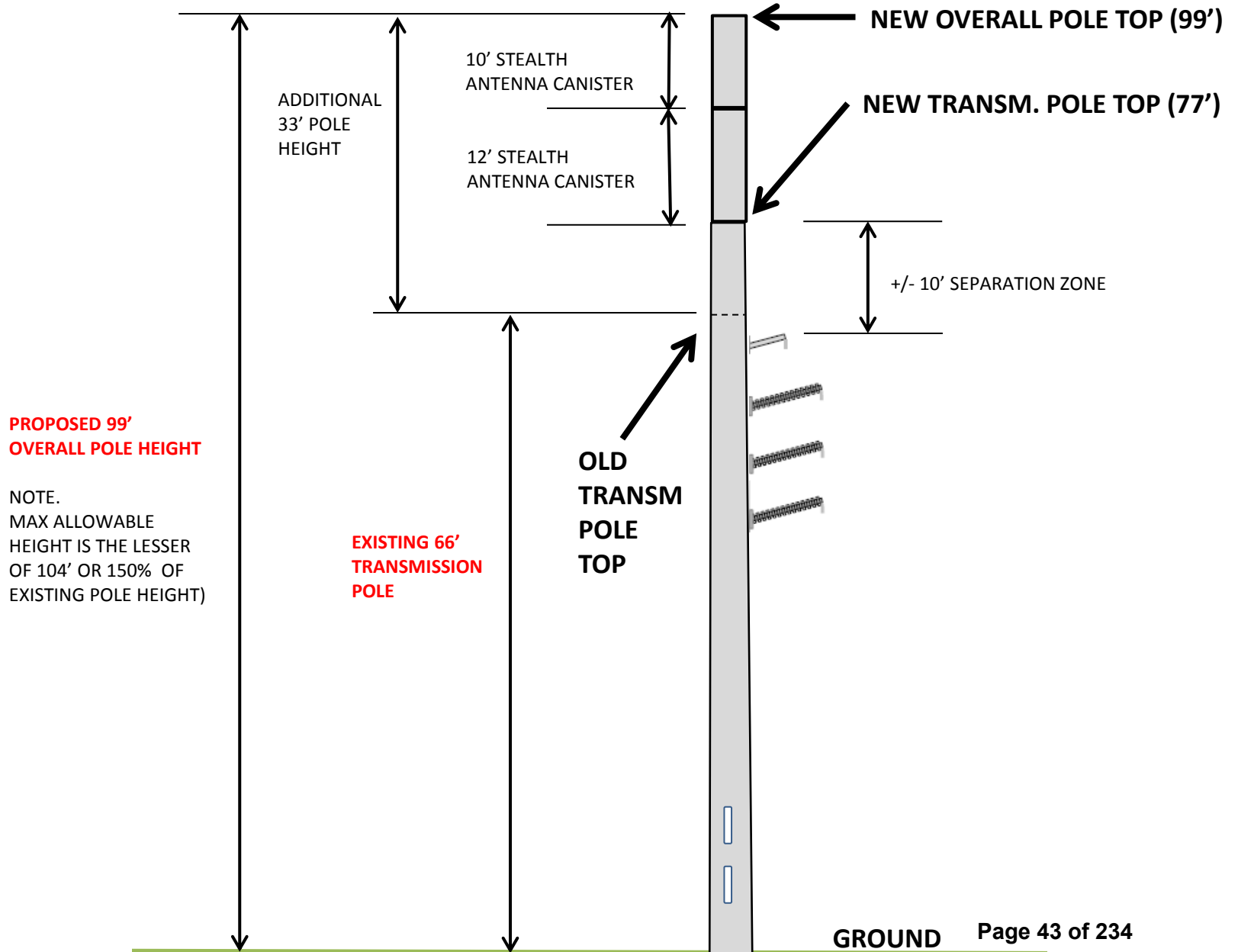
Google earth

# Transmission (Road Right-Of-Way)



# EXISTING 66' TRANSMISSION POLE (NEW POLE = 150% OF HEIGHT)

(conceptual)

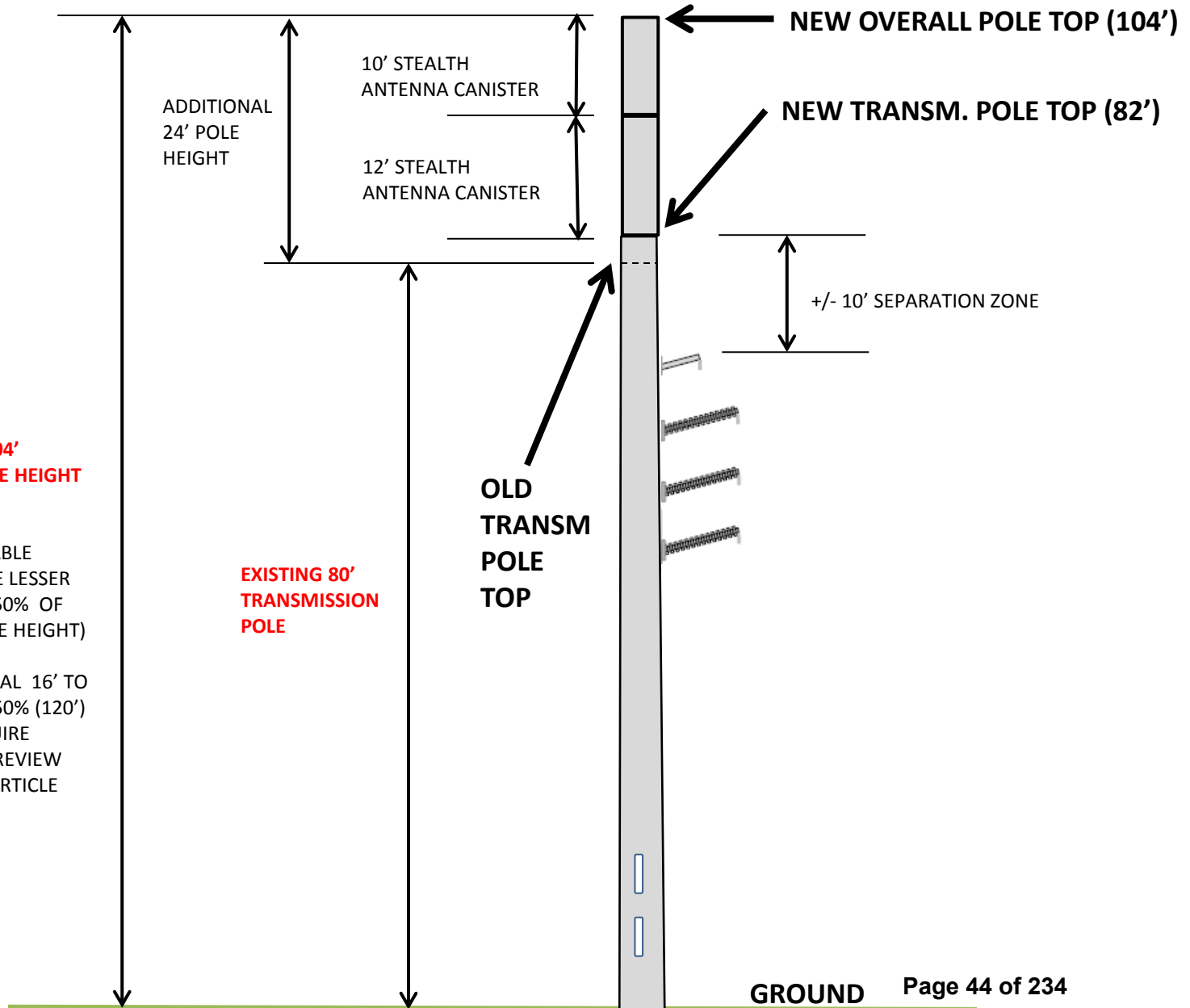


**PROPOSED 99' OVERALL POLE HEIGHT**

NOTE.  
MAX ALLOWABLE HEIGHT IS THE LESSER OF 104' OR 150% OF EXISTING POLE HEIGHT)

# EXISTING 80' TRANSMISSION POLE (NEW POLE = 104')

(conceptual)



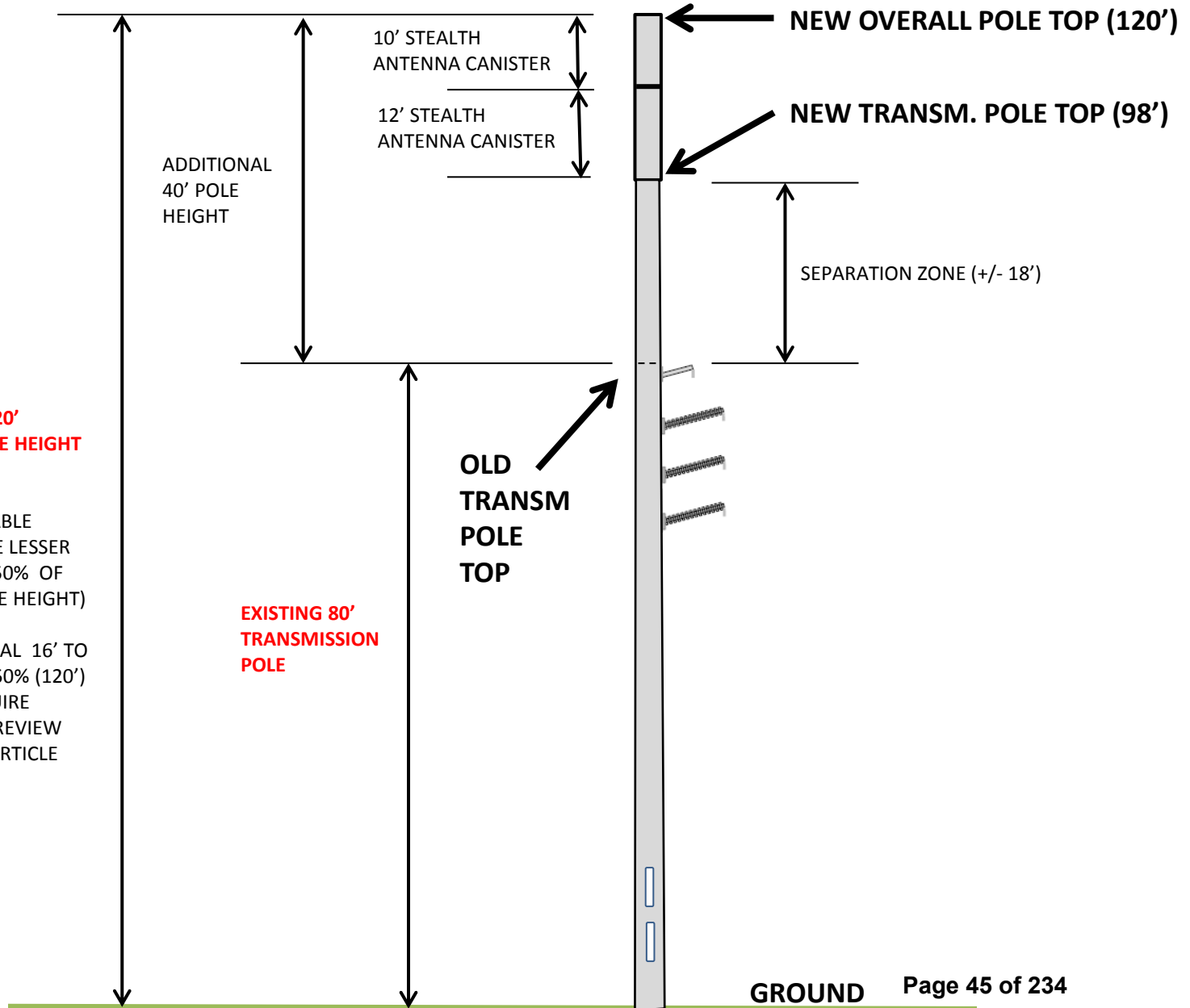
**PROPOSED 104'  
OVERALL POLE HEIGHT**

NOTE.  
MAX ALLOWABLE  
HEIGHT IS THE LESSER  
OF 104' OR 150% OF  
EXISTING POLE HEIGHT)

THE ADDITIONAL 16' TO  
REACH THE 150% (120')  
WOULD REQUIRE  
ADDITIONAL REVIEW  
SUBJECT TO ARTICLE  
4.C.3.K

# EXISTING 80' TRANSMISSION POLE (NEW POLE = 150%)

(conceptual)



**PROPOSED 120'  
OVERALL POLE HEIGHT**

NOTE.  
MAX ALLOWABLE  
HEIGHT IS THE LESSER  
OF 104' OR 150% OF  
EXISTING POLE HEIGHT)

THE ADDITIONAL 16' TO  
REACH THE 150% (120')  
WOULD REQUIRE  
ADDITIONAL REVIEW  
SUBJECT TO ARTICLE  
4.C.3.K

**EXISTING 80'  
TRANSMISSION  
POLE**

**OLD  
TRANSM  
POLE  
TOP**

**GROUND**



Date: October 22, 2015

Address: Bruce Barber, FPL - Fibernet

Re: AT&T Mobility's coverage range vs antenna height view, for the heights you requested

Bruce,

There are many different prediction and simulations models used to characterize each service type & grade for the many different services offered by most cellular operators today, and most of us use a commercially available software tool to do so. The number of configuration options in that tool grows in count to match the growing types of new service being offered by operators.

For example, we recently deployed Voice over IP which has a more stringent set of criteria to insure acceptable performance, coverage range for that voice call service is smaller than for typical circuit switched calls that most of us have been moving away from. Another big shift in coverage range is associated with bandwidth/speed. The increased demand for bandwidth/speed drives need for more coverage dominance in order to utilize the associated/required higher modulation codecs/scheme

Attached is a simple composite plot depicting 3 individual coverage plots laying on top of each other in a layered format, one for each antenna height and all having the same basic parameters associated with providing indoor coverage.

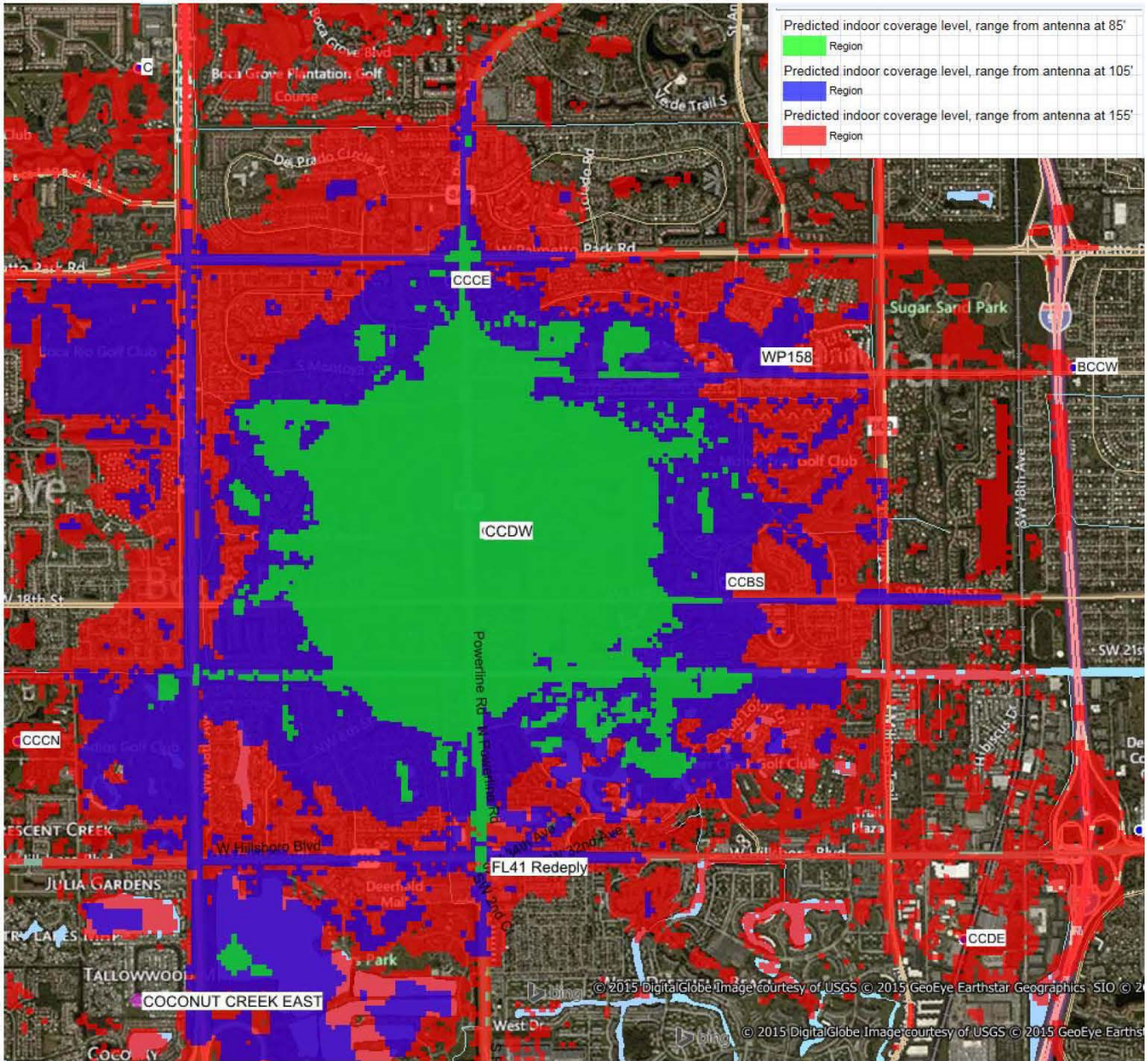
If you have any questions, please call me at 561-312-3000.

Sincerely,

*George Brosseau*

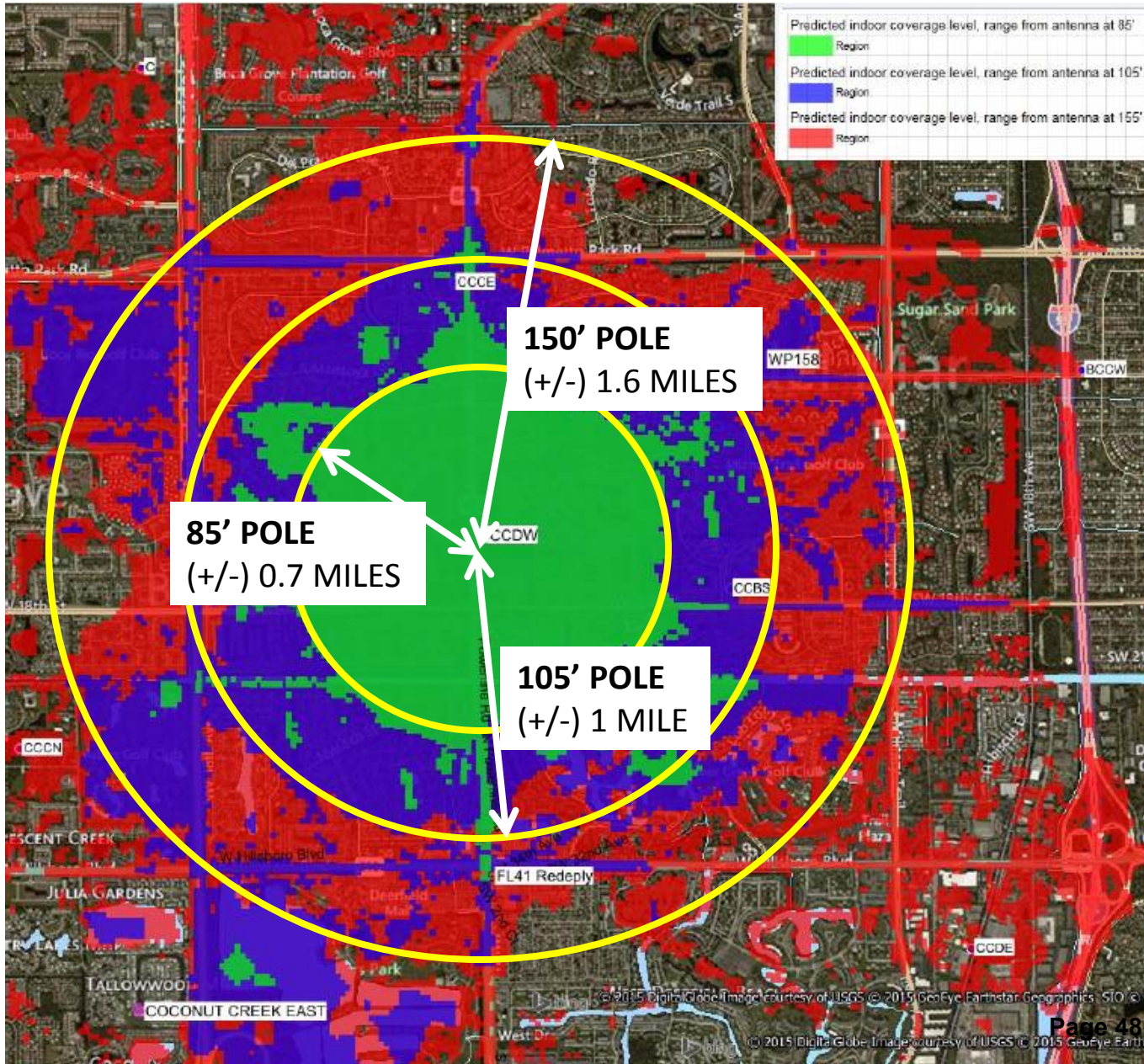
George Brosseau  
Principal RF Engineer  
AT&T Mobility – South Florida



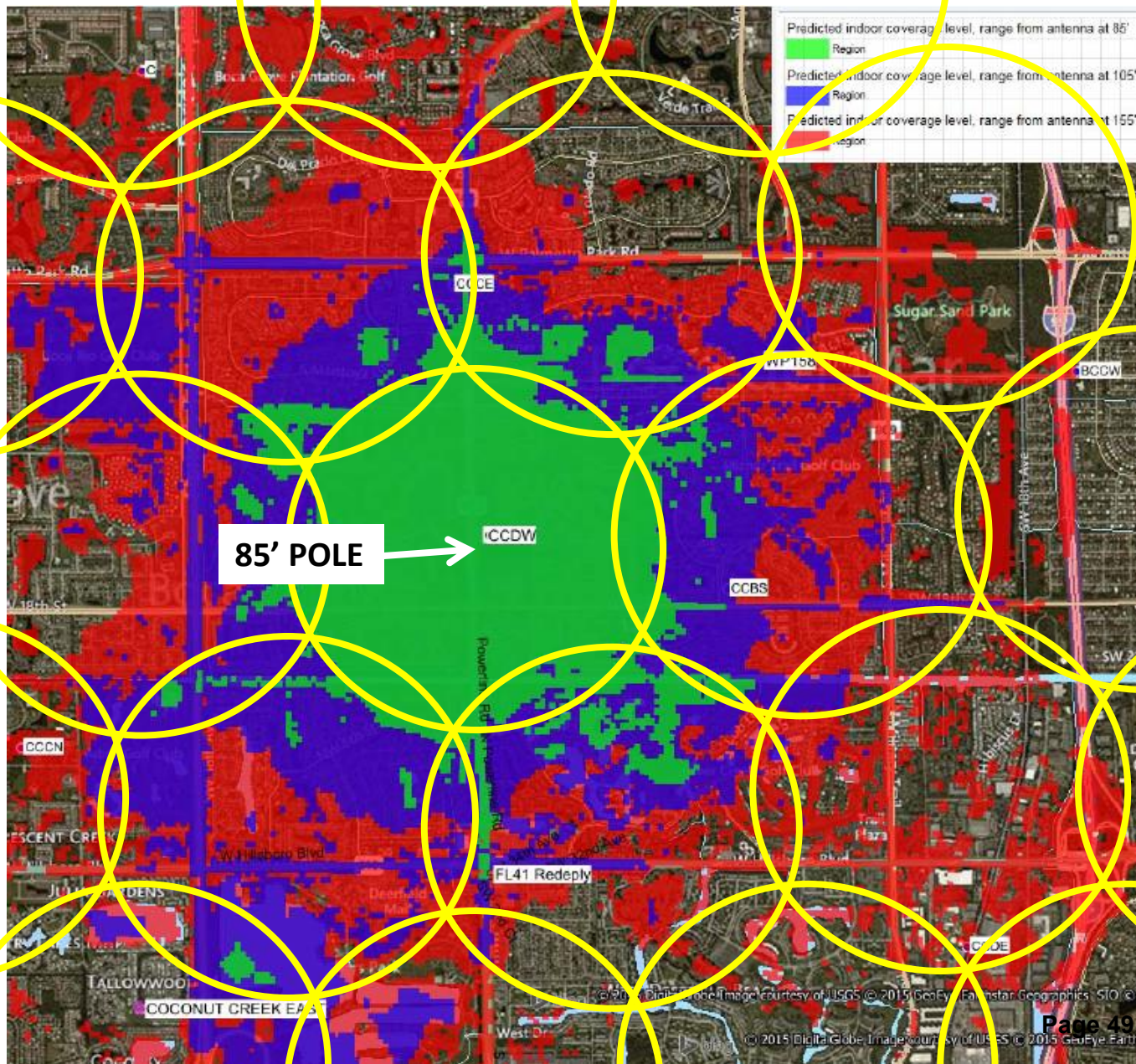


Composite plot: 3 coverage range plots with model parameters set for indoor coverage, each individual plot has the same parameters and antenna model with the difference being the antenna height – see legend

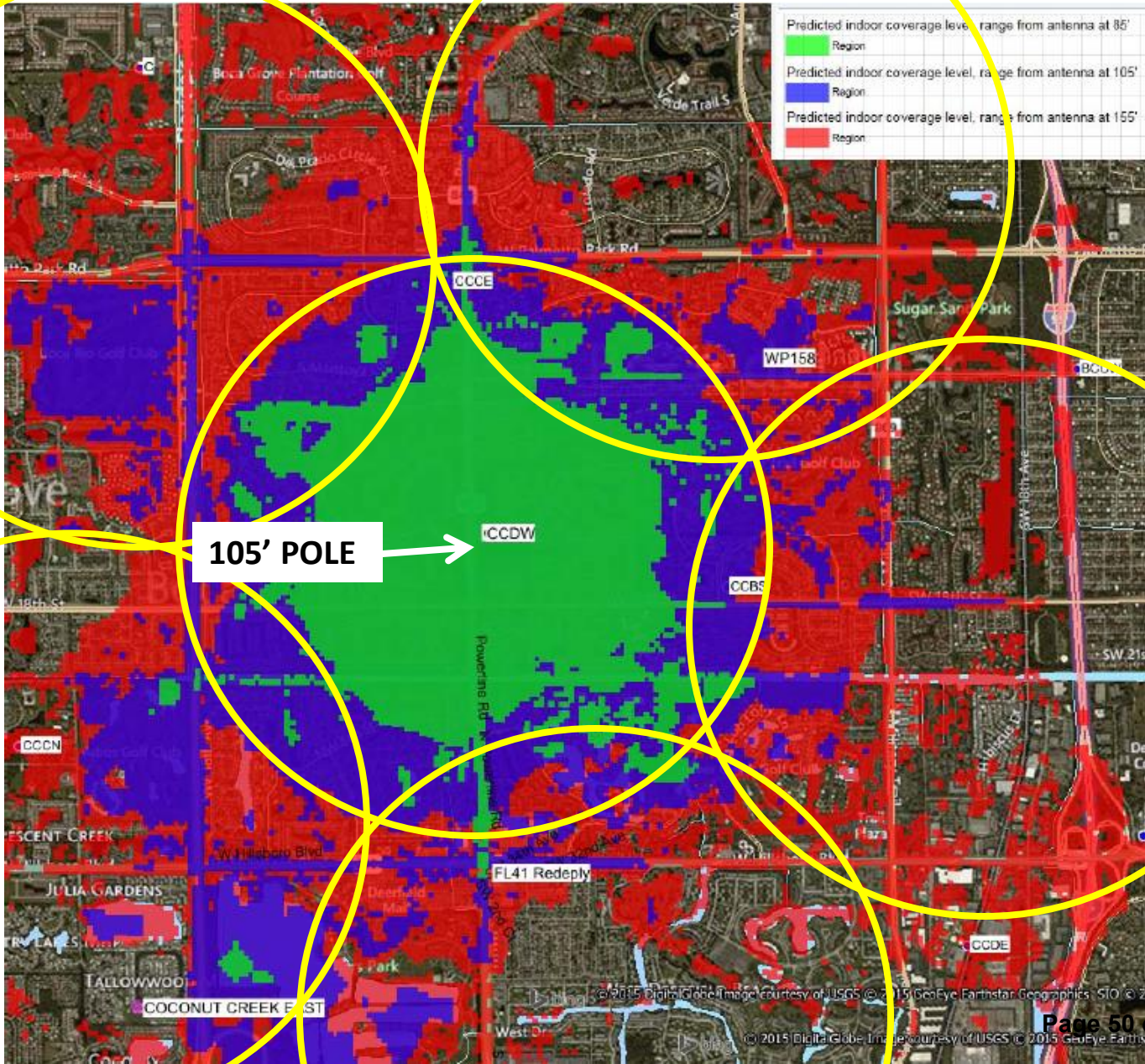
# Approx. Coverage Range for 85', 105' and 150' Transmission Pole (Cell Antenna at Top of Pole)



# Approx. Number of Additional Cell Towers Required to Cover Surrounding Area (85' Pole)



# Approx. Number of Additional Cellular Towers Required to Cover Surrounding Area (105' Pole)



# Approx. Number of Additional Cellular Towers Required to Cover Surrounding Area (150' Pole)

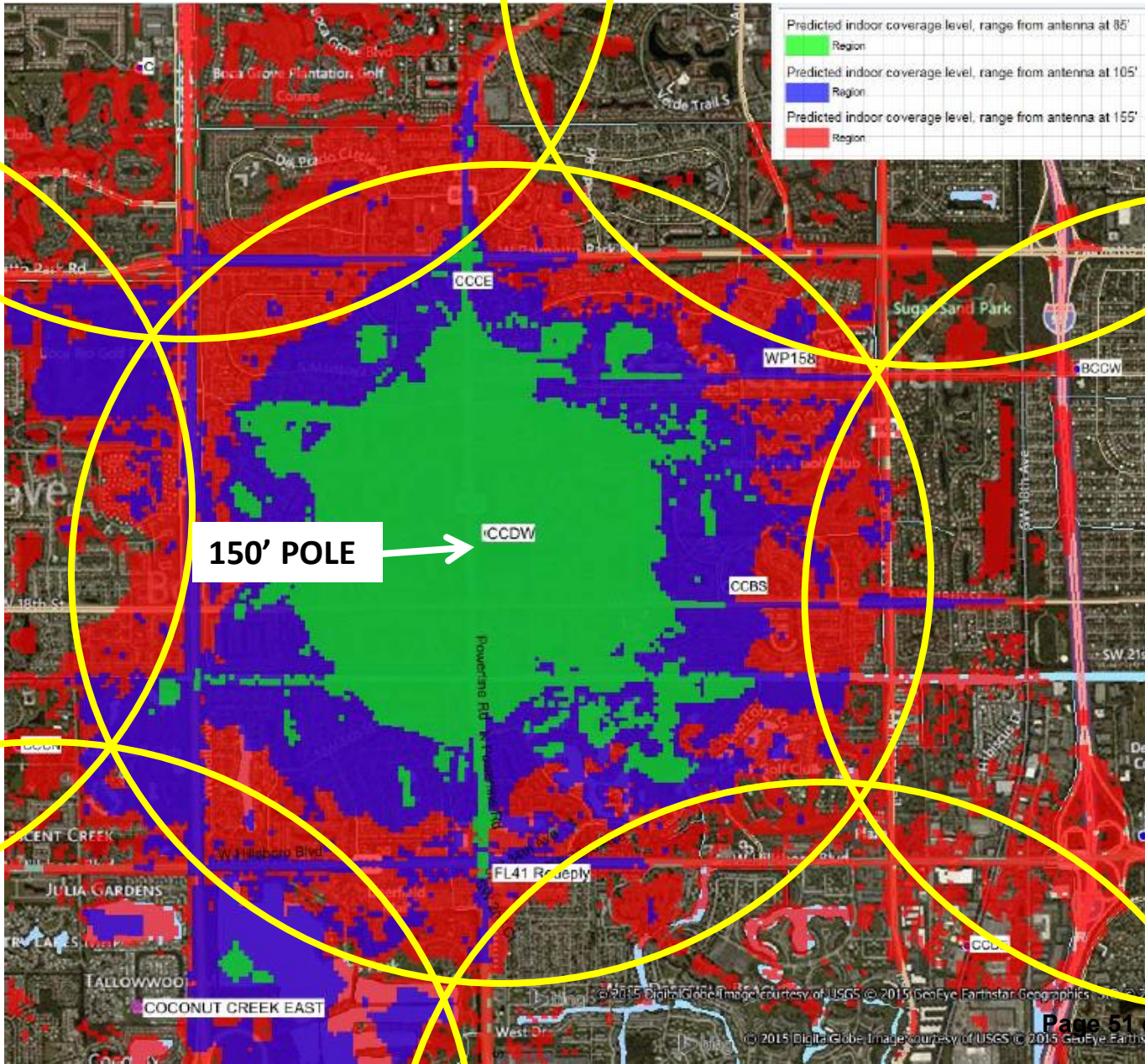


EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

1 Part 1. ULDC Art. 1.C.1.A.2.x, Use Type [Related to Rules of Construction] (page 8 of 119), is  
2 hereby amended as follows:  
3

**Reason for amendments:** [Zoning] Delete reference to "Use Type" currently used in the Use Matrices. The consolidated Use Matrix for every Use Classification is proposed to reference directly "Supplementary Use Standards" instead of "Use Type" therefore this definition is deleted from Art. 1.

4 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

5 Section 1 Rules of Construction

6 A. General

7 2. Interpretation and Application

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

13 ~~x. Use Type Use of the term "use type" shall refer to the general classification of uses  
14 indicated in Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, and Table  
15 3.F.1.F, Traditional Development Permitted Use Schedule. Uses listed in Table 4.A.3.A,  
16 Use Matrix, and Table 3.E.1.B, PDD Use Matrix, shall be considered distinct and  
17 separate uses from one another, unless otherwise stated.~~

18 [ReNUMBER Accordingly]

19  
20  
21 Part 2. ULDC Art. 1.F.2,D Nonconforming Lot (page 20 of 119), is hereby amended as follows:  
22

**Reason for amendments:** [Zoning] Update use name Accessory Dwelling for Accessory Quarters as proposed in the Residential Use Classification.

23  
24 CHAPTER F NONCONFORMITIES

25 Section 2 Nonconforming Lot

26 D. Accessory Dwelling Quarters

27 Accessory dwelling Quarters on non-conforming lots with a RR FLU designation that are equal to  
28 or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the  
29 setback is less than the setback required for the SFD unit: [Ord. 2006-004] [Ord. 2010-005]

- 30 1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence  
31 or wall, shall be installed and maintained along the property line adjacent to the length of the  
32 aAccessory dwelling Quarters. [Ord. 2006-004] [Ord. 2010-005]  
33 2. Ingress/egress to the aAccessory dwelling Quarters shall not be oriented towards the  
34 adjoining property. [Ord. 2006-004] [Ord. 2010-005]

35 ....

36  
37  
38 Part 3. ULDC Art. 1.F.4.D.2.a Nonconforming Use (page 23 of 119), is hereby amended as  
39 follows:  
40

**Reason for amendments:** [Zoning] Update use name Convenience Store with Gas Sales to Retail Gas and Fuel Sales as proposed in the Commercial Use Classification.

41 CHAPTER F NONCONFORMITIES

42 Section 4 Nonconforming Use

43 D. Expansion

44 2. Minor Nonconforming Use

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

**Notes:**  
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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 11/21/16)

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4 Part 4.
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ULDC Art. 1.I, Definitions and Acronyms (page 31-35, 37-40, 42-44, 46-52, 54-56, 58-59, 63-65, 69-70, 72, 74-77, 80-84, 93, 107, 108, 109, 112, and, 114 of 119), is hereby amended as follows:

Table with 2 columns: Reason for amendments, [Zoning]. Row 1: Eliminate duplicated definitions already contained in Article 4, Use Regulations. All definitions to be renumbered accordingly to reflect proposed deletion of definitions. Row 2: Relocate definitions related to Commercial Communication Tower types from article 1.I, Definitions and Acronyms, to consolidate in Article 4, Use Regulations under the Towers Use Classification.

8 CHAPTER I DEFINITIONS & ACRONYMS
9 Section 2 Definitions

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

- 11 ....
12 ~~12. Accessory Dwelling~~ -- an accessory dwelling unit located on the same lot as a principal
13 single family dwelling. An accessory dwelling is a complete, independent living facility
14 equipped with a kitchen and provisions for sanitation and sleeping.
15 ....
16 ~~25. Adult Entertainment Definitions~~ -- for the purposes of Art. 4.B.1.A.2. [Ord. 2009-040]
17 a. ~~Adult Arcade~~ -- any place or establishment operated for commercial gain, which invites
18 or permits the public to view adult material. For purposes of this Code, "adult arcade" is
19 included within the definition of "adult theater." [Ord. 2009-040]
20 b. ~~Adult Bookstore/Adult Video Store~~ -- An establishment which sells, offers for sale, or
21 rents adult material for commercial gain and which meets either of the following two
22 criteria: [Ord. 2005-051] [Ord. 2009-040]
23 1) ~~More than 30 percent of the gross public floor area is devoted to adult material; or~~
24 [Ord. 2005-051] [Ord. 2009-040]
25 2) ~~More than 30 percent of the stock in trade consists of adult material.~~ [Ord. 2005-051]
26 [Ord. 2009-040]
27 c. ~~Adult Booth~~ -- a small enclosed or partitioned area inside an adult entertainment
28 establishment which is: (1) designed or used for the viewing of adult material by one or
29 more persons and (2) is accessible to any person, regardless of whether a fee is charged
30 for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or
31 other booth used to view adult material. The term "adult booth" does not include a foyer
32 through which any person can enter or exit the establishment, or a restroom. [Ord. 2009-
33 040]
34 d. ~~Adult Dancing Establishment~~ -- an establishment selling, serving or allowing
35 consumption of alcoholic beverages, where employees display or expose specified
36 anatomical areas to others regardless of whether the employees actually engage in
37 dancing. [Ord. 2009-040]
38 e. ~~Adult Entertainment~~ --
39 1) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or
40 adult dancing establishment; or any establishment or business operated for
41 commercial gain where any employee, operator or owner exposes his/her specified
42 anatomical area for viewing by patrons, including but not limited to: massage
43 establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon,
44 modeling studio, or lingerie studio. [Ord. 2009-040]
45 2) Excluded from this definition are any educational institutions where the exposure of
46 the specified anatomical area is associated with a curriculum or program. [Ord.
47 2009-040]
48 3) An establishment that possesses an adult entertainment license is presumed to be
49 an adult entertainment establishment. [Ord. 2009-040]
50 f. ~~Adult Entertainment Establishment~~ -- any adult arcade, adult theater, adult
51 bookstore/adult video store, adult motel, or adult dancing establishment; or any
52 establishment or business operated for commercial gain where any employee, operator
53 or owner exposes his/her specified anatomical area for viewing by patrons, including but
54 not limited to: massage establishments whether or not licensed pursuant to F.S. §480,
55 tanning salon, modeling studio, or lingerie studio. [Ord. 2009-040]
56 g. ~~Adult Material~~ -- any one or more of the following, regardless of whether it is new or
57 used: [Ord. 2009-040]

Notes:
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Stricken indicates text to be deleted.
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].
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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 11/21/16)

- 1) ~~Books, magazines, periodicals or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other visual representations; recordings, other audio matter; and novelties or devices; which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or; [Ord. 2009-040]~~
- 2) ~~Instruments, novelties, devices, or paraphernalia which are designed for use in connection with specified sexual activities. [Ord. 2009-040]~~
- h. ~~Adult Motel — a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" and has a sign visible from the public streets which advertises the availability of this adult type of photographic reproductions. [Ord. 2009-040]~~
- i. ~~Adult Theater — an establishment operated for commercial gain which consists of an enclosed building, or a portion or part thereof or an open-air area used for viewing of adult material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture theater" are included within the definition of "adult theater". An establishment which has "adult booths" is considered to be an "adult theater". [Ord. 2009-040]~~
- j. ~~Commercial Gain — operated for pecuniary gain, which shall be presumed for any establishment which has received a business tax receipt. For the purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or loss. [Ord. 2007-013] [Ord. 2009-040]~~
- k. ~~Educational Institution — premises or site within a municipality or within the unincorporated area of PBC upon which there is a governmentally licensed child care facility for six or more children or elementary or secondary (K-12) school, attended in whole or in part by persons under 18 years of age. [Ord. 2009-040]~~
- l. ~~Employee — Any person who works, performs, or exposes his/her specified anatomical areas in an establishment, irrespective of whether said person is paid a salary or wages by the owner or manager of the business, establishment, or premises. "Employee" shall include any person who pays any form of consideration to an owner or manager of an establishment, for the privilege to work performing or exposing his/her specified anatomical areas within the establishment. [Ord. 2009-040]~~
- m. ~~Person — includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s), estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and all other or any other similar entity. [Ord. 2009-040]~~
- n. ~~Religious Activities — any daily, weekly, or periodic activity associated with or that occurs at a religious institution. [Ord. 2009-040]~~
- o. ~~Religious Institution — a premises or site which is used primarily or exclusively for religious worship and related religious ecclesiastical or denominational organization or established place of worship, retreat, site, camp or similar facilities owned or operated by a bona fide religious group for religious activities shall be considered a religious institution. [Ord. 2009-040]~~
- p. ~~Residential Zoning District — Includes the following zoning districts which have not been designated in the comprehensive plan as commercial or industrial: [Ord. 2009-040]~~
  - 1) ~~RE-Residential Estate. [Ord. 2009-040]~~
  - 2) ~~RT-Residential Transitional. [Ord. 2009-040]~~
  - 3) ~~RS-Single Family Residential. [Ord. 2009-040]~~
  - 4) ~~RM-Multiple-Family Residential (Medium Density). [Ord. 2009-040]~~
  - 5) ~~TND-Traditional Neighborhood Development. [Ord. 2009-040]~~
  - 6) ~~PUD-Planned Unit Development. [Ord. 2009-040]~~
- q. ~~Specified Anatomical Areas — less than completely and opaquely covered: [Ord. 2009-040]~~
  - 1) ~~Human genitals and pubic region; or [Ord. 2009-040]~~
  - 2) ~~the opening between the human buttocks, i.e., the anal cleft; [Ord. 2009-040]~~
  - 3) ~~that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or [Ord. 2009-040]~~
  - 4) ~~human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Ord. 2009-040]~~
- r. ~~Specified Sexual Activities —~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 11/21/16)

- 1) ~~Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord. 2009-040]~~
- 2) ~~acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; [Ord. 2009-040]~~
- 3) ~~fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or [Ord. 2009-040]~~
- 4) ~~excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. [Ord. 2009-040]~~
- ....
- 41. ~~Agriculture, Bona Fide~~ — any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. ~~[Ord. 2009-040] [Ord. 2013-021]~~
- ....
- 43. ~~Agriculture, Light Manufacturing~~ - an accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.
- 44. ~~Agriculture, Packing Plant~~ — A facility used for the packing of produce not necessarily grown on site. Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. ~~[Ord. 2005-002] [Ord. 2012-027]~~
- 45. ~~Agriculture, Research and Development~~ - the use of land or buildings for agriculture research and the cultivation of new agricultural products.
- 46. ~~Agriculture, Sales and Service~~— an establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, and farm supplies.
- 47. ~~Agriculture, Storage~~— the storage of equipment or products accessory or incidental to a principal agriculture use.
- 48. ~~Agriculture, Transshipment~~ — a facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.
- 49. ~~Agriculture Marketplace~~ - A use that is accessory, incidental and subordinate, to a bona-fide agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations. ~~[Ord. 2012-027]~~
- 50. ~~Air Curtain Incinerator~~ — a combustion device used to burn trees and brush.
- ....
- 59. ~~Airport, Landing Strip or Helipad~~ — any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft.
- ....
- 71. ~~Antenna~~ — a transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. *This excludes amateur radio antennas and satellite dishes.* **[Relocated to Art. 5.B.1.A.12, Communication Antennas]**
- ....
- 89. ~~Arena, Auditorium or Stadium~~— for the purposes of Art. 4, an open, partially or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks.

**Reason for amendments:** [Zoning] Asphalt and Concrete Plant will be consolidated with Heavy Industry as these two uses have similar characteristics.

- ....
- 95. ~~Asphalt or Concrete Plant~~ — an establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.
- ....
- 96. ~~Assembly, Nonprofit Institutional~~— a site or facility open to the public, owned or operated by a not-for-profit organization for social, educational or recreational purposes. Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~services such as after school care or tutorial services, medical services, and employment~~
- 2 ~~services.~~
- 3 ~~97. **Assembly, Nonprofit Membership**—a site or facility owned or operated by a not-for-profit~~
- 4 ~~organization for social, education or recreational purposes where paid membership is~~
- 5 ~~required. Typical uses include fraternal or cultural organizations and union halls.~~
- 6 ~~....~~
- 7 ~~102. **Auction**—for the purposes of Art. 4, an establishment engaged in the sale of merchandise to~~
- 8 ~~the highest bidder in an enclosed building or outdoor [Ord. 2009-040]~~
- 9 ~~a. **Auction, Enclosed**—an auction with all of the activity, display and sale of merchandise~~
- 10 ~~occurring within an enclosed building. [Ord. 2009-040]~~
- 11 ~~b. **Auction, Outdoor**—an auction with all or a portion of the activity, display and sale of~~
- 12 ~~merchandise occurring outdoors. [Ord. 2009-040]~~
- 13 ~~....~~
- 14 ~~104. **Automated Teller Machines, Freestanding**—a freestanding structure containing ATMs~~
- 15 ~~operated by one or more financial institutions, remotely located from a fully staffed branch of~~
- 16 ~~the same financial institution. [Ord. 2013-021]~~
- 17 ~~105. **Auto Paint and Body Shop**—an establishment engaged in the painting of motor vehicles or~~
- 18 ~~performance of major external repairs of a non-mechanical nature.~~
- 19 ~~106. **Auto Service Station**—an establishment primarily engaged in the retail sale of gasoline or~~
- 20 ~~motor fuels, including accessory activities such as the sale of vehicle accessories or supplies,~~
- 21 ~~the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the~~
- 22 ~~sale of convenience food items, or an accessory restaurant. [Ord. 2011-016]~~
- 23 ~~....~~
- 24 ~~108. **Aviculture**—the raising and care of birds in captivity.~~
- 25 ~~....~~
- 26 **B. Terms defined herein or referenced Article shall have the following meanings:**
- 27 ~~....~~
- 28 ~~14. **Bed and Breakfast**—an owner-occupied single family dwelling that offers lodging and~~
- 29 ~~breakfast only to paying guests.~~
- 30 ~~....~~
- 31 ~~43. **Bona Fide Agriculture**—see Agriculture, Bona Fide.~~
- 32 ~~....~~
- 33 ~~49. **Broadcast Studio**—an establishment primarily engaged in broadcasting visual or aural~~
- 34 ~~programs by radio or television to the public including cable and other television services.~~
- 35 ~~May also produce taped television or radio program materials. Included are commercial,~~
- 36 ~~religious, educational, and entertainment based television and radio stations.~~
- 37 ~~....~~
- 38 ~~67. **Building Supplies**—~~
- 39 ~~a. **Retail**—an establishment engaged in the retail sale of building supplies and home~~
- 40 ~~improvement products.~~
- 41 ~~b. **Wholesale**—an establishment engaged in the sale or fabrication and allied products to~~
- 42 ~~contractors for the construction, maintenance, repair and improvement of real property.~~
- 43 ~~....~~
- 44 ~~75. **Butcher Shop, Wholesale**—an establishment engaged in the cutting, packaging and~~
- 45 ~~shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~
- 46 **C. Terms defined herein or referenced Article shall have the following meanings:**
- 47 ~~1. **Camouflage Tower**—a tower or structure, which is incorporated into and is compatible with~~
- 48 ~~existing or proposed uses on site (i.e., antenna incorporated into site lighting at a park or~~
- 49 ~~incorporated into an electrical distribution center). [Relocated to Art. 4.B.9.C.2.a, Definition]~~
- 50 ~~2. **Campground**—a parcel of land used for a temporary camping and recreational uses and not~~
- 51 ~~as permanent living quarters. May be wholly supported by a building or may be wholly or~~
- 52 ~~partially supported by columns, poles, or braces extending from the ground, free of enclosed~~
- 53 ~~walls.~~
- 54 ~~....~~
- 55 ~~17. **Car Wash**—a permanent establishment engaged in washing or detailing motor vehicles~~
- 56 ~~which may use production line methods with a conveyor, blower, or other mechanical~~
- 57 ~~devices, and which may employ some hand labor. Detailing includes hand washing and~~
- 58 ~~waxing, striping, and interior cleaning.~~
- 59 ~~....~~
- 60 ~~20. **Catering Service**—an establishment where food and beverages are prepared and delivered~~
- 61 ~~for consumption off the premises. A catering service may also provide personnel, serving~~
- 62 ~~equipment, and decorations.~~
- 63 ~~21. **Cemetery**—land used or intended to be used for human or animal interment. A cemetery~~
- 64 ~~may include an office, chapel, mausoleum, or columbarium. [Ord. 2013-001]~~
- 65 ~~....~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~40. **College or University**—an institution of higher learning offering undergraduate or graduate~~
- 2 ~~degrees, and including the buildings required for educational or support services, such as~~
- 3 ~~classrooms, laboratories, dormitories and the like.~~
- 4 ~~....~~
- 5 ~~49. **Communication Tower, Commercial**— for the purposes of Art. 4.C, any tower whose~~
- 6 ~~principal use is to facilitate transmissions for AM/FM radio, television, microwave, cellular,~~
- 7 ~~digital, personal communication services, enhanced specialized radio, and related~~
- 8 ~~communication services. Towers located on school sites and utilized for educational~~
- 9 ~~purposes only, pursuant to F.S. Chapter 1013.18, shall not be considered commercial~~
- 10 ~~communication towers.~~
- 11 ~~50. **Communication Tower, Monopole**— see Monopole tower.~~
- 12 ~~....~~
- 13 ~~52. **Community Vegetable Garden**— a plot of land used primarily as a vegetable garden which~~
- 14 ~~is cultivated and harvested by a group of residents from the surrounding area.~~
- 15 ~~....~~
- 16 ~~62. **Composting Facility**— a facility designed and used for transforming food, yard waste and~~
- 17 ~~other organic material into soil or fertilizer through biological decomposition. This use does~~
- 18 ~~not include backyard composting bins serving individual families.~~
- 19 ~~....~~
- 20 ~~86. **Congregate Living Facility**— this term includes assisted living facilities; extended~~
- 21 ~~congregate care facilities, transitional living facilities, community residential homes,~~
- 22 ~~community transitional residences; rehabilitative home care services, boarding home, or~~
- 23 ~~home for the aged or any other residential structure, whether or not operated for profit, which~~
- 24 ~~undertakes for a period exceeding 24 hours: care, housing, food service, and one or more~~
- 25 ~~personal services for persons not related to the owner or administrator by blood or marriage.~~
- 26 ~~In addition, this term shall include other residential uses such as dormitories, group homes~~
- 27 ~~with a central dining facility, and similar bed-based uses.~~
- 28 ~~....~~
- 29 ~~97. **Contractor Storage Yard**— a lot used for the storage of construction material, equipment, or~~
- 30 ~~three or more commercial vehicles used by building trades and services, other than~~
- 31 ~~construction sites.~~
- 32 ~~....~~
- 33 ~~101. **Convenience Store**— an establishment engaged in the retail sale of food, beverages, and~~
- 34 ~~other frequently or recurrently needed items for household use or consumption. **[Ord. 2011-**~~
- 35 ~~**016]**~~
- 36 ~~102. **Convenience Store with Gas Sales**— an establishment engaged in the retail sale of food,~~
- 37 ~~beverages, and other frequently or recurrently needed items for household use or~~
- 38 ~~consumption, and includes retail sales of motor fuels to the general public. **[Ord. 2011-016]**~~
- 39 ~~....~~
- 40 ~~113. **Crematory**— a facility used for the incineration of human or animal remains, excluding~~
- 41 ~~activities related to funeral homes. **[Ord. 2013-001]**~~
- 42 ~~....~~
- 43 **D. Terms defined herein or referenced Article shall have the following meanings:**
- 44 ~~....~~
- 45 ~~3. **Data and Information Processing**— the use of an establishment for business offices of an~~
- 46 ~~industrial nature, including corporate centers, mail processing and telemarketing centers.~~
- 47 ~~Such uses are not frequented by the general public.~~
- 48 ~~4. **Day Camp**— an establishment which provides care, protection and programmed activities for~~
- 49 ~~children five years of age and older for a period of less than 24 hours per day. This use shall~~
- 50 ~~not operate as a day care as defined and regulated by the Department of Children and~~
- 51 ~~Family Services.~~
- 52 ~~5. **Day Care**— An establishment that provides care, protection and supervision for children when~~
- 53 ~~licensed by the Palm Beach County Health Department, or for adults when licensed by the~~
- 54 ~~Agency for Health Care Administration (AHCA), as specified below: **[Ord. 2011-016]**~~
- 55 ~~a. **General**— A Day Care for 21 or more children or adults for a period of less than 24 hours~~
- 56 ~~per day on a regular basis. **[Ord. 2011-016]**~~
- 57 ~~b. **Limited**— A Day Care for six to 20 children, or three to 20 adults, for a period of less than~~
- 58 ~~13 hours per day on a regular basis. Limited day care does not include nighttime or~~
- 59 ~~overnight care. **[Ord. 2011-016]**~~
- 60 ~~c. **Family Day Care Home**— An occupied residence in which custodial care is rendered to~~
- 61 ~~one to six children, inclusive, and for which the owner or operator receives a payment,~~
- 62 ~~fee, or grant for any of the children receiving care, whether or not operating for profit,~~
- 63 ~~shall be permitted by right in Residential Zoning districts, in accordance with F.S. §~~
- 64 ~~125.0109, and exempt from any standards other than those applicable to residential~~
- 65 ~~uses. **[Ord. 2011-016]**~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~d. Large Family Child Care Home (LFCCH) – An occupied single family residence in which~~
- 2 ~~custodial care is regularly provided for up to 12 children, and for which the owner or~~
- 3 ~~operator receives a payment, fee, or grant for any of the children receiving care, whether~~
- 4 ~~or not operated for profit, and has at least two full time child care personnel on the~~
- 5 ~~premises during the hours of operation. One of the full-time child care personnel must be~~
- 6 ~~the owner or occupant of the residence. [Ord. 2011-016]~~
- 7 ~~6. Day Labor – an establishment engaged in providing temporary day or manual labor service~~
- 8 ~~for the construction, maintenance, agricultural or industrial trades.~~
- 9 ~~....~~

**Reason for amendments:** [Zoning] The consolidated Use Matrix does not longer reflect Requested Uses which is the terminology used for public hearing approvals through the Board of County Commissioners (BCC) applicable to Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). The Public Hearing approval process terminology is Conditional Use, Class A for BCC approval and Class B for Zoning Commission approval as reflected on the use matrices in Art. 4, Use Regulations.

- 10
- 11 33. **Development Permit** - includes any building permits, zoning permits such as Rezoning,
- 12 Conditional/~~Requested~~ Uses, Development Order Amendments, DRO/Administrative
- 13 approvals, Special Permits, Deviations, Waivers, Variances, Subdivisions or any other official
- 14 action of PBC having the effect of permitting the development of land or the specific use of
- 15 land. [Ord. 2010-022]
- 16 ~~....~~
- 17 ~~43. Dispatching Office – an establishment providing services off-site to households and~~
- 18 ~~businesses using land-based communication. Typical uses include janitorial services, pest~~
- 19 ~~control services, taxi, limousine, and ambulance services.~~
- 20 ~~....~~
- 21 ~~50. Dog Daycare – an establishment which provides daytime care and training for domestic~~
- 22 ~~dogs.~~
- 23 ~~....~~

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

- 24
- 25 ~~....~~
- 26 ~~12. Electric Power Facilities – Any electric generating facility that uses any process or fuel and~~
- 27 ~~includes any associated facility that directly supports the operation of the electrical power~~
- 28 ~~facility. [Ord. 2006-004] [2009-040] [Ord. 2010-005]~~
- 29 ~~13. Electric Transmission Facility – Mechanical equipment associated with electric~~
- 30 ~~transmission networks, including transmission voltage facilities or switching substations, and~~
- 31 ~~electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1),~~
- 32 ~~Residential Districts and 2) Non-residential Districts. [Ord. 2006-004]~~
- 33 ~~....~~
- 34 ~~24. Entertainment, Indoor – An establishment offering games of skill to the general public for a~~
- 35 ~~fee or charge and wholly enclosed in a building. Typical uses include bowling alleys, bingo~~
- 36 ~~parlors, pool halls, billiard parlors and video game arcades. An internet cafe shall not be~~
- 37 ~~considered an indoor entertainment use. [Ord. 2005-002] [Ord. 2012-007]~~
- 38 ~~25. Entertainment, Outdoor – An establishment offering entertainment or games of skill to the~~
- 39 ~~general public where any portion of the activity takes place in the open, excluding golf~~
- 40 ~~courses and public parks. Typical uses include archery ranges, athletic fields, batting cages,~~
- 41 ~~golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses,~~
- 42 ~~paintball fields, jet skiing, and wind surfing. [Ord. 2005-002]~~
- 43 ~~....~~
- 44 ~~32. Equestrian Arena, Commercial – an establishment engaged in commercial spectator~~
- 45 ~~activities involving equestrian events, but excluding any establishment engaged in gaming,~~
- 46 ~~pari-mutual wagering, off-track betting, events or activities held or broadcast for similar~~
- 47 ~~purposes.~~
- 48 ~~....~~
- 49 ~~36. Estate Kitchen – an accessory use which is physically integrated with the main residence.~~
- 50 ~~....~~

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

- 51
- 52 ~~....~~
- 53 ~~3. Farm Residence – a dwelling unit, other than a mobile home, located on a parcel of land~~
- 54 ~~used for a bona fide agricultural use and occupied by the owner or operator of the farm~~
- 55 ~~operation.~~
- 56 ~~4. Farm Workers Quarters – one or more residential structures occupied by farm workers who~~
- 57 ~~provide labor in conjunction with agricultural operations.~~
- 58 ~~5. Farmers Market – an establishment for the wholesale sale of farm produce.~~

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ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~6. **Farrrier**—one that shoes horses. May be accessory to a blacksmith, farm, equestrian facility,~~
- 2 ~~or is mobile and shoes the horses on site.~~
- 3 ....
- 4 ~~15. **Film Production Studio**—the use of a lot or building for the production of films or videotapes~~
- 5 ~~for exhibition or sale.~~
- 6 ....
- 7 ~~17. **Financial Institution**—an establishment engaged in deposit banking. Typical uses include~~
- 8 ~~commercial banks, savings institutions, and credit unions, including outdoor automated teller~~
- 9 ~~machines and drive-thru only facilities. **[Ord. 2013-021]**~~
- 10 ....
- 11 ~~22. **Fitness Center**— an enclosed building or structure containing multi-use facilities for~~
- 12 ~~conducting recreational activities such as aerobic exercises, weight lifting, running,~~
- 13 ~~swimming, racquetball, handball, and squash. This use also includes dance studios and~~
- 14 ~~karate schools. A fitness center may also include the following customary accessory activities~~
- 15 ~~as long as they are intended for the use of the members of the center and not for the general~~
- 16 ~~public: babysitting, food service, and the serving of alcoholic beverages consumed on the~~
- 17 ~~premises.~~
- 18 ....
- 19 ~~29. **Flea Market, Enclosed**— for the purposes of Art. 4.B, a retail sales within a building~~
- 20 ~~permanently enclosed by walls and roof in which floor space is rented to individual merchants~~
- 21 ~~to display and sell goods.~~
- 22 ~~30. **Flea Market, Open**— for the purposes of Art. 4.B, an outdoor retail sales area in which~~
- 23 ~~parcels of land are rented to individual merchants to display and sell goods.~~
- 24 ....
- 25 ~~63. **Funeral Home**— an establishment which arranges and manages funerals and prepares~~
- 26 ~~human or animal remains for interment, excluding cremation. **[Ord. 2013-001]**~~
- 27 ....
- 28 **G. Terms defined herein or referenced in this Article shall have the following meanings:**
- 29 ....
- 30 ~~2. **Garage Sale**—the sale of household articles by the occupants of a dwelling unit.~~
- 31 ~~3. **Garden Trash**—waste consisting or accumulation of leaves, grass, shrubbery, vines and~~
- 32 ~~trees, or parts thereof.~~
- 33 ~~4. **Gas and Fuel, Retail**—an establishment engaged in the sale of motor fuels to the general~~
- 34 ~~public. **[Ord. 2011-016]**~~
- 35 ~~5. **Gas and Fuel, Wholesale**—the use of land for bulk storage and wholesale distribution of~~
- 36 ~~2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of~~
- 37 ~~flammable gas, excluding below-ground storage which is clearly accessory to the principal~~
- 38 ~~use on the site.~~
- 39 ....
- 40 ~~11. **Golf Course**—a facility providing a golf recreation area designed for executive or regulation~~
- 41 ~~play along with accessory support facilities, excluding miniature golf.~~
- 42 ....
- 43 ~~13. **Government Services**—buildings or facilities owned or operated by a government entity and~~
- 44 ~~providing services for the public, excluding utility and recreational services. Typical uses~~
- 45 ~~include administrative offices for government agencies, public libraries, police, and fire~~
- 46 ~~stations, and homeless resource centers. **[Ord. 2009-040] [Relocated to Typical Uses**~~
- 47 ~~**below]**~~
- 48 ....
- 49 ~~19. **Green Market**—a temporary gathering of vendors for the purpose of selling fresh~~
- 50 ~~unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and~~
- 51 ~~prepared food on a retail basis.~~
- 52 ....
- 53 ~~35. **Guest Cottage**— accessory sleeping quarters provided for non-paying guests by the~~
- 54 ~~occupant of a single family or ZLL dwelling unit.~~
- 55 ~~36. **Gun Club, Enclosed**—an open or enclosed facility used for the discharge of firearms or~~
- 56 ~~projectiles at targets. **[Ord. 2014-025]**~~
- 57 ~~37. **Guyed Tower**—a structure that is supported either partially or completely by guy wires and~~
- 58 ~~ground anchors. **[Relocated to Art. 4.B.9.C.5.a, Definition]**~~
- 59 ....
- 60 **H. Terms defined herein or referenced in this Article shall have the following meanings:**
- 61 ....
- 62 ~~10. **Heavy Industry**—an establishment engaged in the basic processing and manufacturing of~~
- 63 ~~materials or products predominately from extracted or raw materials, or a use engaged in~~
- 64 ~~storage of, or manufacturing processes utilizing flammable, hazardous, or explosive~~
- 65 ~~materials, or processes which potentially involve hazardous or commonly recognized~~

Notes:

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

~~offensive conditions. Typical uses include manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives, pulp and paper products, and radioactive materials; fat rendering plants; slaughterhouses and tanneries; steel works; and petroleum refineries.~~

....  
~~23. **Home Occupation** — a business, profession, occupation, trade, artisan, or handcraft conducted in a dwelling unit for commercial gain by a resident of the unit. A home occupation shall not include those businesses which are required by State of Florida agencies to be open to the public. [Ord. 2009-040]~~

....  
~~25. **Homeless Resource Center** — A facility that provides multiple services for the homeless population. Typical services include: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices. [Ord. 2009-040]~~

....  
~~28. **Hospital or Medical Center** — a facility licensed by the State of Florida which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital is distinguished from a medical center by the provision of overnight care.~~

~~29. **Hotel or Motel** — an establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.~~

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

....  
~~2. **Kenel, Commercial**— Type II: a commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. ; and, Type III: A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]~~

~~3. **Kenel, Type I (Private)** — any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats (excluding horses or livestock), owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2013-001]~~

~~4. **Kiosk** — a freestanding outdoor unmanned structure which offers products for sale.~~

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

....  
~~2. **Laboratory, Industrial Research** — an establishment engaged in industrial, scientific or medical research, testing, and analysis, including support services and structures. Typical uses include natural science/manufacturing research facilities and product testing/quality control facilities.~~

....  
~~17. **Landscape Service** — an establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.~~

....  
~~23. **Laundry Service** — for the purposes of Art. 4, an establishment that provides washing, drying, dry-cleaning, or ironing machines for hire to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services with customer drop-off and pick-up.~~

....  
~~71. **Lounge, Cocktail** — for the purposes of Art. 4, a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption. A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.~~

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

~~1. **Machine or Welding Shop** — for the purposes of Art. 4, a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 11/21/16)

14. ~~Manufacturing and Processing~~ - for the purposes of Art. 4.B, an establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing and food processing.

....  
18. ~~Marine Facility~~ - a commercial facility related to boating. Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. ~~[Ord. 2009-040]~~

....  
32. ~~Medical or Dental Office~~ - an establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. ~~[Ord. 2010-009]~~

33. ~~Medical or Dental Laboratory~~ - a facility for the construction or repair of prosthetic devices or medical testing exclusively on the written work order of a licensed member of the dental or medical profession and not for the public.

....  
47. ~~Mobile Home Dwelling~~ - for the purposes of Art. 3 or Art. 4, the use of a lot or a unit for one mobile home or manufactured home. ~~[Ord. 2012-027]~~

....  
50. ~~Monopole Tower~~ - for the purposes of Art. 4, *a structure that consists of a single pole supported by a permanent foundation.* **[Relocated to Art. 4.B.9.C.3.a, Definition]**

51. ~~Monument Sales, Retail~~ - for the purposes of Art. 4, an establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.

....  
55. ~~Multi-Family~~ - the use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Art. 3, Overlays and Zoning Districts.

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

....  
47. ~~Nursery, Retail~~ - for the purposes of Art. 4, the cultivation and retail sale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.

48. ~~Nursery, Wholesale~~ - for the purposes of Art. 4, the cultivation and wholesale of horticultural specialties such as flowers, shrubs, sod, and trees intended for ornamental or landscaping purposes.

49. ~~Nursing or Convalescent Facility~~ - for the purposes of Art. 4, an establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

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

....  
8. ~~Office, Business or Professional~~ - for the purposes of Art. 4, an establishment providing executive, management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; and business offices of private companies, utility companies, public agencies, and trade associations.

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

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~10. **Park, Neighborhood Infill** – for the purposes of Art. 4, facilities usually less than two and one~~
- 2 ~~half acres located in the Revitalization and Redevelopment Overlay as designated by the~~
- 3 ~~BCC or in any residential neighborhood. Infill neighborhood parks include passive and active~~
- 4 ~~recreational facilities, are generally few in number due to size constraints and are developed~~
- 5 ~~according to the demands and character of the specific neighborhoods that they serve.~~
- 6 ~~Access is primarily pedestrian oriented with no support facilities such as parking lots or~~
- 7 ~~restrooms provided.~~
- 8 ~~....~~
- 9 ~~12. **Park, Passive** – for the purposes of Art. 4, a public or private outdoor recreation area relying~~
- 10 ~~on a natural or man-made resource base and developed with a low intensity of impact on the~~
- 11 ~~land. Typical uses include trail systems, wildlife management and demonstration areas for~~
- 12 ~~historical, cultural, scientific, educational or other purposes that relate to the natural qualities~~
- 13 ~~of the area, and support facilities for such activities.~~
- 14 ~~....~~
- 15 ~~14. **Park, Public** – for the purposes of Art. 4, a publicly owned or operated park or beach~~
- 16 ~~providing opportunities for active or passive recreational activities to the general public.~~
- 17 ~~....~~
- 18 **17. Parking Garage/Structure**
- 19 ~~a. for the purposes of Art. 4, a building or other structure that provides temporary parking for~~
- 20 ~~motor vehicles, for profit, where some or all of the parking spaces are not accessory to~~
- 21 ~~another principal use; **[Ord. 2010-022]**~~
- 22 ~~b. a building or structure that provides parking for motor vehicles as an accessory use to a~~
- 23 ~~principal use. **[Ord. 2010-022]**~~
- 24 ~~....~~
- 25 ~~19. **Parking Lot, Commercial** – for the purposes of Art. 4, a lot used for temporary parking or~~
- 26 ~~storage for motor vehicles as a principal use for a fee.~~
- 27 ~~....~~
- 28 ~~29. **Pawnshop** – for the purposes of Art. 4, the location at which a pawnbroker, as defined in F.S.~~
- 29 ~~§539.001(2)(i), does business. Consignment activities are excluded from this definition.~~
- 30 ~~....~~
- 31 ~~41. **Personal Services** – for the purposes of Art. 4, an establishment engaged in the provision of~~
- 32 ~~frequently or recurrently services of a personal nature: or the provision of informational,~~
- 33 ~~instructional, personal improvement or similar professional services which may involve limited~~
- 34 ~~accessory retail sale of products. Typical uses include art and music schools, beauty and~~
- 35 ~~barbershops, driving schools, licensed therapeutic massage studios, photography studios,~~
- 36 ~~and tanning salons.~~
- 37 ~~....~~
- 38 ~~45. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership~~
- 39 ~~Assembly, and Places of Worship. **[Ord. 2006-004]**~~
- 40 ~~46. **Place of Worship** – A sanctuary which may include a retreat, convent, seminary or other~~
- 41 ~~similar use, owned or operated by a tax-exempt religious group that is used periodically,~~
- 42 ~~primarily or exclusively for religious worship, activities and related services. A place of~~
- 43 ~~worship may include collocated facilities that may require additional approval, such as a day~~
- 44 ~~care, school, cemetery, or CLE. **[Ord. 2006-004]**~~
- 45 ~~....~~
- 46 ~~70. **Potting Soil Manufacturing** – for the purposes of Art. 4, an establishment engaged in~~
- 47 ~~producing potting soil, including the use of incineration.~~
- 48 ~~....~~
- 49 ~~84. **Printing and Copying Services** – for the purposes of Art. 4, an establishment engaged in~~
- 50 ~~retail photocopy, reproduction, or blueprinting services.~~
- 51 ~~....~~
- 52 ~~90. **Produce Stand** – for the purposes of Art. 4, an establishment engaged in the retail sale of~~
- 53 ~~fruits, vegetables, flowers, containerized house plants and other agricultural food products,~~
- 54 ~~such as jelly, jam, honey and juice. The sale of grocery or convenience type foods or~~
- 55 ~~products shall not be permitted.~~
- 56 ~~....~~
- 57 **93. Project Boundary** – For the purpose of Art. 4.B.1.A.106-2, Renewable Energy *Wind* Facility,
- 58 *Wind* shall mean the limits of the approval for a *Wind*-Energy *Wind* Facility located on multiple
- 59 parcels, whether owned by the Wind Energy Facility operator or by leases with individual
- 60 property owners, where the limits of the approval may be used for purposes of determining
- 61 setbacks in lieu of internal property lines. **[Ord. 2011-016]**
- 62 ~~....~~
- 63 **R. Terms defined herein or referenced in this Article shall have the following meanings:**
- 64 ~~....~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS

(Updated 11/21/16)

- 1 ~~4. **Real Estate Sales Model, Non-PDD** – for the purposes of Art. 4, a single family residential~~
- 2 ~~unit used for real estate marketing, real estate sales, builder’s office, and other services~~
- 3 ~~directly associated with the sale of a residential unit and limited to the areas referenced~~
- 4 ~~below. In a real estate sales model, sales shall be limited to new units built by the company~~
- 5 ~~operating the sales model.~~
- 6 ~~....~~
- 7 ~~13. **Recycling Center** – for the purposes Art. 4, a permanent facility designed and used for~~
- 8 ~~collecting, purchasing, storing, dropping-off and redistributing of pre-sorted, recyclable~~
- 9 ~~materials that are not intended for disposal. A recycling center shall be used for limited~~
- 10 ~~processing of recyclable materials, such as can and glass crushing and sorting. [Ord. 2013-~~
- 11 ~~001]~~
- 12 ~~14. **Recycling Drop-Off Bin** – for the purposes of Art. 4, a totally enclosed mobile structure or~~
- 13 ~~container within which the following pre-sorted, recyclable materials are collected: glass,~~
- 14 ~~aluminum, steel and plastic containers no greater than six gallons in capacity, and paper.~~
- 15 ~~[Ord. 2013-001]~~
- 16 ~~15. **Recycling Plant** for the purposes of Art. 4, a permanent facility designed and used for~~
- 17 ~~receiving, separating, storing, converting, baling or processing of non-hazardous recyclable~~
- 18 ~~materials that are not intended for disposal. The use may include construction debris~~
- 19 ~~recycling or other intensive recycling processes such as chipping and mulching.~~
- 20 ~~....~~
- 21 ~~21. **Renewable Energy Facility, Solar** A facility that uses photovoltaic, thermal or other~~
- 22 ~~systems with a principal use of producing electrical or thermal power from the sun. [Ord.~~
- 23 ~~2009-040]~~
- 24 ~~22. **Renewable Energy Facility, Wind** – A facility that uses one or more wind turbines,~~
- 25 ~~Meteorological Towers or other systems with a principal use of producing electrical or~~
- 26 ~~mechanical power from the wind. [Ord. 2010-005][Ord. 2011-016]~~
- 27 ~~....~~
- 28 ~~25. **Repair and Maintenance, General** – for the purposes of Art. 4, an establishment engaged in~~
- 29 ~~the repair and maintenance of motor vehicles or other heavy equipment or machinery,~~
- 30 ~~including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint~~
- 31 ~~and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops,~~
- 32 ~~quick-lube, and muffler shops.~~
- 33 ~~26. **Repair Services, Limited** – for the purposes of Art. 4, an establishment engaged in the repair~~
- 34 ~~of personal apparel or household appliances, furniture, and similar items, excluding repair of~~
- 35 ~~motor vehicles. Typical uses include apparel repair and alterations, small appliance repair,~~
- 36 ~~small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and~~
- 37 ~~watch repair, and shoe repair shops.~~
- 38 ~~....~~
- 39 ~~36. **Restaurant, Type I** – for the purposes of Art. 4, an establishment equipped to sell food and~~
- 40 ~~beverages in one of the following methods: drive-through sales to patrons in automobiles for~~
- 41 ~~take-out who place orders through a window or remote transmission device; or sales to~~
- 42 ~~patrons for take-out or dining in, that includes three or more of the following: food or~~
- 43 ~~beverage choices are advertised on a menu board; countertop sales where payment is made~~
- 44 ~~prior to consumption; disposable containers and utensils; limited service dining facilities with~~
- 45 ~~no hostess or waiters; and self service or prepackaged condiments. [Ord. 2006-036]~~
- 46 ~~37. **Restaurant, Type II** – for the purposes of Art. 4, an establishment with no drive through,~~
- 47 ~~equipped to sell food and beverages, served and consumed primarily on the premises, that~~
- 48 ~~includes three or more of the following: host or hostess assists patrons upon entry; food and~~
- 49 ~~beverage choices are offered from a printed menu provided by wait staff at a table; orders are~~
- 50 ~~taken at the table; food is served on dishes and metal utensils are provided; and, payment is~~
- 51 ~~made after meal consumption. [Ord. 2006-004]~~
- 52 ~~....~~
- 53 ~~39. **Retail Sales, Auto Accessories and Parts** – for the purposes of Art. 4, an establishment~~
- 54 ~~providing retail sales of auto accessories and parts.~~
- 55 ~~40. **Retail Sales, General** – for the purposes of Art. 4, an establishment providing general retail~~
- 56 ~~sales or rental of goods, but excluding those uses specifically classified as another use type.~~
- 57 ~~Uses include typical retail stores such as clothing stores, bookstores, business machine~~
- 58 ~~sales, food and grocery stores (excluding convenience stores), window tinting, and marine~~
- 59 ~~supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of~~
- 60 ~~bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts.~~
- 61 ~~Retail establishments may include limited repair services for their products. For impact fee~~
- 62 ~~purposes, general retail also includes services such as entertainment, eating and drinking~~
- 63 ~~establishments, and personal services. [Ord. 2011-016]~~
- 64 ~~41. **Retail Sales, Mobile, or Temporary** – for the purposes of Art. 4, general retail sales without~~
- 65 ~~a fixed or permanent location.~~

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 11/21/16)

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- ....
- S. Terms defined herein or referenced Article shall have the following meanings:
  - ~~1. **Salvage or Junk Yard** – for the purposes of Art. 4, a lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.~~
  - ....
  - ~~5. **Sanitary Landfill or Incinerator** – for the purposes of Art. 4, a facility employing an engineered method of disposing of solid waste in a manner which minimizes environmental hazards by spreading solid waste in layers, providing a sand clean fill or similar cover.~~
  - ....
  - ~~12. **School, Elementary or Secondary** – for the purposes of Art. 4, an institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.~~
  - ~~13. **School, Public** – A use and attendant buildings operated by the PBC School District for educational or training purposes, as follows:
 
    - a. An elementary school;
    - b. A middle school;
    - c. A high school;
    - d. A vocation or technical school.~~
  - ....
  - ~~19. **Security or Caretaker Quarters** – for the purposes of Art. 4, an accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.~~
  - ....
  - ~~23. **Self Support/Lattice Tower** – for the purposes of Art. 4, a structure that is constructed without guy wires or ground anchors.~~
  - ....
  - ~~37. **Shade House** – for the purposes of Art. 4, a temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.~~
  - ....
  - 50. **Single Family**
    - a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.
    - b-a for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile home dwellings. **[Ord. 2013-021]**
  - ....
  - ~~64. **Solid Waste Transfer Station** – for the purposes of Art. 4, a facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.~~
  - ....
  - ~~69. **Special Event** – for the purposes of Art. 4, A temporary activity which includes rides, amusements, food, games, crafts, performances, or services. Typical uses include carnivals, circuses, auctions, and revivals.~~
  - ....
  - ~~81. **Stable, Commercial** – for the purposes of Art. 4, an establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.~~
  - ~~82. **Stable, Private** – for the purposes of Art. 4, the breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the PBACD.~~
  - ....
  - ~~85. **Stealth Facility** – for the purposes of Art. 4, a structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function (i.e., bell tower, spire, flagpole, etc.). **[Relocated to Art. 4.B.9.C.1.a, Definition]**~~

<b>Reason for amendments:</b> [Zoning]
2. Clarify definition of "Street" by indicating the term pertains to commercial communication towers located in Electrical Transmission Lines or Florida Department of Transportation right-of-ways (R-O-W) or easements within that R-O-W that have a minimum width of 250 feet.

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100. Street -

- a. a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Street" includes road, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place, and square, or however otherwise designated. Streets are further classified according to the function they perform.
- b. For the purposes of Art. 4.B.9, Commercial Communication Towers, means Electric Transmission lines or Florida Department of Transportation I-95 and the Florida Turnpike corridors having 250 feet in width or more of right-of way (R-O-W) or easements.

....  
~~130. Sugar Mill or Refinery~~ – for the purposes of Art. 4, an establishment for the extraction and refining of sugar from agricultural products.

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

....  
~~22. Theater Drive In~~ – for the purposes of Art. 4, an establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.

....  
~~24. Theater, Indoor~~ - for the purposes of Art. 4, an establishment for showing motion pictures or live performances in an enclosed building.

....  
~~43. Tower Hierarchy~~ – for the purposes of Art. 4, for the purpose of determining impact the following hierarchy has been established. **[Partially relocated to Art. 4.B.9.F.2, Replacement]**

- LEAST IMPACT**
- Stealth*
- Camouflage*
- Monopole*
- Self support/Lattice*
- Guyed*
- MOST IMPACT**

**[Relocated to Art. 4.B.9.F.2, Replacement]**

~~44. Towing Service and Storage~~ – for the purposes of Art. 4, the use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

....  
~~45. Townhouse~~ – for the purposes of Art. 4, a dwelling unit located on an individual lot and attached by at least one but no more than two party wall(s) along 50 percent of the maximum depth of the unit, to one or more other dwelling units; has a continuous foundation; each on its own lot, with said party wall(s) being centered on the common property line(s) between adjacent lots.---

....  
~~59. Transportation Facility~~ – for the purposes of Art. 4, a facility for loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus terminals, railroad stations and yards, and major mail-processing centers.

....  
~~73. Truck Stop~~ – for the purposes of Art. 4, a facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.

**[Renumber Accordingly]**

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

....  
~~22. Utility, Minor~~ – for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations. **[Ord. 2006-004]**

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

....

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EXHIBIT E

ARTICLE 1, GENERAL PROVISIONS  
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(Updated 11/21/16)

1 ~~11. **Vehicle Sales and Rental**— for the purposes of Art. 4, an establishment engaged in the sale,~~  
2 ~~rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined~~  
3 ~~by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and~~  
4 ~~sales; boat rental and sales; mobile home and recreational vehicle sales; construction~~  
5 ~~equipment rental yards; moving trailer rental, and large implement sales or rental.~~

6 ....  
7 ~~16. **Veterinary Clinic**— for the purposes of Art. 4.B, an establishment engaged in providing~~  
8 ~~medical care, treatment and temporary boarding for animals.~~

9 ....  
10 ~~21. **Vocational School**— for the purposes of Art. 4, an establishment offering regularly scheduled~~  
11 ~~instruction in technical, commercial, or trade skills such as business, real estate, building and~~  
12 ~~construction trades, electronics, computer programming and technology, automotive or~~  
13 ~~aircraft mechanics and technology, or other type of vocational instruction.~~

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

16 ....  
17 ~~2. **Warehouse**— for the purposes of Art. 4, a building used for the storage of raw materials,~~  
18 ~~equipment, or products. Typical uses include moving companies, cold storage, and dead~~  
19 ~~storage facilities, but excludes self-service storage facilities.~~

20 ....  
21 ~~9. **Water or Wastewater Treatment Plant**— for the purposes of Art. 4, a facility designed for~~  
22 ~~treatment and disposal of more than 5,000 gallons per day of water or wastewater.~~

- 23 a. ~~**Water or Wastewater Treatment Plant, Open Process** - These are also known as~~  
24 ~~“conventional” water or wastewater treatment plant and use a series of unenclosed tanks~~  
25 ~~without roof structures to treat raw water to drinking water standards. [Ord. 2007-013]~~
- 26 b. ~~**Water or Wastewater Treatment Plant, Closed Treatment** - These plants treat raw~~  
27 ~~water to drinking water standards within the confines of one or more relatively small, fully~~  
28 ~~enclosed buildings. [Ord. 2007-013]~~

29 ....  
30 ~~29. **Wholesaling, General**— for the purposes of Art. 4.B, an establishment engaged in the~~  
31 ~~display, maintaining inventories of goods, storage, distribution and sale of goods to other~~  
32 ~~firms for resale, or the supplying of goods to various trades such as landscapers, construction~~  
33 ~~contractors, institutions, industries, or professional businesses. In addition to selling,~~  
34 ~~wholesale establishments sort and grade goods in large lots, break bulk and redistribute in~~  
35 ~~smaller lots, delivery and refrigeration storage, but excluding vehicle sales, wholesale~~  
36 ~~greenhouses or nurseries, wholesale of gas and fuel, and wholesale building supplies.~~

37 ....  
38 ~~32. **Work/Live Space**— a space within a building that is used jointly for residential and any non-~~  
39 ~~residential use permitted pursuant to the applicable Zoning District, where permitted by the~~  
40 ~~Florida Building Code, and where the residential space is accessory to the primary use as a~~  
41 ~~place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2010-005]~~

42 ....  
43 **Z. Terms defined herein or referenced Article shall have the following meanings:**

44 ~~1. **Zero Lot Line Home**— for the purposes of Art. 4, the use of a lot for one detached dwelling~~  
45 ~~unit with at least one wall, but not more than two walls or a portion thereof, located directly~~  
46 ~~adjacent to a side lot line, excluding a mobile home but including a manufactured building.~~  
47 ~~Subject to additional standards in Art. 3, Overlays and Zoning Districts.~~

48 ....  
49 ~~4. **Zoo**— for the purposes of Art. 4, means a place where animals are kept in captivity for the~~  
50 ~~public to view or for educational or animal rehabilitative purposes.~~

U:\Zoning\CODEREV\2016\LDRAB\Meetings\11-30-16\4 - Final Packet\Exh. E - Art. 1, General Provisions.docx

**Notes:**

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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

1  
2 Part 1. ULDC Art. 2.A.1., General (pages 12-18, 20, 25-29, 37, 39-40, 42, 54-55, 58, 84 and 87 of  
3 87), is hereby amended as follows:  
4

Reason for amendments: [Zoning]	
1.	Use Matrices in Articles 3 and 4 of the ULDC have been consolidated to be located in Article 4, Use Regulations under every Use Classification. As a result, any reference through the Code to the Use Matrix has to be updated to reflect its new location. Some of the amendments below reflect the update in the Use Matrix reference.
2.	Delete reference to Live/Work use as the use is proposed to be deleted from Art. 4, Use Regulations.
3.	The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to "Requested Use" and be replaced with "Conditional Use". Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects "Conditional Use" approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 2 where the words "Requested Use" are utilized.

5  
6 CHAPTER A GENERAL

7  
8 Section 1 General

9  
10 D. Authority

11 1. Processes

12  
13 c. Development Review Officer (DRO)

14  
15 4) Uses indicated as "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use  
16 Regulations; and [Ord. 2006-036] [Ord. 2012-027]

17 E. Pre-Application Conference (PAC)

18  
19 3. Additional LCC, IRO and PRA Requirements

20  
21 b. Conceptual Site Plan

22  
23

Reason for amendments: [Zoning]	
4.	Update reference of "bank drive through facilities" to Financial Institution with Drive Thru Facilities and Financial Institution Freestanding ATM to be consistent with the proposed uses name in the Commercial Use Classification.

24  
25  
26 Table 2.A.1.E - Conceptual Master Plan Requirements for PAC

Conceptual Master Plan Requirements	IRO	LCC	PRAs
.....			
Proposed or required mix of uses, including <del>live/work-or</del> residential units, identifying whether or not such is horizontally or vertically integrated.	✓	✓	✓
Location of any <del>Conditional requested u</del> Uses, and outdoor uses such as <del>r</del> Restaurant, <del>or bank drive through facilities</del> 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.	✓	✓	✓
.....			
[Ord. 2010-005] [Ord. 2010-022]			

27  
28 G. Application Procedures

29  
30 3. Plan Requirements

31  
32 e. Site Plan

33 The site plan shall be the controlling plan for ~~e~~Conditional ~~u~~Uses, ~~requested-uses~~ or PDDs listed below. All development site elements including, but not limited to: ingress/egress, density, and intensity in the proposed project shall be consistent with the site plan. All plats shall be consistent with the site plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final site plan, as applicable, shall prevail. [Ord. 2009-040]

34  
35 Notes:

36 Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [Relocated to: ]. ~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. *Italicized* indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].  
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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

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1) **Preliminary Site Plan (PSP)**  
The BCC shall approve a PSP for the following applications: CA Conditional Use, ~~Requested-Use~~, MXPDP, MUPD and equivalent previously approved planned developments. The ZC shall approve a PSP for a CB Conditional Use request. **[Ord. 2009-040]**

....  
3) **Final Site Plan (FSP) for Administrative Approval**  
The DRO shall approve a Final Site Plan for: **[Ord. 2009-040]**  
a) Any requests for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix~~ the use matrices in Art. 4, Use Regulations; or, **[Ord. 2009-040]**  
b) Any requests subject to Table 4.A.3.A, ~~Development~~ Thresholds for Project Requiring DRO Approval. **[Ord. 2009-040]**

f. **Subdivision Plan**  
The subdivision plan shall be the controlling plan for ~~e~~Conditional ~~u~~Uses, ~~requested-uses~~ or PDDs that are subject to the subdivision process. All development site elements including, but not limited to: ingress/egress, density, and intensity in the proposed project shall be consistent with the subdivision plan. In cases of conflict between plans, the most recently approved BCC plan or DRO final subdivision plan, as applicable, shall prevail. All plans and plats shall be consistent. **[Ord. 2009-040] [Ord. 2010-005]**

....  
g. **Regulating Plans**  
....  
1) **Preliminary Regulating Plan (PRP) for Public Hearing Approval**  
The DRO shall review and certify a PRP for all requests that are subject to the Public Hearing approval process. The BCC shall approve a PRP for: Conditional Uses, ~~Requested-Uses~~, rezoning to a PDD, the affected area of modifications to previously approved PDDs, and shall include, at a minimum, the following elements: **[Ord. 2009-040]**

....  
2) **Final Regulating Plan (FRP) for Public Hearing Approval or Administrative Approval**  
....  
b) The DRO shall review and approve a FRP for any requests for uses that have a "D" in any Use Matrix in Art. 3.B, Overlays, or ~~Table 4.A.3.A, Use Matrix~~ Art. 4, Use Regulations; or any requests subject to Table 4.A.3.A, ~~Development~~ Thresholds for Project Requiring DRO Approval. **[Ord. 2009-040] [Ord. 2011-016]**

....  
H. **Consolidated Application**  
1. **Small Scale Amendments**  
If a land use amendment requires a rezoning, ~~e~~Conditional ~~u~~Use, ~~requested-use~~, development order amendment or abandonment application, the applications shall be reviewed and considered by the BCC concurrently. An application for a Type II variance may be submitted concurrently or separately. Applications that are contingent upon the approval of variances must be submitted separately. The applicant shall submit a master plan and/or site plan as part of the zoning application. The zoning application shall be submitted at a scheduled zoning application intake within 90 days of receipt of the land use amendment application. If a complete zoning application is not submitted, the land use amendment shall be administratively withdrawn. **[Ord. 2006-036] [Ord. 2009-040]**

....  
I. **Review and Certification**  
1. **Review**  
All Rezoning, Conditional Use, ~~Requested-Use~~, Waivers, Development Order Amendment and concurrent Type II Variance applications, shall be reviewed and certified by the DRO. **[Ord. 2006-036] [Ord. 2011-016]**

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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

J. Notification  
1. Applicability

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
.... Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
[Ord. 2015-031]			
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. Courtesy Notice  
a. Applicability and Mailing Boundary

Table 2.A.1.J – Courtesy Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)	Regular Mail 301 to 500 feet (1)	Regular Mail within One Mile (1)
.... Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	Counties and Municipalities (4)
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031]			
Notes:			

....  
K. Public Hearing Procedures

....  
3. Board Action  
a. Action by ZC

....  
2) Rezoning, Class A Conditional Use, Requested Use, DOA, Type II Waivers

The ZC shall consider the application, the staff report, the relevant support materials, the DRO certification and public testimony given at the hearing. After close of the public hearing, the ZC shall recommend to the BCC that the application be approved, approved with conditions, modified, continued, postponed or denied based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Requested-Uses; Rezoning, and DOA's; or, the standards in Article 2.B.2.G.3, Standards, applicable to all Type II Waivers. [Ord. 2008-003] [Ord. 2011-016] [Ord. 2012-027]

....  
b. Action by BCC

....  
3) Decision

At the conclusion of the final public hearing, the BCC shall approve, approve with conditions, modify, postpone, withdraw, or deny the proposed development order based upon: the standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to all Conditional Uses, Requested-Uses, Rezoning and DOA's; or, the standards in Article 2.B.2.G.3, Standards, thereby adopting a resolution approving, approving with conditions, or denying a proposed request by not less than a majority of a quorum present. The resolution shall be filed with the Clerk of the Circuit Court. [Ord. 2008-003] [Ord. 2012-027]

....  
T. Outstanding Liens or Fines

1. General

....  
b. Applications for uses designated as a "D" in Table 4.A.3.A, Use Matrix Matrices

Notes:

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ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

CHAPTER B PUBLIC HEARING PROCESS

Section 1 Official Zoning Map Amendment (Rezoning)

....  
B. Standards

When considering a Development Order application for rezoning to a standard zoning district, the BCC and ZC shall consider Standards 1 - 7 indicated below. In addition the standards indicated in Section 2.B of this Chapter shall also be considered for rezoning to a standard zoning district with a Conditional Use, and rezoning to a PDD or TDD with or without a ~~Requested Use or~~ Waiver. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2012-003]

Section 2 Conditional Uses, ~~Requested Uses~~ Development Order Amendments, Unique Structures and Type II Waivers

A. Purpose

Conditional Uses, ~~Requested Uses~~, Development Order Amendments, and Type II Waivers are generally compatible with the other uses or site design permitted in a district, but require individual review of their location, design, configuration, intensity or density and may require the imposition of conditions to ensure the appropriateness and compatibility of the use at a particular location. [Ord. 2007-001] [Ord. 2011-016]

B. Standards for Conditional Uses, Requested Uses and Development Order Amendments

When considering a Development Order application for a Conditional ~~or Requested~~ Use, the BCC and ZC shall consider Standards 1 - 8 indicated below. A Conditional ~~or Requested~~ Use, or Development Order Amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord. 2011-016] [Ord. 2012-003]

....  
D. Class A Conditional Use

1. Authorized Class A Conditional Uses

Only those uses that are authorized as Class A ~~C~~onditional ~~U~~ses in ~~the use matrices in Art. 4, Use Regulations-Table 4.A.3.A, Use Matrix~~, may be approved as Class A ~~C~~onditional ~~U~~ses. The designation of a use as a Class A ~~C~~onditional ~~U~~se in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

~~E. Requested Use~~

~~1. Authorized Requested Uses~~

~~Only those uses that are authorized as requested uses in Table 3.E.1.B, PDD Use Matrix, may be approved as requested uses. The designation of a use as a requested use in a planned development does not constitute an authorization of such use or an assurance that such use will be approved under this Code.~~

~~FE. Class B. Conditional Use~~

~~1. Authorized Class B Conditional Uses~~

Only those uses that are authorized as Class B ~~C~~onditional ~~U~~ses in ~~the use matrices in Art. 4, Use Regulations-Table 4.A.3.A, Use Matrix~~, may be approved as Class B ~~C~~onditional ~~U~~ses. The designation of a use as a Class B ~~C~~onditional ~~U~~se in a ~~standard~~ district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.

Reason for amendments: [Zoning]	
5.	Update use name Commercial Communication Towers to be consistent with the proposed amendment in the Towers Use Classification.

G. Type II Waivers

....  
2. Applicability

Table 2.B.2.G - Summary of Type II Waivers

Type II Waiver Summary List
....
<del>Commercial</del> Communication Towers; <del>Commercial</del>
....
[Ord. 2012-027] [Ord. 2016-016] [Ord. 2016-020]

....  
H. Development Order Amendment

1. General

Notes:

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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

A Development Order for a Class A Conditional Use, ~~Requested Use~~, Class B Conditional Use, or Type II Waiver may be amended, extended, varied or altered only pursuant to the standards and procedures established for its original approval, or as otherwise set forth in this Section. Before any such Development Order is amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or conditions has occurred which make it necessary to amend, extend, vary or alter the ~~e~~Conditional/~~requested u~~se. [Ord. 2007-001] [Ord. 2011-016]

....  
I. **Conditions of Approval**

1. **Class A Conditional, ~~Requested Use~~, Type II Waiver, and Development Order Amendment**

The DRO and ZC may recommend, and the BCC may impose, such conditions in a Development Order for a Class A Conditional Use, ~~Requested Use~~, Type II Waiver, or Development Order Amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring. [Ord. 2007-001] [Ord. 2011-016]

2. **Class B Conditional Use**

The DRO may recommend, and the ZC may impose, such conditions in a development order for a Class B conditional use as stated in Article 2.B.2.G.1, Class A Conditional/~~Requested Use~~, above.

J. **Effect of Issuance of a Development Order**

1. **General**

Issuance of a Development Order for a Conditional Use, ~~Requested Use~~, Type II Waiver, or DOA shall be deemed to authorize only the particular site configuration, layout and level of impacts which were approved pursuant to this Code, unless the approval is abandoned. Permitted uses may occur in conjunction with or in place of a Conditional or Requested use. [Ord. 2011-016]

2. **Site Plan Compliance/Initiation of Use**

Development, benefit, or use of a Conditional Use, ~~Requested Use~~ or DOA shall not be permitted until the applicant has secured and complied with all other development orders and site improvements required by this Code.

The approval of a Development Order shall not ensure that subsequent approvals for other Development Permits will be granted unless the relevant and applicable portions of this Code are met.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

A. Purpose

....  
2. **Administrative Process**

Review and approval of applications for uses that have a "D" in ~~Table 4.A.3.A, Use Matrix the use matrices in Art. 4, Use Regulations~~ or Table 4.A.3.A, ~~Development~~ Thresholds ~~For Projects Requiring DRO Approvals~~. [Ord. 2009-040]

B. **Application Types**

1. The following types of development shall require approval of a master plan, site plan, subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan Requirements by the DRO prior to the issuance of a building permit, commencement of any related land development activity, utilization of any use or approval granted by the BCC or ZC, or utilization of any use requiring approval by the DRO: [Ord. 2009-040]

a. Conditional Use/~~Requested Use~~;

....  
e. "D" uses in ~~Table 4.A.3.A, Use Matrix the use matrices in to Art. 4, Use Regulations~~;

f. All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A, ~~Development~~ Threshold ~~for Project Requiring DRO Approval~~; [Ord. 2009-040]

Notes:

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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

6.	Update use name Renewable Energy Wind Facility to reflect the use name change as proposed in the Utilities Use Classification.
----	--

**G. Modifications to Prior Development Orders**

**1. Modifications to BCC/ZC Approvals**

....

3) The limitations in Art. 2.D.1.G.1.a shall not apply to a Renewable Energy *Wind* Facility, ~~Wind~~ within the AP Zoning district. [Ord. 2011-016] [Ord. 2015-006]

....

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

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

....

**Section 2 Special Permit**

....

**B. Authorized Special Permits**

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

....

**CHAPTER E MONITORING**

....

**Section 2 Procedures**

....

**D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval**

**8. Decision of the BCC or ZC for Failure to Comply with the Following:**

Time requirements to commence development, utilize a ~~e~~Conditional ~~or requested~~ uUse or record a plat; or Non-performance security conditions (required by Article 12.C.2, Conditions). [Ord. 2005-002] [Ord. 2007-001]

....

1) Grant a time extension:

a) To commence development, utilize a ~~e~~Conditional ~~or requested~~ uUse, or record a plat for a period not to exceed 36 months. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. A time extension shall only be granted if the development order is consistent with the Plan and the Code. Options, which may be used to cause the Development Order to be consistent, include revocation of Concurrency and the amendment of Conditions of Approval. [Ord. 2005-002] [Ord. 2008-003]

....

3) Adopt a resolution which will revoke or amend the approval for all or a portion of the ~~e~~Conditional ~~or requested~~ uUse, special exception or development order amendment;

....

**Section 3 Supplementary Regulations for Classes of Development Orders**

....

**B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a Required Action**

....

**2. Conditional ~~and Requested~~ Uses, PDDs other than PUDs, TTDs and TMDs**

**Notes:**

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EXHIBIT F

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 11/22/16)

The Final site plan/Final Subdivision plan for ~~e~~Conditional ~~and requested u~~Uses, PDDs other than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B, Time Limitation of Development Order for Each Phase, provides the maximum number of phases permitted for each type of development order. If there are multiple phases, the first phase shall contain a minimum of 20 percent of the land area and the first and second phases shall contain a combined minimum of 40 percent of the land area unless otherwise approved in the development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a minimum of 25 percent residential/non-residential of the total project. Article 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, also provides time requirements for commencement of development. [Ord. 2006-004] [ Ord. 2007-001]

3. Effect of Modification to a Development Order on the Time Requirements of this Section

b. Final Site Plan or Final Subdivision Plan

Table 2.E.3.B - Time Limitation of Development Order for Each Phase

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
Conditional Uses <del>, Requested Uses</del> (Including any associated variance(s))	2 (5)	Commence development or utilize Conditional Use <del>or Requested Use</del> if no construction is required (1)	Three years (2) (7)	Twenty-four months	Pursuant to subsections Article 2.E.2.A, Suspension of Development Orders and Article 2.E.2.D, Failure to Comply with Conditions herein:  Class A - BCC review;  Class B - Zoning Commission review
....					

....

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

G. Development Review Officer (DRO)

2. Powers and Duties

b. to hear, consider, and determine the sufficiency of applications for and recommendations to the /BCC to approve, approve with conditions, or deny applications for development permits for ~~e~~Conditional ~~and requested u~~Uses.

N. Zoning Director

2. Jurisdiction, Authority and Duties

d. to accept applications for, review and prepare staff reports recommending approval, approval with conditions, or denial of applications for re-zonings, Class A and Class B ~~e~~Conditional ~~u~~Uses, ~~requested uses~~, waivers, site plans, subdivisions, special permits, DRIs and variances;

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Notes:

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

1 Part 1. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - (page 4-  
 2 11 of 39), is hereby amended as follows:  
 3

Reason for amendments: [Zoning]	
1.	Update use name Accessory Dwelling for Accessory Quarters and Security and Caretakers Quarters for Caretaker Quarters as proposed in the Residential Use Classification.
2.	Add Prison, Jail or Correctional Facility to the list of Institutional, Public and Civic parking and loading requirements as the use was split from Government Services. The parking provisions are the same as those under Government Service use.
3.	Update use name Arena, Auditorium or Stadium for Arena or Stadium or Amphitheater and Gun Club Enclose for Indoor Shooting Range as proposed in the Recreation Use Classification.
4.	Delete Ferrier use from the parking provision to reflect deletion of the use under the Agricultural Use Classification.
5.	Update use name Electric Power Facility for Electric Power Plant and Sanitary Landfill or Incinerator for Landfill or Incinerator as proposed in the Utility Use Classification.
6.	Delete Asphalt or Concrete use from the parking provision to reflect deletion of the use under the Industrial Use Classification.
7.	Update use name Industrial Research Laboratory for Research and Development and Motion Picture Production Studio for Multi-Media Production as proposed in the Industrial Use Classification.
8.	Add Distribution Facility to the list of Industrial parking and loading requirements as the use was split from Transportation Facility. The parking provisions are the same as those under Transportation Facility use.
9.	Update use name Helipad for Heliport and as proposed in the Transportation Use Classification.

4 CHAPTER A PARKING

5 Section 1 General

6 A. Purpose and Intent

7 ....

8 4. Deviations for the PO Zoning District

9 ....

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

Use Type: Residential	Parking	Loading (1)
....		
Multi-family	1 space per efficiency unit; 2 spaces per unit (one bedroom or more); plus 1 guest parking space per 4 units with common parking areas.	N/A
Accessory <del>dwelling</del> Quarters	1 space per unit	N/A
....		
<del>Grooms</del> Quarters [Relocated from Agricultural]	1 space per unit	N/A
....		
Kennel, Type <del>1</del> (Private)	1 space per 500 sq. ft. of cage or kennel area.	N/A
<del>Nursing or convalescent facility</del> [Relocated to Institutional, Public and Civic]	1 space per 3 beds; plus 1 space per 200 sq. ft. of office space	D
<del>Security or e</del> Caretaker qQuarters	1 space per unit	N/A
Use Type: Commercial	Parking	Loading (1)
....		
<del>Contractor storage yard</del> [Relocated to Industrial Uses]	1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area	A
....		
<del>Marina</del> [Relocated from Marine Facility under Recreation]	1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips	A
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		

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11

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

Use Type: <u>Institutional, Public and Civic</u>	Parking	Loading (1)
<del>Airport, landing strip or helipad</del> [Relocated to Transportation]	<del>1 space per tie-down and hangar space, minimum of 5 spaces</del>	<del>C</del>
<del>Nonprofit</del> Assembly, <del>Nonprofit</del> Institutional or Membership (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.1, Uses, calculated separately.	A
<del>Nursing Home or Convalescent Facility</del> [Relocated from Residential]	<del>1 space per 3 beds; plus 1 space per 200 sq. ft. of office space</del>	<del>D</del>
****		
Hospital <del>or medical center</del>	1 space per 2 beds; plus 1 space per 200 sq. ft. of outpatient treatment area	D
****		
<del>Prison, Jail or Correctional Facility</del>	<del>1 space per 500 sq. ft.; or 1 space per 3 seats, whichever is greater</del>	<del>N/A</del>
****		
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040]		
Use Type: Recreational	Parking	Loading (1)
Arena, <del>auditorium</del> or <del>Stadium</del> or <del>Amphitheater</del>	1 space per 3 seats	B
****		
<del>Gun Club, Enclosed Shooting Range, Indoor and Shooting Range, Outdoor</del>	1 space per target area	N/A
<del>Marine facility</del> [Relocated to Commercial]	<del>1 space per 250 sq. ft.; plus 1 space per wet slip; plus one space per 3 dry slips</del>	<del>A</del>
****		
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2012-007] [Ord. 2014-025]		
Use Type: Agriculture	Parking	Loading (1)
****		
<del>Farrier</del>	<del>1 space per 1,000 sq. ft.</del>	<del>N/A</del>
****		
<del>Grooms Quarters</del> [Relocated to Residential]	<del>1 space per unit</del>	<del>N/A</del>
****		
[Ord. 2006-004] [Ord. 2006-036] [Ord. 2012-027] [Ord. 2015-031]		
<b>Loading Key:</b>		
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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Use Type: <b>Commercial Communication Towers</b>	Parking	Loading (1)
<del>Commercial Communication Towers</del> [Relocated from Utilities and Excavation]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	<i>N/A</i>
Use Type: Utilities and Excavation	Parking	Loading (1)
....		
<del>Communication tower, commercial</del> [Relocated to Commercial Communication Towers]	<i>Exempt from parking regulations unless otherwise required by Zoning Director</i>	<i>N/A</i>
....	2 spaces per acre; minimum of 5 spaces	N/A
Electric Power <del>Facility</del> <u>Plant</u>	1 space per 200 sq. ft. of office space; plus 1 space per 10,000 sq. ft.	N/A
<del>Excavation</del> [Relocated to the Excavation Use Classification]	<i>N/A</i>	<i>N/A</i>
....		
<del>Recycling center</del> [Relocated to Industrial Uses]	<i>1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.</i>	<i>N/A</i>
....	1 space per bin	N/A
<del>Recycling plant</del> [Relocated to Industrial Uses]	<i>1 space per 200 sq. ft. of office space; plus 1 space per employee</i>	<i>N/A</i>
Renewable Energy <del>Solar</del> Facility, <u>Solar</u>	1 space per site; and 1 space per 200 sq. ft. of office space	N/A
Renewable Energy <del>Wind</del> Facility, <u>Wind</u>	Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director	N/A
<del>Sanitary Landfill or Incinerator</del>	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A
....		
<del>Minor Utility, Minor</del>	1 space per <del>Minor Utility, Minor</del>	N/A
....		
<b>[Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]</b>		
<b>Loading Key:</b>		
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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**Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements**

Use Type: <i>Excavation</i>	Parking	Loading (1)
<i>Excavation [Relocated from Utilities and Excavation]</i>	<i>N/A</i>	<i>N/A</i>
Use Type: Industrial	Parking	Loading (1)
<i>Asphalt or concrete plant</i>	<i>1 space per 1,000 sq. ft.</i>	<i>N/A</i>
<i>Contractor Storage Yard [Relocated from Commercial Uses]</i>	<i>1 space per 500 sq. ft.; plus 1 space per 5,000 sq. ft. of outdoor storage area</i>	<i>A</i>
<i>Data and information processing</i>	<i>1 space per 100 sq. ft.</i>	<i>A</i>
<i>Distribution Facility</i>	<i>1 space per 200 sq. ft. of office space</i>	<i>N/A</i>
....		
<i>Laboratory, Industrial Research and Development</i>	<i>2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.</i>	<i>A</i>
....		
<i>Motion picture Multi-Media Production studio</i>	<i>2 spaces per 1,000 sq. ft. of first 10,000 sq. ft.; plus 1 space per 1,000 sq. ft. over 10,000 sq. ft.</i>	<i>A</i>
<i>Recycling Center [Relocated from Utility Uses]</i>	<i>1 space per 200 sq. ft. of office space; plus one space per 250 sq. ft. of warehouse and maintenance area; plus 1 space per 10,000 sq. ft.</i>	<i>N/A</i>
<i>Recycling Plant [Relocated from Utility Uses]</i>	<i>1 space per 200 sq. ft. of office space; plus 1 space per employee</i>	<i>N/A</i>
<i>Salvage or and junk yard</i>	<i>1 space per 200 sq. ft. of office space; plus 1 space per employee</i>	<i>A</i>
<i>Transportation Facility [Relocated to Transportation Uses]</i>	<i>1 space per 200 sq. ft. of office space</i>	<i>N/A</i>
....		
Use Type: Transportation Uses	Parking	Loading (1)
<i>Airport, Heliport or Landing Strip [Relocated from Public and Civic]</i>	<i>1 space per tie-down and hangar space, minimum of 5 spaces</i>	<i>C</i>
<i>Transportation Facility [Relocated from Industrial Uses]</i>	<i>1 space per 200 sq. ft. of office space</i>	<i>N/A</i>
<b>Loading Key:</b>		
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.		
<b>Notes:</b>		
1. In addition to the parking requirements of Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide 1 space per company vehicle.		
2. Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.D.1.h, Government services.		
3. Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).		
4. Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking. <b>[2007-010]</b>		
5. Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.		
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. <b>[Ord. 2005-041]</b>		
7. Golf cart parking may be used pursuant to Art. 6.A.1.D.7, Golf Cart Parking <b>[Ord. 2007-001] [Ord. 2013-001]</b>		
8. The loading zone may be waived for a Type II or III Commercial Kennel operated as an accessory use to general retail sales. <b>[Ord. 2006-036]</b>		
9. Each walk-up Freestanding ATM shall require a minimum of one (1) parking space for persons with disabilities. <b>[Ord. 2013-021]</b>		
10. Parking may not be required for a Community Vegetable Garden subject to submittal of parking demand study and approval of a Type I Waiver. <b>[Ord. 2015-031]</b>		

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# EXHIBIT H

## ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 11/23/16)

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Part 1. ULDC Art. 7, Landscaping (Pages 14 and 40 of 52), is hereby amended as follows:

Reason for amendments: [Zoning]	
1.	The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to “Requested Use” and be replaced with “Conditional Use”. Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects “Conditional Use” approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 7 where the words “Requested Use” are utilized.
2.	Update the Civic Use Classification by adding “Institutional, Public and Civic” for consistency with changes done in Art. 4, Use Regulations.
3.	Delete footnote number one that defers to Article 7, Landscaping requirements for buffers for Minor Utilities. The use is for above-ground facilities associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area. This use no longer includes Electric Distribution Substation therefore the provisions for landscaping are not applicable due to the size of Minor Utilities.

....

### CHAPTER B TYPES OF PLANS

#### Section 3 Alternative Landscape Plan (ALP)

##### .... D. Approval

##### .... 3. Approval Process

##### .... c. Optional Submittal with a Zoning Application

If submitted with an application for a rezoning, ~~e~~Conditional ~~u~~Use, ~~requested use~~, variance, or development order amendment, an applicant may opt to request that the ZC or BCC, whichever is applicable, approve the ALP. [Ord. 2007-001]

....

### CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

....

#### Section 9 Incompatibility Buffer

##### .... A. Determining Incompatibility Buffer Type

....

**Table 7.F.9.A - Required Incompatibility Buffer Types**

Difference Between Adjacent Uses (1)			
Use Classification	Abutting	Use Classification	Required Buffer Type
Single-Family	↔	Multi-Family, Type II CLF	Type 1
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	<b>Institutional, Public and Civic</b>	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility <del>(2)</del>	Type 3
<b>[Ord. 2008-003]</b>			
<b>Notes:</b>			
1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.			
2. <del>Buffer for minor utilities shall be determined by the DRO.</del>			

....

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**Notes:**

Underlined indicates **new** text.

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

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



EXHIBIT I

ARTICLE 8, SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 11/21/16)

1
2 Part 1. ULDC Art. 8, Signage (page 17, 22 and 30 of 42), is hereby amended as follows:
3

Reason for amendments: [Zoning]
1. The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to "Requested Use" and be replaced with "Conditional Use". Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects "Conditional Use" approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 8 where the words "Requested Use" are utilized.
2. Update use name Indoor Theater for Theater and Performance Venue as proposed in the Commercial Use Classification.

4
5 CHAPTER E PROCEDURES FOR SIGNAGE

6 Section 4 Alternative Sign Plan (ASP)

7 B. Applicability
8 An ASP may be submitted for any of the following:

- 9 ....
10 3. Conditional or-requested uses.
11 ....

12 CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

13 Section 6 Changeable Copy

14 Changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses
15 which are exempt from this restriction: all public and civic uses, indoor theaters and Performance Venue,
16 fuel price signs, and signs that flash the time and temperature subject to Article 8.G.3.B, Electronic
17 Message Signs. [Ord. 2014-025]

18 ....

19 CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

20 Section 3 Other Sign Types

21 B. Electronic Message Signs
22 1. Applicability and Approval Process

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

Table with 3 columns: Sign Type, Permitted Content, Approval Process. Row 1: 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 or-Requested Use approval (1).
[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]

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Notes:
Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to: ].
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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT J

ARTICLE 12, TRAFFIC PERFORMANCE STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 11/23/16)

1  
2 Part 1. ULDC Art.12.P.4.J, Mitigation Strategies (page 51 of 59), is hereby amended as follows:  
3

**Reason for amendments:** [Zoning] The Use Regulations Project (URP) is proposed to consolidate Use Matrices and by doing that, terminology used for Public Hearing process is also consolidated. This amendment deletes from the Code any reference to “Requested Use” and be replaced with “Conditional Use”. Requested Use is the terminology used to refer to Board of County Commissioners (BCC) approval of uses as indicated in the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices. Currently the Code reflects “Conditional Use” approval in the standard zoning districts Use Matrix only with clarification that Class A is for BCC approval while Class B for Zoning Commission approval. This amendment updates all the references in Art. 12 where the words “Requested Use” are utilized.

4 CHAPTER P OKEECHOBEE BOULEVARD CRALLS POINT SYSTEM

5 ....

6 Section 4 Mitigation Strategies

7 ....

8 J. Strategy 10. Low Generation Traffic Sensitive Uses

9  
10 5. Credit Factor

11 b. It is further assumed that, for purposes of calculation and comparison, the typical gross  
12 lot area coverage intensities are based upon single story buildings occupying the parcels.  
13 Also, for purposes of comparison, the typical density/intensity for the land use  
14 designations listed above shall be calculated using the general trip generation rate for  
15 that designation as published by PBC Engineering and Public Works Department/Traffic  
16 Division, whereas the proposed project shall be calculated using the specific trip  
17 generation rate for the proposed use if it is a Conditional ~~requested~~ use under the  
18 applicable zoning district. [Ord. 2006-036]

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

EXHIBIT K

INDUSTRIAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/23/16)

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

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 5 Industrial Uses**

5 **A. Industrial Use Matrix**

6 The Industrial Use Matrix identifies all principal industrial uses and the approval processes in  
7 unincorporated Palm Beach County zoning districts. The User Guide and General Provisions  
8 section of this article outlines in detail how to read use matrices.  
9

**Reason for amendments:**

[Zoning] Consolidates all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for Standard, Planned Development Districts (PDD) or Traditional Development Districts (TDD) districts. Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overlay (IRO) Permitted Use Schedule; Table 3.B.16.E, Priority Redevelopment Area (PRA) Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.

Include footnote in the Use Matrix to ensure the Code user reviews the Supplementary Use Standards applicable to every individual use when determining the applicable approval process. Since the Use Matrix is intended to show the most restrictive approval process and some uses may be shown prohibited or with a specific approval process, the Supplementary Use Standards may contain additional provisions that allow the use to be subject to a lower level of approval when specific provisions are met.

**Notes:**

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

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.

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

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

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

~~Double Stricken~~ indicates text to be deleted or previously underline text to be deleted.





EXHIBIT K

INDUSTRIAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/23/16)

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**B. General Industrial Standards**  
Reserved for future use.



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

**HISTORY:** The Asphalt or Concrete definition was first referenced as part of the 1992 ULDC (Ord.1992-020).

**Reason for amendments:** [Zoning] Asphalt and Concrete Plant is being consolidated with Heavy Industry, due to similar characteristics such as:

- Nuisances such as appearance, dust and odor, and noise; and.
- Uses are land intensive requiring room for storage of aggregate and materials, heavy equipment, need for maneuvering area for delivery vehicles; and.
- ~~The Comprehensive Plan deems the two uses as similar.~~

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**~~13. Asphalt or Concrete Plant~~**

~~An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.~~

**Reason for amendments to Asphalt or Concrete Plant in the Use Matrix:** [Zoning] Asphalt and Concrete Plant is being consolidated with Heavy Industry.



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**135. Contractor Storage Yard**

**HISTORY:** The Contractor Storage Yard use definition and ~~s~~Supplementary Use ~~s~~Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 1992-020, 1997-014, 1999-037, 2003-067, 2005-002, 2010-005, 2011-001.

**Reason for amendments:** [Zoning]

1. Delete requirement limiting minimum number of commercial vehicles allowed and to consolidate language describing construction and mechanical equipment within the definition. Research of other municipal ordinances and the American Planning Association (APA) does not support a limitation of the number of vehicles;
2. Delete the Accessory Office requirement as it is addressed by Article 5.B.1.A, Accessory Uses and Structures; and,
3. Relocate and consolidate screening requirements for outdoor storage, Flex Space, and Barbed Wire in Article 5.B, Accessory and Temporary Uses.
4. [Westgate] The Westgate CRA has identified the need to amend certain use regulations to better facilitate the CRA's objective of eliminating slum and blight in the Westgate community redevelopment area. This amendment seeks to add a more restrictive approvals process and more stringent property development regulations to the Contractor Storage Yard use to mitigate for potentially harmful impacts. A Contractor Storage Yard is an intense, operationally active industrial use that can have a negative impact on surrounding areas, particularly if adjacent or nearby residentially zoned districts. The use is not only visually unappealing, it can generate noise, increased heavy truck traffic, and possible environmental impacts from the storage of certain construction material. The Westgate CRA believes this use to be inappropriate for an urban redevelopment area. Where allowed on industrially zoned parcels in the UG and UI Sub-areas of the WCRAO, the use will require a Class A conditional use approval by the BCC providing an opportunity for the concerns of neighboring community residents to be heard via the public hearing process. A required accessory office structure serves to screen the storage yard and prevent stand-alone outdoor storage. The accessory office structure must meet the setbacks, build to line, minimum frontage, and building coverage property development standards of the UI or UG Sub-area to create better building presence.
5. Establish new Home Occupation standard. Consistent with similar Florida jurisdictions, Palm Beach County maintains standards for Home Occupations to ensure that such businesses are not incompatible with neighboring residential uses or communities, nor inconsistent with Comprehensive Plan directives to maintain liveable communities. These regulations recognize that many home based businesses require the use of a vehicle, generally allowing for a maximum of one business related vehicle per household, subject to limitations on size that serve to preclude larger vehicles which are typically incompatible with residential communities.

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In 2007, an exception was established to recognize the growing pains of a large number of successful mom and pop scaled landscape service businesses located in Rural areas of the County where larger lot sizes allowed for additional flexibility to accommodate additional employees and storage of lawn care related equipment. The amendment was intended to further encourage small business growth for uses that had outgrown the current residential limitations but were not yet ready to move to larger more expensive Commercial or Industrial locations.

Since that time, County Code Enforcement officials have noted other similar businesses that operating in the Exurban and Rural Tiers, which could be similarly accommodated through additional exceptions to limits on vehicle type/size, and equipment.

**a. Definition**

~~A lot used for the~~ The storage of construction material, mechanical equipment used in construction activity, or ~~three or more~~ commercial vehicles used by building trades and services, other than construction sites. [Ord. 2005-002]

**a. Construction Equipment**

~~Mechanical equipment principally used in construction activity. Such equipment shall include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy vehicle.~~

**b. Office Permitted**

~~An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND TEMPORARY USES.~~

**c. Screening**

~~Outdoor storage shall be screened from view in accordance with Article 5.B, ACCESSORY AND TEMPORARY USES. For a storage yard contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be installed along the inside edge of the required landscape buffer.~~

**d. Flex Space**

~~This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]~~

**e. Barbed Wire**

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]~~

**b. Overlay - WCRAO**

**1) Approval Process**

The Use shall be limited to the UG and UI Sub-areas of the WCRAO subject to Class A Conditional Use approval.

**2) Accessory Office**

The use shall include a structure required to comply with the provisions of Table 3.B.14.F – WCRAO Sub-area PDR's.

**3) Nonconformities**

Uses approved prior to the effective date of this ordinance shall be considered legal conforming uses.

**c. Home Occupation – AR/RSA**

A limited Contractor Storage Yard use, may be allowed as a Home Occupation, when located in the Agriculture Residential (AR) Zoning district within the Rural Service Area (RSA) subject to the requirements of Art. 4.B.1.E.8, Home Occupation, and the following:

**1) General**

**a) Buffers**

The use shall be exempt from incompatibility buffer requirements.

**b) Hours of Operation**

The loading or unloading, or movement of any stored vehicles, equipment, or other similar activities, or additional employees shall be prohibited between the hours of 8 p.m. and 6 a.m.

**c) Additional Employees**

A maximum of three persons living outside of the home may be employed under the home occupation, subject to the following:

1) Employees shall be prohibited from loitering outdoors or within any abutting R-O-W, immediately prior to or after completing a work shift, excluding any usual or customary social activities hosted by the business owner; and,

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- 2) Employee vehicles shall not be parked on unimproved surfaces nor in the front or side yard unless within the business owners driveway or enclosed storage area.
- d) **Outdoor Storage**
  - 1) Where additional vehicles or equipment are allowed below, storage areas shall be screened from view from any R-O-W or residential parcel through use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the Business Tax Receipt;
  - 2) No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures;
  - 3) Outdoor storage shall be prohibited within the front yard, and shall be a minimum of 15 feet, or 25 feet for vehicles or equipment greater than eight feet in height, from any abutting parcel with a residential FLU or use; and,
  - 4) Additional vehicles or equipment cited under Type II or Type III options shall only be permitted where parked or stored on improved surfaces such as asphalt, pavement or shell rock.
- e) **Ownership**  
Any additional permitted vehicles or equipment shall be owned or leased by the Home Occupation license holder, except for semi-trucks that are stored not more than two days per week at the home.
- 2) **Type I – Landscape Service**  
The use shall be exempt from outside storage limitations, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers owned by the business owner. Storage shall not include heavy equipment associated with landscape installation services, such as bobcats, loaders, dump trucks, or heavy equipment trailers.
- 3) **Type II – Trucks and Equipment**  
The following additional vehicles or equipment owned by the business owner, may be permitted on lots a minimum of five acres in size, in accordance with the outdoor storage provisions above:
  - a) Semi truck with or without trailer; or,
  - b) One dump truck; and
  - c) One trailer and one item of heavy equipment, such as a bobcat or loader, but excluding large equipment such as cranes.
- 4) **Type III – Large Vehicles - Landscape Service**  
One additional vehicle, trailer or piece of equipment permitted under Type I or Type II above shall be permitted for each additional 10 acres.

**Reason for amendments to Contractor Storage Yard in the Use Matrix:** [Zoning]

45. This use was previously classified under the “Commercial Uses” category; however, the use was not permitted in any commercial districts, only industrial districts.

26. The use has been added as a Development Review Officer (DRO) approval to the Multiple Use Planned Development (MUPD) with an Economic Development Center (EDC) Future Land Use (FLU) designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services. The EDC is intended to be an employment generator. Although a Contractor Storage Yard may not always be the prototypical employment generator, it would contribute to new industrial development.

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**2 38. Data and Information Processing**

**HISTORY:** The Data and Information Processing use definition and ~~s~~Supplementary Use ~~s~~Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 1992-020, 2003-067, and 2010-005

**Reason for amendments:** [Zoning]

1. Updated ~~s~~ Data and Information Processing use definition for a more specific and consistent terminology used in today's market; and to relocate reference to "Flex Space", which will be addressed in Article 5 of the ULDC. The proposed definition indicates that this use is commonly collocated with other uses in the Industrial Use Classification, such as manufacturing, and is commonly found in planned industrial campus style complexes. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as

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adapting language from such sources as North America Industry Classification System (NAICS) and <a href="#">American Planning Association (APA)</a> .
2. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

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a. Definition

The use of an establishment for business offices of an industrial nature, including corporate centers, associated with uses such as: manufacturing and processing plants or similar industrial complexes; mass/bulk mail processing; and telemarketing centers. Such uses are The use is often integrated into a campus style development, and not frequented by the general public. This term does not include such uses as: Business or Professional Offices; computer-related General Retail Sales establishments; and Personal Services and Medical or Dental Offices.

a. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B PDD Use Matrix, Table 4.A.3.A Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

Reason for amendments to Transportation Facility Data and Information Processing in the Use Matrix: [Zoning]

- 43. Due to the high number of employees typically employed by this use, it generates high trip counts and is not a neighborhood oriented use. Therefore this use is proposed for deletion from the following:
- Commercial Low-Office (CLO) and Community Commercial (CC) Zoning Districts;
- Infill Redevelopment Overlay (IRO) Zoning District with a Commercial Low (CL) and CLO FLU designation;
- MUPD with a CL FLU designation; and,
- Lifestyle Commercial Center (LCC) Zoning District with a CL FLU designation.
24. Add as Permitted by Right Use to MUPD with an EDC FLU designation. This zoning district requires approval of a Preliminary Site Plan by the Board of County Commissioners (BCC), at which time related impacts such as location, access, and orientation should be addressed.

3 13. Transportation Distribution Facility

HISTORY: The Transportation Facility use definition and eSupplementary Use eStandards were first referenced by Ord. 1981-024. The definition and eSupplementary Use eStandards were amended by the 1992 Code rewrite (Ord. 1992-020), 2003 Code rewrite (Ord. 2003-067), 2010-022, and 2011-016.

Reason for amendments to Transportation Facility in the Use Matrix: [Zoning]

- 1. Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. Research concludes that the moving of people and goods are not similar in terms of overall operation and impact. The moving of people is consistent with public or civic uses (bus stops, train station) while goods are consistent with an industrial use (railroad depots, truck terminals). The proposed amendment will split Transportation Facility into two uses, Transportation Facility and Distribution Facility, to clarify the distinction between the moving of people and goods. Transportation Facility, the movement of people, will be established and located to a more appropriate use classification, Public and Civic Uses. Distribution Facility, the movement of goods, will be retained consistent with the industrial nature of the use.
2. To revise the definition to: a) clarify Distribution Facility is not people related; and, b) adds language to replace transfer of transportation standard. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as adapting language from such sources as NAICS and APA.

a. Definition

An establishment facility for the loading, unloading, and interchange of passengers, baggage, and freight or package express between modes of transportation. Typical uses include bus truck terminals, railroad stations depots and yards (including temporary storage), and major mail processing centers. [Relocated to new b., Typical Uses, below]

b. Typical Uses

Typical uses include truck terminals, railroad depots and yards (including temporary storage), and major mail-processing centers. [Relocated from a., Definition, above]

a. Transportation Transfer Facility (distribution)

An establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.

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~~1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.~~

<b>Reason for amendments to <del>Transportation</del> <u>Distribution</u> Facility in the Use Matrix: [Zoning]</b>	
<u>43.</u>	Based on the reasons stated above, this use is being deleted from the following commercial districts: <ul style="list-style-type: none"> <li>• General Commercial (CG);</li> <li>• Urban Redevelopment Area Overlay (URAO) Urban Center 1 (UC1); and,</li> <li>• Urban Infill 1 (UI1) Transect Sub-Zones.</li> </ul>
<u>24.</u>	Distribution Facility is generally considered a light or general industrial use therefore inappropriate for lesser types of designations such as commercial districts. The deletions are consistent with the proposed separation of Transportation Facility (which would be allowed in these districts) and Distribution Facility. Distribution Facility is a potentially intense industrial use (e.g., a railroad depot) and should not be in these districts regardless of mitigation options. The approval process has also been deleted in the Institutional Public Facilities (IPF) Zoning District for consistency.
<u>35.</u>	The use has been added as Permitted to a MUPD with an Industrial (IND) FLU designation or an <u>Economic Development Center</u> (EDC) FLU designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services.

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**4. Equestrian Waste Management Facility**

<b>Reason for Amendments: [Zoning]</b>	
1.	Establish definition to clarify scope of use, including but not limited to: <ul style="list-style-type: none"> <li>▪ References to reuse or "limited processing" is included for consistency with standards for "Recovered Materials Processing Facilities" established under F.S. 403.703 and the definition for processing under 403.703(23) which clarifies methods for processing solid waste "...so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration." Note, the intent of this amendment is to establish consistency with the aforementioned regulatory standards, regardless of whether or not equestrian waste may or may not be defined by the State as solid waste. Thus, "limited processing" would not allow for intensive Manufacturing and Processing, unless approved as a collocated use, or where specifically stated as permitted otherwise under standards for Accessory Uses for Equestrian Waste Management Facilities.</li> <li>▪ Additional collocated uses such as Composting, Manufacturing and Processing, Potting Soil Manufacturing, etc. would only be permitted where otherwise allowed in the applicable district, or where otherwise stated herein. While most of the uses anticipated to be inter-related with the new Equestrian Waster Management Facility may be permitted in Industrial districts, Manufacturing and Processing is not permitted in the AP district, nor does the Comprehensive Plan amendment anticipate that it should be. However, there may be a need to recognize a limited form of manufacturing to recognize that the preparation of recycling horse bedding may require the incorporation of new bedding material to supplement the more refined recycled material. In addition, there may be other forms of limited manufacturing from Equestrian Waste, consistent with the intent of a recycling facility, such as the production of usable products such as artificial fire place logs (aka pine logs). Subsequently, provisions to allow for limited manufacturing have been included under provisions allowing for Accessory Uses.</li> </ul>
2.	Establish Approval Process standard to implement the concurrent Comprehensive Plan amendment which will allow for limited us of the Special Agriculture (SA) future land use (FLU) designation in the Glades Tier, to allow for a Equestrian Waste Recycling Pilot Project.
3.	Require compliance with previously established requirements for the storage of Animal Waste, which serves to mitigate surface and groundwater contamination resulting from improperly stored or handed organic waste. Prohibit outdoor storage and processing areas within the U/S Tier to mitigate adverse impacts to adjacent uses.
4.	Recognize need for similar application standards used for management of Composting facilities, including requirement to delineate how the site will function by specifying storage and processing areas, waste volume, and a dust control plan. In addition, expand to require an odor and pest management plan, given the potential for objectionable odors and nuisances such as flies or other pests.

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**a. Definition**

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- 1 An establishment used for the recovery or transshipment of equestrian waste, provided
- 2 used bedding is limited to organic materials, such as wood shavings, chips or sawdust,
- 3 straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles
- 4 or sand. Recovery may include collection, separation or sorting, or limited processing
- 5 necessary to reduce volume, render materials safe for transport, storage or disposal, or
- 6 the cleaning and packaging of materials for reuse.
- 7 **b. Typical Uses**
- 8 Typical uses include the recycling of organic bedding materials for reuse, and facilities
- 9 used to accommodate the transfer of equestrian manure or bedding from smaller vehicles
- 10 used for collection to larger vehicles for transshipment.
- 11 **c. Approval Process - AP Zoning District with SA FLU Designation**
- 12 An Equestrian Waste Management Facility, excluding transshipment uses, may be
- 13 allowed in the AP Zoning district with an SA FLU designation, subject to BCC approval as
- 14 a Class A Conditional Use.
- 15 **d. Location**
- 16 Shall have frontage and access from an Arterial or Collector street, excluding a parcel
- 17 with a FLUA amendment to allow for an Equestrian Waster Recycling Facility in the
- 18 Glades Tier within the Special Agriculture FLU designation. Access from Residential
- 19 Streets shall be prohibited.
- 20 **e. Landscaping Adjacent to Residential**
- 21 The Landscape Buffer for any Equestrian Waste Management Facility located within 250
- 22 feet of a parcel with a residential use or FLU designation, shall be upgraded to a
- 23 minimum of 30 feet in width, a two foot berm, and double the number of required trees,
- 24 planted in two staggered rows. Where outdoor activities are permitted within this
- 25 distance but an Incompatibility Buffer is not required, the buffer shall also be upgraded to
- 26 include a minimum six foot hedge, fence or wall.
- 27 **f. Accessory Use**
- 28 Limited manufacturing may be ~~permitted~~ allowed as an accessory use to an Equestrian
- 29 Waste Management Facility, where limited to supplementing recycling horse bedding with
- 30 a maximum of 30 percent new material, or for the production of other useful products
- 31 comprised of Equestrian Waste.
- 32 **g. Storage or Waste Processing Areas**
- 33 **1) Best Management Practices**
- 34 All storage areas, including the temporary or overnight parking of loaded trucks or
- 35 trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A,
- 36 Storage [Related to Storage or Spreading of Livestock Waste].
- 37 **2) U/S Tier**
- 38 Outdoor storage shall be prohibited in the U/S Tier.
- 39 **3) Outdoor Storage**
- 40 Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and
- 41 bollards shall be provided to delineate pile locations and height, tied to a finished
- 42 grade location designated on site.
- 43 **h. Application Requirements – Operation Functions**
- 44 An application for an Equestrian Waste Management Facility shall include a Justification
- 45 Statement and supporting documentation demonstrating acceptable industry design,
- 46 configuration and operational standards, including but not limited to:
- 47 **1) Site Plan**
- 48 The Plan shall illustrate how the operation functions, including circulation routes, and
- 49 the location and size of loading and processing areas, and storage piles.
- 50 **2) Waste Volume**
- 51 An explanation of the quantity of waste to be received, expressed in cubic yards per
- 52 day or tons per day.
- 53 **3) Dust Control Program**
- 54 A program to address how dust generated from traffic, storage and processing areas
- 55 will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
- 56 **4) Odor and Pest Control Program**
- 57 A program to address how odors and pests resulting from any vehicles transporting
- 58 waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4,
- 59 Objectionable Odors.
- 60

<b>Reason for amendments to <del>Transportation</del> Equestrian Waste Management Facility in the Use Matrix: [Zoning]</b>	
5.	Establish new Equestrian Waste Management Facility use as part of ongoing efforts to support the equestrian industry in Palm Beach County while working towards solutions to mitigate adverse impacts associated with the disposal of Equestrian Waste. While the use is consistent with other

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similar uses permitted in Industrial districts, concurrent amendments to the Comprehensive Plan are being undertaken to allow for a limited Pilot Program for this use to be located in the Agriculture Production (AP) district of the Glades Tier, subject to approval of a Special Agriculture (SA) future land use atlas (FLUA) amendment. Additional Supplemental Use Standards are proposed in Part 5 below, to ensure consistency with the Plan for these inter-related amendments.

45.61 Gas and Fuel, Wholesale

HISTORY: The Wholesale Gas and Fuel use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 1992-020 and 2003-067.

Reason for amendments to Gas and Fuel Wholesale in the Use Matrix: [Zoning]

- 1. Update definition to reflect changes in technology and practices of the petroleum industry. The proposed definition focuses on the function of the use as opposed to the storage volumes.
2. Remove the standard regarding locating the use in the Airport Zoning Overlay (AZO) from the definition, making it a standalone criteria. Criteria such as performance standards are not normally contained in definitions for uses, but listed as specific performance standards;
3. Add criteria to prevent the use from being located within the five-mile long runway use restriction zone for airports, to prevent any unfortunate mishaps in the event of emergency or short landings; and,
4. To require input from County fire officials in determining safe separation distances between the use and all adjacent uses in the event of an accidental leak or explosion.

The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site. Wholesale of gas and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel. [Ord. 2006-036] [Relocated to b, below]

a. Definition

An establishment engaged in the storage of gas and fuels for wholesale distribution, to businesses.

b. Airport Zoning Overlay (AZO)

Wholesale of gas and fuel shall be permitted-allowed in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel.

c. Location

This use shall not be located within any Prohibited Land Use Area/Five Mile Runway Buffer Zone.

d. Separation Distance

A separation distance shall be established between this use and any adjacent uses. The separation distance shall be that prescribed by PBC Fire Rescue Department based upon recognized standards and guidelines.

Reason for amendments to Gas and Fuel Wholesale in the Use Matrix: [Zoning]

- 45. Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD): add the use as a Class A Conditional Use for consistency with Light Industrial (IL) Zoning District.
46. To change the approval process from a Class B Conditional Use in the General Industrial (IG) Zoning District to a DRO approval process. The IG Zoning District is a much more intense zoning district permitting a broader array of heavier industrial uses. Since the subject use is storage only, as opposed to the processing of raw product, the level of volatility is reduced, and therefore, no public hearing is needed. A DRO review will ensure specific design criteria, such as separation distances standards, are being properly complied with, as well as proper placement of landscaping, access, and screening to ensure public safety issues are being addressed.
47. Change the use in the Public Ownership (PO) Zoning District from Permitted by Right to a DRO approval process, for the reasons noted above in 2. This will primarily impact publicly owned lands and facilities, which should be treated in the same fashion as privately owned establishments.
48. To increase the review process to a DRO in the General Industrial (IND/G) Pod of a PIPD. This will be consistent with the treatment of the use in the IG Zoning District. While the PIPD goes through the BCC for approval of a Master Plan, due to the potential volatility of the use, requiring the DRO process, especially if the use is being added after the Master Plan is approved, will ensure that any conditions of Master Plan approval are implemented as well as the design issues discussed in 2 above.

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**(Updated 11/23/16)**

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56 69. Heavy Industry

HISTORY: The Heavy Industry use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and eSupplementary Use eStandards were amended by Ordinance 1992-020, 2003-067.

Reason for amendments: [Zoning]

- 1. Consolidate asphalt or concrete plant in the list of typical heavy industry uses, as this use is a good example of the type of impacts and traffic found in other heavier uses, including fumes and odors, heavy trucks and equipment, and loud noises. This use includes a very broad range of uses from manufacturing large machinery to concrete and asphalt plants.
2. Delete fireworks sales, as it is not generally desirable to attract the general population to areas with high volumes of industrially oriented traffic, such as large trucks, and heavy equipment.

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works. [Relocated to new b., Typical Uses, below]

b. Typical Uses

Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works. [Relocated from a., Definition, above]

c. FLU Designation - EDC

Heavy Industry shall be prohibited in the EDC FLU designation. [Relocated from c., EDC FLU, below]

bad. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

e. EDC FLU

Heavy Industry shall be prohibited in the EDC FLU designation. [Relocated to new c., FLU Designation - EDC, above]

Reason for amendments to Heavy Industry in the Use Matrix: [Zoning]

- 2. Change from Permitted by Right to DRO approval process in the IND/G Pod of a PIPD for consistency with the approval process in IG Zoning District. DRO review ensures that any incompatibility issues are identified and made compliant with the requirements of the ULDC. This use involves large volumes of heavy vehicles, like semis and trailers, for delivery and distribution, which requires a higher level of scrutiny.

67 80. Machine or Welding Shop

HISTORY: The Machine and Welding Shop use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and eSupplementary Use eStandards were amended by Ordinance 1992-020, 2003-067

Reason for amendments: [Zoning]

- 1. To broaden the definition to include tool and die fabrication, which is typically associated with welding and machine shops.

a. Definition

A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, tool and die fabrication, and sheet metal shops.

Reason for amendments to Machine or Welding Shop in the Use Matrix: [Zoning]

- 2. To include Machine and Welding Shop as a Permitted by Right in MUPD with an EDC FLU designation. This is consistent with the language in the Plan which states that a use which is suitable to be Permitted in the IL Zoning District is also consistent with the characteristics of those

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uses permitted in the EDC FLU designation.

78 84. Manufacturing and Processing

HISTORY: The Manufacturing and Processing use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and eSupplementary Use eStandards were amended by Ordinance 1992-020, 2003-067

Reason for amendments: [Zoning]:

- 1. To revise the definition of Manufacturing and Processing to clarify that food processing does not include slaughterhouses and meat packing plants. Those uses involve the processing from raw materials (animals) which would classify them as Heavy Industrial. Wholesale butchers and similar uses are covered under Commercial Uses;
2. Provision excluding livestock and poultry slaughterhouses and meat packing plants from this use are now deleted. This use now includes cutting, packaging and shipping of meat as part of food processing to reflect Wholesale Butcher Shop use consolidated with Manufacturing and Processing. Slaughterhouses are currently covered by Heavy Industry use.
23. To relocate and consolidate supplementary use standards regarding outdoor activity, which will be addressed in Art. 5; and,
34. Delete provisions for Outdoor Activities, to coincide with deletion of use from MUPD Commercial districts.
45. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and This use also includes incidental storage, sales and distribution of such products, but excluding excludes heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing (excluding livestock and poultry slaughterhouses and meat packing plants). [Relocated to new Standard b., Typical Uses, below]

b. Typical Uses

Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing. [Relocated from Standard a., Definition, above]

a. Manufacturing

Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.

1) Exception

Manufacturing and processing shall be allowed as a permitted use in a MUPD with IND land use.

b. Outdoor Activities

Outdoor manufacturing, processing or storage shall be limited to industrial zoning districts only.

c. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B PDD Use Matrix, Table 4.A.3.A Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

Reason for amendments to Manufacturing and Processing in the Use Matrix: [Zoning]

47. To delete Manufacturing and Processing from MUPD with CL, Commercial High (CH), CLO, Commercial High-Office (CHO), and Commercial Recreation (CR) FLU designations, as this is an industrial use which is not consistent with these commercial FLU designations.

28. Add as Permitted by Right in MUPD with an EDC FLU designation. This use is currently Permitted in the IL Zoning District, which is intended for less noxious cleaner, lighter industrial uses. These types of uses are also consistent with the uses identified by the Plan for the EDC FLU designation.

89 84. Medical or Dental Laboratory

HISTORY: The Medical or Dental Laboratory use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 2003-067, 2010-005, and

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2011-016.
<b>Reason for amendments:</b> [Zoning]
1. Revise definition to ensure that other medical equipment, such as prosthetic, dental, optical and orthopedic, are included;
2. Revise definition to clarify in more detail the laboratory portion of the use; and,
3. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

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**a. Definition**

An ~~establishment facility~~ for the construction or repair of ~~medical equipment, such as dental, optical, orthopedic, or~~ prosthetic devices; or medical testing ~~laboratories primarily engaged in providing analytic or diagnostic services~~ exclusively on the written work order of a licensed member of the ~~dental or~~ medical profession and not for the public.

**a. Flex Space**

~~This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]~~

<b>Reason for amendments to Medical or Dental Laboratory in the Use Matrix:</b> [Zoning]
<del>44.</del> Change the approval process from Class B Conditional Use to DRO approval process in CHO Zoning District. This use is typically confined to a wholly enclosed operation, is not a high traffic volume generator or attractor, does not generate noxious fumes, smoke or other common nuisances, and does not entail outdoor storage. A clear distinction needs to be made between the industrial nature of the use and the commercial nature of the use (e.g., lens grinding and fitment into eyeglass frames). This can be fulfilled by the DRO review. The establishment of the Urban Redevelopment Area Overlay (URAO) (2010) and Infill Redevelopment Overlay (IRO) (2010) allowed this use as a DRO approval.
<del>25.</del> Amend to allow this Use as Permitted <del>by Right</del> in the IG Zoning District; MUPD with an EDC FLU designation; and, IND/G Pod of a PIPD. Medical or Dental Laboratory is considered an industrial use. The recommendations for these districts are to be consistent with the intent of the use in industrial FLU designations and Pods.

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**§10 54. Film Multi-Media Production Studio**

**HISTORY:** The Multi-Media Production use definition and ~~Supplementary Use Standards~~ were first referenced as part of the 1981 Unified Land Development Code (ULDC), Ordinance (Ord.) 1981-024. The definition and Supplementary Use Standards were amended by Ordinance 1992-020, 1994-023, 2007-001, 2010-005, and 2011-016.

<b>Reason for amendments <del>to Multi-Media Production in the Use Matrix:</del></b> [Zoning]
1. Rename Film Production Studio to Multi-Media Production to: <ul style="list-style-type: none"> <li>• Reflect changes in the industry engaged in the production and distribution of information and cultural products; and,</li> <li>• Clarify types of uses that may be included such as motion picture <del>film laboratories</del>, Computer Generated Imagery (CGI) and special effects, <del>etc</del> <u>production and broadcasting of mass communication.</u></li> </ul> <p><u>This amendment consolidates Broadcast Studios which is proposed to be deleted from the Commercial Use Classification to be listed as a typical use of Multi-Media Production.</u></p>
<del>2. Clarify that outdoor Multi-Media Production establishments related to the development and production of CGI and special effects are not permitted in commercial districts and pods.</del>
<del>32.</del> <u>Simplify the use definition by addressing typical uses as separate standard.</u>
<del>43.</del> <u>Delete standard that requires the Film Liaison Office to provide permits for this use. This use is to allow a permanent location for the production of movies which differs from the permits issued by the Film and Television Commission. That office provides permits for time-specific productions using public right of ways or County sites or buildings. A specific standard has been added to clarify.</u>
<del>54.</del> <u>Expansion of the use to incorporate Broadcasting requires the site to include towers and antennas. This amendment clarifies that they are subject to separate standards contained in the Commercial Communication Towers classification section of the Code as well as the provision that pertain to antennas.</u>

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**a. Definition**

The use of a lot or building for the production of films or video ~~tapes for exhibition or sale.~~ such as digital, audio and motion pictures; or film laboratories, stock footage film libraries, mass video publication and other related activities production or broadcasting of

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- 1 television, radio or internet programs; or recording of music. **[Relocated to new b.,**
- 2 **Typical Uses, below**
- 3 **b. Typical Uses**
- 4 Typical uses include but are not limited to: film laboratories, stock footage film libraries,
- 5 mass video publication, broadcasting studios, or soundstages. **[Relocated from a.,**
- 6 **Definition, above**]
- 7 **a. ~~CHO, CG and LCC Districts~~**
- 8 ~~Outdoor activities shall be located a minimum of 300 feet from a residential district. **[Ord.**~~
- 9 ~~**2010-005]**~~
- 10 **b. ~~Film Permit~~**
- 11 ~~A film permit shall be issued by the Director of the Film Liaison Office. The duration of the~~
- 12 ~~permit shall not exceed 24 months without approval of the Zoning Director. This permit~~
- 13 ~~may be issued in all districts. **[Ord. 2007-004]**~~
- 14 **c. Zoning Districts Approval Process**
- 15 Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning
- 16 districts where the use is allowed in Urban Infill (UI), Urban Center (UC) and commercial
- 17 zoning districts and pods only.
- 18 **d. ~~LCC~~**
- 19 ~~Film production studios shall not be located on a main street. **[Ord. 2010-005]**~~
- 20 **e. Transmission Facilities**
- 21 Communication towers, antennas and satellite dishes shall be subject to the applicable
- 22 approval and Supplementary Standards contained in this Code.
- 23 **f. Film Permit in Public Properties**
- 24 Films in public properties such as parks, beaches, Rights of way or public buildings are
- 25 not subject to these standards. Permits are issued by the Film and Television
- 26 Commission.
- 27

Reason for amendments to <del>Film Multi-Media Production Studio</del> in the Use Matrix: [Zoning]	
45.	Add Permitted approval process in a MUPD with an EDC FLU designation. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.4), Industrial Uses, indicates that the EDC designation is intended for uses with "Light Industrial" attributes with the addition of office uses. The EDC FLU designation shall be primarily utilized by office and research parks. The use is consistent with the Comprehensive Plan FLU Element.
26.	Change Commercial Recreation (CRE) Zoning District and MUPD with CR FLU designation approval process from BCC to DRO. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.3), Commercial Recreation, addresses major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. The change would allow flexibility for a recreation use, such as Lion Country Safari, to incorporate the possible collocation of a multi-media production use as part of its business model or to allow it in the facility
37.	Change Lifestyle Commercial Center (LCC) with CH FLU designation approval process from Permitted to DRO. This change is made to reflect consistency of commercial districts as requiring DRO approval due to the potential nature of this use being more consistent with light industrial. The change will also address the potential for adverse impacts where permitted in a LCC, by requiring DRO approval in combination with proposed Supplementary <u>Use</u> Standards establishing limitations on this use when located in Commercial districts.



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

11. Recycling Center

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

Reason for amendments: [Zoning]

1. The use was relocated from Utilities Uses, ULDC Supp. 20, Art. 4.B.1.A.103, Recycling Center, to new Industrial Use Classification.

42. Revise the definition standard to:
• Delete limited processing of recyclable materials as the activity of processing is more intense than a Recycling Center. The revision will clarify that processing of recyclable materials will be addressed by the Recycling Plant use.
• Pursuant to Florida Administrative Code (FAC) 62.722, revise the definition to delete the term "recyclable" as it includes the collection and processing of solid waste and utilize the term recovered as it does not include solid waste.

23. Relocate and consolidate Standards for Screening and Buffering to Article 5.B, Accessory and Temporary Uses.

34. Update the "DRO Approval Exception" standard to be consistent with updates reflecting most restrictive approval process in the Use Matrix. The revision will:
• Clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the Development Review Officer (DRO).
• Establish a new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential zoning districts and will be consistent with similar uses.

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a. Definition

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

a. Access

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

b. Screening

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

be. DRO Approval Exception

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

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

45. Revise the Access standard to clarify proposed language that requires a Recycling Center access from local commercial street not serving residential is applicable to residential "lots". The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms.

56. Establish Operation Functions standard related to site plan and dust control provisions to clarify

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requirements for submittal. The standard would be in addition to Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
67. Establish Solid Waste Authority (SWA) Permit standard to clarify zoning approval is required prior to SWA permit review for this use.

c. Access

Access shall be limited to arterial, collector, or local commercial streets which do not serve residential lots. [Ord. 2013-001] [Ordinance reference Relocated from 4.B.5.C.10.a Access standard above]

d. Operation Functions

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

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and, the location and size of equipment, loading and processing the operation areas, and storage piles.

2) Dust Control

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

3) SWA Permit

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

Reason for amendments to Recycling Center in the Use Matrix: [Zoning]

48. Change the approval process in the Light Industrial (IL) Zoning District, Multiple Use Planned Development (MUPD) with Industrial (IND) Future Land Use (FLU) designation and Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD) from Permitted by Right to Class A Conditional Use to indicate the most restrictive approval process in the Matrix. The existing "DRO Approval Exception" standard has been amended to clarify under what circumstances a Recycling Center requiring Class A Conditional Use approval may be approved by the DRO. The revision will also address potential adverse impacts to residential zoning districts.

29. Delete the approval process in the Neighborhood Commercial (CN) Zoning District. A Recycling Center does not meet the intent of the definition of a neighborhood serving commercial facility.

4012405.Recycling Plant

HISTORY: The Recycling Plant use definition and eSupplementary Use eStandards were first referenced as part of the 1977 Unified Land Development Code (ULDC), Ordinance (Ord.) 1977-008. The definition and Supplementary Use Standards were amended by Ordinance 1990-021, 1991-015, 1992-020.

Reason for amendments: [Zoning]

1. Revise definition of Recycling Plant to create consistency with terminology identified in the definition of "Recovered Materials Processing Facility" used by the North America Industrial Classification System (NAICS); the Department of Environmental Protection (DEP); State Statute 403.703 Definitions for Resource Recovery and Management; and, Florida Administrative Code (F.A.C.) Chapter 62-701, Solid Waste Management Facilities which includes "recover" and "reuse" of sorted material. For consistency with "Recovered Material Processing Facilities" the Recycling Plant definition was revised to keep the processing aspect of the use;

2. Include a list of specific materials to be recycled in order to be consistent with and comply with State Statute 403-706(2)(g), that requires local governments to be responsible to promote recycling of plastic, metal, all grades of paper and rubber which includes tires; and,

3. Remove Chipping and Mulching from the use definition as it is a use defined in the Code therefore a principal use that may be collocated with Recycling Plant where permitted.

a. Definition

A permanent facility designed and An establishment used for the recovery receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, or processed, for reuse. The use may include Recyclable materials include Ceonstruction and Demolition Ddebris, recycling or other intensive recycling processes such as chipping and mulching. plastic, glass, metal, all grades of paper, textiles or rubber.

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Table with 2 columns: Reason for amendments: [Zoning] and description of amendments. Includes items 44, 45, 46, 47, and 48.

a. Compatibility, Screening, Buffering

To ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or streets.

1) Lot Size

The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings. [Partially relocated to 4.B.1.A.10.g.3.]

2) Setbacks

Except for a freestanding office, no part of a recycling plant and its accessory ramps, on-site circulation system, or storage areas shall be located within 50 feet of any property line. [Partially relocated to 4.B.1.A.105.a.2.a) new d., Setbacks, below]

a) IL District

If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line. [Partially relocated to 4.B.1.A.105.e new d., Setbacks, below]

b) Civic and Residential Uses

No part of a recycling plant, its accessory ramps, on-site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library, or residential lot. In no case shall the setback be less than the requirement of the district.

c) IG and IL Districts

No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the IG, and IL districts.

3) Screening and Fencing

All storage areas shall be screened from view by on-site walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 20 feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be placed along the inside border of the required landscape buffer. [Partially relocated to 4.B.1.A.105.h.]

4) Buffers

When the property line is contiguous to a residential district, the incompatibility buffer shall be 50 feet in width.

b. Approval Process

A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:

- 1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500 foot separation between the use and any parcels having a residential, civic, recreation or conservation FLU designation or use; or
2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation or conservation FLU designation or use.

cb. Access

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~~An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided from a local residential street. Access shall be restricted to specific entrances with gates which can be locked at all times and which carry official notice that only authorized persons are allowed on the site.~~

Access from a ~~local~~ Residential Street shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.

~~c. Drainage~~

~~Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas. [Relocated to 4.B.1.A.40.e. new e., Drainage, below]~~

~~d. Setbacks~~

~~No part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use. [Partially relocated from 4.B.1.A.405.a.2.a) old a.2), Setbacks, above]~~

~~e. Lot Size~~

~~The minimum lot size shall be five acres for any Recycling Plant with outdoor activities. [Partially relocated from old Art. 4.B.1.A.105.a.1)]~~

~~ef. Drainage~~

~~Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas. [Relocated from 4.B.1.A.405.e. old c., Drainage, above]~~

Reason for amendments: [Zoning]	
<del>49.</del>	Make Chipping and Mulching subject to the Development Review Officer (DRO) approval when collocated on the same site of a Recycling Plant on those zoning districts where Chipping and Mulching is Class A or Class B Conditional Use. The reduction of the approval is proposed to recognize that Recycling Plants commonly include Chipping and Mulching as part of the processing activities.
<del>210.</del>	Delete redundant site plan requirements that are addressed through DRO or Building Permit Process;
<del>311.</del>	Delete language related to Type of Facility, Quantity of Waste, and Dust Control since they are requirements of the F.A.C. Chapter 62-722 Regulations of Recovered Materials, FAC Chapter 62-701.320 Solid Waste Management Facility Permit Requirements, and the PBC Solid Waste Authority at time of application for the use license.
<del>412.</del>	Clarify that a minimum lot size of 5 acres is required when the use includes outdoor activities.
<del>513.</del>	Delete Fire Protection since requirements are covered under State Statute F.A.C. Chapter 62-701.320(16)(a)3 to provide fire prevention system before commencing operation.

~~efg. Storage Areas~~

~~All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.~~

~~eh. Chipping or Mulching Collocated Uses~~

~~If a recycling plant facility includes chipping or mulching, adherence to the standards of Article 4.B.1.A.28, Chipping and Mulching, is required. Chipping and Mulching may be approved by the DRO subject to the supplementary use standards for Chipping and Mulching.~~

~~f. Supplemental Application Requirements~~

~~Application for recycling plants shall include the following:~~

~~1) Access~~

~~Graphic illustration and narrative analysis of year round access routes to the site.~~

~~2) Type of Facility~~

~~An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.~~

~~3) Quantity of Waste~~

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

~~4) Hours of Operation~~

~~A statement specifying the hours of operation.~~

~~5) Dust Control~~

Notes:

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1                                    ~~A plan to address dust control in traffic, storage and processing areas and~~  
 2                                    ~~contingency during high winds. Dust control measures may include: additional~~  
 3                                    ~~setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming~~  
 4                                    ~~or watering traffic areas and watering or enclosing storage piles.~~  
 5                                    **g. Outdoor Activities**  
 6                                    ~~The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.~~  
 7                                    **[Partially relocated from 4.B.1.A.105.a.1]**

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~~h~~ ~~6~~ **SWA Permit**

Verification that the applicant has obtained a permit from and posted a bond with the SWA ~~before prior to Final~~ Site Plan approval or Building Permit, whichever occurs first.

~~7) Fire Protection~~

~~A recycling plant shall be located within a ten-mile radius of a full-service fire station or have and maintain on-site firefighting equipment acceptable to the PBC Fire.~~

Reason for amendments to Recycling Plant in Use Matrix: [Zoning]	
14.	Make the use subject to Class A Conditional Use approval in IL Zoning District instead of Class B Conditional Use for consistency with approval of Salvage and Junk Yard located in IL Zoning District.  Modify the approval process in IND/L Pod of PIPD from Permitted to Class A Conditional Use in order to: <ul style="list-style-type: none"> <li>• Address the Comprehensive Plan directive contained in Section III.C.4 to maintain this type of use under General Industrial Districts instead of Light Industrial; and,</li> <li>• Create consistency with the proposed changes in IL Zoning District.</li> </ul>
<del>15.</del>	An MUPD with IND FLU designation is changed to indicate the most restrictive approval process from Permitted to Class A Conditional Use. A specific standard to address less restrictive approval process is included within the use standards.
<del>16.</del>	Change approval process from Permitted to DRO in the IND/G Pod of a PIPD to provide consistency with the approval process in the IG Zoning District;

~~413~~ **7. Laboratory, Industrial Research and Development**

**HISTORY:** The Industrial Research Laboratory use definition and ~~e~~Supplementary Use ~~e~~Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 2003-067, 2004-040, 2009-040, and 2010-005.

Reason for amendments: [Zoning]	
1.	Rename Industrial Research Laboratory to Research and Development. The revision is based on an evaluation of definitions used by other municipalities locally, in the State, and Nationally, as well as adapting language from such sources as NAICS and APA.
2.	Clarify Research and Development includes bioscience/biotech uses.
3.	Relocate the Outdoor Activities standard for consistency.
4.	Delete the accessory use standard. The language would be better suited as a standard to a College or University use permitting Research and Development as an accessory use.
5.	Correct Scrivener's error to change existing Biotechnology Research Protection Overlay (BRPO) title in ULDC to be consistent with Comprehensive Plan title Bioscience Research Protection Overlay.
6.	Delete language related to BRPO. The use will be Permitted in IL Zoning District therefore not subject to DRO approval.
7.	Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

**a. Definition**

An establishment engaged in industrial, scientific or medical research, testing, and analysis, ~~including support services and structures.~~ ~~Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.~~ **[Relocated to new b., Typical Uses, below]**

**b. Typical Uses**

Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities. **[Relocated from a., Definition, above]**

**a. Outdoor Activities**

~~Outdoor manufacturing, processing or testing shall be limited to industrial districts only.~~ **[Relocated to new c., Outdoor Activities, below]**

**b. Accessory Use**

~~A research laboratory shall be permitted as an accessory use to a college or university.~~

~~b.c.~~ **Biotechnology Bioscience Research Protection Overlay (BRPO)**

A ~~research laboratory~~ Research and Development establishment located in the BRPO ~~and the IL District may be approved by the DRO and~~ shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval.

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Outdoor Activities

Outdoor manufacturing, processing or testing shall be limited to industrial districts only.
[Relocated from old a. Outdoor Activities, above]

d. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B - PDD Use Matrix, Table 4.A.3.A - Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

Reason for amendments to Laboratory, Industrial Research and Development in the Use Matrix: [Zoning]

48. Delete the approval processes in the CRE Zoning District as this is not a typical use expected in Commercial Recreation areas. This use is not consistent with the intent of the III.C.3, Commercial Recreation, of the Comprehensive Plan which designates areas on the Future Land Use Atlas to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists.

29. Change the approval process to allow the use in the following Zoning Districts:
Standard Districts.
Add the use to CLO Zoning District as a Class A Conditional Use;
Add the use to CC, CHO and CG Zoning Districts subject to DRO approval process.
Change Class B Conditional Use to Permitted in IL Zoning District.
Planned Development Districts:
Change Class A Conditional Use to DRO approval in MUPD with CH and CHO FLU designations, MXPD with CH FLU designation and Lifestyle Commercial Center (LCC) with CH FLU designation;
Add use as a DRO approval in MXPD with CHO FLU designation;
Add use as Permitted in MUPD with an EDC FLU designation.
Certain types of office Research and Development (R & D) may fit well in commercial provided there is no outdoor activity. These changes will ensure that industrial R & D with outdoor activity does not go into commercial. The change will also ensure all districts have consistent approval processes in commercial low, commercial high and industrial districts.

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Salvage or Junk Yard

HISTORY: The Salvage or Junk Yard use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 1996-028 and 2011-001.

Reason for amendments: [Zoning]

1. Salvage or Junk Yard, Recycling Plant and Recycling Center uses have similar terminology within their respective definitions, such as salvaging, storing, and collecting. The proposed changes to the definition are needed to clarify differences between similar uses (i.e., Recycling Plant and Recycling Center) and to acknowledge the trend in recycling. Clarification of definition to delete "waste paper, rags". The salvage of paper and rags is more appropriately addressed under Recycling Plant and will be incorporated into that use.

2. Add language to definition related to building materials and fixtures to include architectural salvage.

3. Add Approval Process Standard related to architectural salvaging (aka deconstruction) to allow in an IL or IG Zoning Districts, MUPD with an IND FLU designation or IND/L or IND/G Pod of PIPD. Architectural Salvage is commonly identified as a light industrial use. The established standard would allow this type of salvaging in light industrial districts.

4. Relocate and consolidate barbed wire in Article 5.B, Accessory and Temporary Uses.

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a. Definition

A lot, land or structure, or part thereof, An establishment used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.

b. Approval Process

Architectural salvage may be permitted-allowed subject to DRO approval in the following zoning districts:

- 1) IL or IG Zoning District;
2) MUPD with an IND FLU designation; or,
3) IND/L or IND/G Pod of a PIPD.

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a. **Barbed Wire**

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]~~

**Reason for amendments to Salvage or Junk Yard in the Use Matrix:**

5. [Zoning] No changes in the approval process are being proposed. Implementation Section, III.C.4, of the Comprehensive Plan identifies that the Salvage or Junk Yard use is limited to the General Industrial Future Land Use designation.



~~43150.~~ **Towing Service and Storage**

**HISTORY:** The Towing Service and Storage use definition and ~~e~~Supplementary Use ~~e~~Standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 2003-067.

**Reason for amendments:** [Zoning]

1. Use relocated from Commercial Uses, ULDC Supp. 20, Art. 4.B.1.A.130, Towing Service and Storage, to new Industrial Use Classification, as it was not permitted in any commercial zoning district. The use is industrial in nature, with heavier equipment and outdoor storage as common activities.
2. Revise definition to reflect that only a certain portion of a parcel of land is being used for the storage lot, and that certain uses cannot take place within that storage lot, such as retail sales, salvage, or repair of towed vehicles. Any such activity will need to take place in conjunction with any possible collocated use, such as an Auto Paint and Body Shop, or a Salvage or Junk Yard.
3. Relocate Barbed Wire to be consolidated in Article 5.B, Accessory and Temporary Uses.

a. **Definition**

The use of a portion of a lot an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, ~~with~~ **This shall not include retail sales, or repair, or salvage of towed vehicles activity occurring on within the storage lot area, and subject to the following standards:**

- a. ~~Outdoor storage standards and screening requirements of Article 5.B, ACCESSORY AND TEMPORARY USES.~~
- b. ~~Towtruck and towing and storage regulations of Towtruck Ord. No. 2002-007 as amended.~~
- c. **Barbed Wire**  
~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street.~~

**Reason for amendments to Towing Service and Storage in the Use Matrix:** [Zoning]

~~44.~~ The use is being relocated from the Commercial Use category to the Industrial Use category due to the fact that, while it has historically been listed as a commercial use, it has never been permitted in any commercial zoning district. Due to the type of equipment, and the normal presence of outdoor storage, the use is more consistent with lower intensity industrial uses. However, while the use is consistent with the criteria of the Plan for lighter industrial uses, it is not of a nature typically found in the EDC FLU designation, as this is not a major employment generator.

25. The use is being added to the IND/G Pod of a PIPD as it is compatible with the intensity of other uses proposed for that pod, including uses with which it might logically collocate, such as Salvage and Junk Yard, or Recycling Plant.



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1416 31.Truck Stop

Table with 1 column and 4 rows containing history and reasons for amendments regarding Truck Stop use definitions and standards.

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- a. Definition
An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day and overnight parking. A Truck Stop may also serve other travelers.
A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.
b.a. Location Frontage
Truck Stops shall have a minimum of 200 linear feet of frontage on an arterial street only.
cb. Lot Size
Shall be a minimum of five acres.
1) Ten Acres or Less
Shall be permitted as a Class A conditional use in the IL and IG districts.
2) Greater than Ten Acres
Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.
ed. Setbacks
Parking areas, parking spaces, maneuvering areas, and drive aisles, shall be setback a minimum of 200 feet from any existing residential use, zoning district or FLU designation.
ee. Landscaping Buffer
Perimeter Incompatibility landscape buffers shall be required adjacent to an existing residential district, use, zoning district or FLU designation. The buffer shall include a six foot high berm topped by with a six foot high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.
e. Security
24 hour on site security shall be provided.
off. Accessory Collocated Uses
For purposes of this section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be permitted-allowed in conjunction with a Truck Stop subject to DRO Approval:
1) Type 1 Restaurant;
2) Type 2 Restaurant;
3) Convenience store with gas sales;
4) Convenience store without gas sales;
5) Car wash;
6) Hotel or Motel;
7) Personal Services;
8) Financial Institution;
9) Financial Institution with Drive Thru;
10) Financial Institution - Freestanding ATM;
11) Gas and Fuel Retail;
12) Laundry Service; and,
13) Retail Sales, Auto Accessories and Parts.
gf. Site Design:

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The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. This shall demonstrate that eCollocated uses listed above are shall be designed and located to mainly serve transient commercial vehicle operators. The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.

Reason for amendments to Truck Stop in the Use Matrix: [Zoning]
5. No changes are being proposed to the existing approval processes. The Future Land Use Atlas Regulation (III.C.4), Industrial Uses delineates light, medium and heavy uses limited to the Industrial Future Land Use designations. A Truck Stop is considered an industrial use.

15 13817.Warehouse

HISTORY: The Warehouse use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 1994-023, 1999-037, 2000-015, 2006-004, 2008-037, 2010-005, 2010-022,

Reason for amendments: [Zoning]
1. To clarify that warehousing in the zoning districts identified in the Use Matrix may include accessory office space equal to up to 30 percent of floor space of each bay. This guideline can be modified by review of Class A Conditional Use by the BCC. This new language also refers the reader to the guidelines for "Office/Warehouses" located in the Westgate Community Redevelopment Area Overlay (WCRAO) which specifies that a minimum of 25 percent of the floor space must be accessory office space in the Overlay.
2. Clarify that retail sales from warehouses is prohibited, unless approved through the Flex Space standards in Article 5.
3. Deleting prohibition on manufacturing. That use is regulated by "Manufacturing and Processing" in the industrial zoning districts. If a person wishes to engage in that use, they may obtain the necessary approvals to do so where otherwise permitted.
4. Delete reference to parking standards. The need for this provision was eliminated with the adoption of past amendments to the ULDC (Ord. 2009-040).
5. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.
6. To reword the language dealing with the use in the MUPD Zoning District, and to relocate the pertinent text dealing with the WCRAO to a new sub-heading.

- a. Definition
An building establishment used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities. [Relocated to new Standard b., Typical Uses, below]
b. Typical Uses
Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities. [Relocated from Standard a., Definition, above]
c. WCRA Overlay
Office/warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations. The office/warehouse development must shall have an office space a minimum of 25 percent of office space the per gross floor area for each bay. [Ord. 2006-004] [Partially relocated from old Standard d., WCRA Overlay, below]
d. Accessory Office
The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use. Unless approved as a Class A Conditional Use, or as specified in "d" below, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay.
e. Sales
General retail sales shall be prohibited, except as approved in conjunction with Flex Space.
f. Manufacturing
Manufacturing, assembly or processing shall be prohibited in a warehouse.

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- d. WCRA Overlay
Warehouse and office/warehouse uses are prohibited in the NR, NRM, NG, and NC sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be permitted in the UG, UH, and UI sub-areas as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations pursuant to a Class A Conditional Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development must shall have an office space a minimum of 25 percent of office space the per gross floor area for each bay. [Ord. 2006-004] [Partially relocated to new Standard c., WCRA Overlay, above]
e. Parking in PDDs
Facilities located in a PDD shall comply with Table 6.A.1.B Minimum Off-Street Parking and Loading Requirements. Variances may be requested from these requirements. [Ord. 2008-037] [Ord. 2010-022]
f. Flex Space
This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B PDD Use Matrix, Table 4.A.3.A Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]
g. Freestanding Structures
Freestanding structures for warehouse developments located in an IND-MUPD with an IND FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. [Ord. 2010-022]

Reason for amendments to Warehouse in the Use Matrix: [Zoning]
47. Remove from MUPD with a CH FLU designation. The CH FLU designation permits a broad range of general commercial zoning districts, such as Neighborhood Commercial (CN) and CG, which permit a very broad range of uses, including general retail, professional offices, and day care. Warehousing is an incompatible use to this type of development. If retained in the CH FLU designation, it could be argued that the use should also be included in every standard zoning district permitted in the CH FLU designation. The use was added to the MUPD with CH FLU designation in 1998. Research has not revealed that it has ever been used.
28. Add the use as Permitted in the MUPD with an EDC FLU designation: The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally collocated with other lower intensity industrial uses.

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16 14018. Wholesaling, General

HISTORY: The General Wholesaling use definition and eSupplementary Use eStandards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and Supplementary Use Standards were amended by Ordinance 2003-067.
Reason for amendments: [Zoning]
1. To revise the definition to more clearly and concisely list the activities which take place in this use, as well as uses that are excluded.
2. Removed reference to refrigerated storage, as this is a function of warehousing. Wholesale operations typically do not lease space for storage by third parties, as it takes away inventory space. Refrigerated storage is already covered in the definition of a Warehouse as "cold storage."
3. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.
4. Building Supplies use was deleted from Commercial uses; this amendment clarifies that wholesale of building supplies would be classified as Wholesaling.

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- a. Definition
An establishment engaged in: the display, maintaining maintenance and display of inventories of goods, storage, for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, wholesale building supplies, institutions, industries, or professional businesses. In addition to selling, wholesale These establishments also sort and grade goods in from large to small lots, break bulk and redistribute in smaller lots, and engage in delivery, and refrigeration storage, but This use excludes vehicle sales, and the wholesale wholesaling greenhouses or of nurseries supplies, wholesale of and gas and fuel, and wholesale building supplies.

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**a. Flex Space**

~~This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B—PDD Use Matrix, Table 4.A.3.A—Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]~~

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Reason for amendments to Wholesaling, <del>General</del> in the Use Matrix: [Zoning]
5. Add the use as Permitted to MUPD with an EDC FLU designation. The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally located with other lower intensity industrial uses.

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Part 2. ULDC Art. 1.1.2, Definitions (page 50 and 57 of 119), is hereby amended as follows:

Reason for Amendment: [Zoning]
[Zoning] Introduce a new definition for "Construction and Demolition Debris" to better clarify what specific materials can be received in a Recycling Plant. According to the PBC Solid Waste Management Plan, mixing of Construction and Demolition Debris with other types of solid waste will classify the waste as something else. This definition is consistent with State Statute 403.703, Environmental Control, the Department of Environmental Protection Solid Waste Facilities Chapter 62-701 and the Integrated Solid Waste Management Plan of the Palm Beach County Solid Waste Authority
Establish definition for Equestrian Waste based on existing ULDC definition for Livestock Waste, which was based upon applicable Florida laws, in support of new Equestrian Waster Management Facility.

7 CHAPTER I DEFINITIONS & ACRONYMS

8 Section 2 Definitions

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

92. Construction and Demolition Debris – for the purposes of Article 4.B.5.C.10, Recycling Plant, Construction and Demolition Debris means discarded solid materials that are not water soluble and not hazardous, including, but not limited to: steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber. It also includes rocks and soils from construction, renovation or demolition of a structure or a site; and, trees or vegetative material from land clearing.

[Renumber Accordingly]

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

33. **Equestrian Use** – use of land for boarding, breeding, training, riding, showing or raising horses, ponies, mules or donkeys.

34. Equestrian Waste – for the purposes of Equestrian Waste Management Facility, waste composed of the excreta of horses and residual organic materials that have been used for bedding, sanitary, or feeding purposes for horses.

[Renumber accordingly]

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Part 3. ULDC Art. 3.A.3.B.1.a, Standard District Exceptions and Limitations [Related to Zoning District Consistency with the Future Land Use Atlas (FLUA)] (page 17 of 234), is hereby amended as follows:

Reason for Amendment: [Zoning] Implement concurrent amendment to the Future Land Use Element (FLUE) of the Comprehensive Plan, which will allow for limited us of the Special Agriculture (SA) future land use (FLU) designation in the Glades Tier, to allow for a Equestrian Waste Recycling Pilot Project.
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41 CHAPTER A GENERAL

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

Notes:

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EXHIBIT K

INDUSTRIAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/23/16)

B. Standard Districts

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

- ....
- g. The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2011-016]
- h. The AP District is consistent with the Special Agriculture (SA) FLU designation where necessary to accommodate an Equestrian Waste Management Facility.  
[Renumber accordingly]



Part 4. ULDC ~~Art. Table 3.D.1.A, Property Development Regulations [Related to PDRs for Standard Zoning Districts]~~ (page 127 of 234), is hereby amended as follows:

Reason for Amendment: [Zoning] Recognize that concurrent amendments to the FLUE of the Plan tp allow for limited use of the Special Agriculture (SA) future land use designation in the Glades Tier with the Agriculture Production (AP) Zoning district, necessitates an increase in permitted Building Coverage. Whereas, the maximum 10% Building Coverage in the AP district corresponds to the maximum 0.10 FAR permitted for the AP FLU designation, the SA FLU designation allows for a maximum 0.15 FAR, and there is no need to encourage vertical development for agricultural support uses, which tend to be one-story as a matter of function. Hence, the Building Coverage needs to be increased to allow for a reasonable use of the greater FAR afforded to the SA FLU designation.

Table 3.D.1.A - Property Development Regulations

Zoning District	Min Lot Dimensions			Density (6)		Max FAR (7)	Max Building Coverage	Min Setbacks (12)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
<b>Agriculture/Conservation</b>											
....	....	....	....	....	....	....	....	....	....	....	....
AP	10 ac.	300	300	-	(1)		10% (14)	100	50	80	100
....	....	....	....	....	....	....	....	....	....	....	....
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027]											
<b>Notes:</b>											
....											
14. <u>Maximum Building Coverage in the AP district with a SA FLU designation may be increased to 15 percent.</u>											

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

1  
2 Part 1. New ULDC Art. 4.B.6, Agricultural Uses, is hereby established as follows:

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 6 Agricultural Uses**

5 **A. Agricultural Use Matrix**

<p>6 <b>Reason for amendments:</b> [Zoning]</p> <p>1. This amendment consolidates Agricultural Uses approval processes currently contained in multiple use matrices. Reorganize Agricultural Uses to follow the order of Supplementary Use Standards as applied to other uses in Article 4, Use Regulations.</p> <p>2. Include in the Use Matrix a reference to a PPM that clarifies the applicable Zoning and Building Division process for the development of a Farm. The clarification was originally included in the definition, which is not the appropriate location for that statement, therefore it has been placed under the Use Matrix for Agricultural Uses.</p> <p>3 <u>Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.</u></p>
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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

1 **B. General Agricultural Standards**  
2 Reserved for Future Use  
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6 **C. Definitions and Supplementary Use Standards for Specific Uses**  
7

Reason for amendments: [Zoning]  
~~4. Change Agriculture Bona Fide use title and reference in Supplementary Use Standards to "Farm" in order to differentiate the term from specific provisions that pertain to Bona Fide Agricultural uses as described by the Property Appraiser in response to State Statutes.~~

8  
9 **1. Agriculture, Bona Fide Farm**

10 **a. Definition**

11 Any plot of land where the principal use consists of the growing, cultivating and  
12 harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses  
13 and livestock; the production of animal products such as eggs, honey or dairy products;  
14 or the raising of plant material. The following standards shall apply to a Bona Fide  
15 Agriculture Farm use, except where pre-empted by State law. [Ord. 2009-040] [Ord.  
16 2013-021]

17 **ab. Agricultural Uses in the U/S Tier**

18 **1) Applicability**

19 Uses legally established prior to the effective date of this code in the U/S Tier shall be  
20 considered conforming. Any expansion of existing agricultural uses shall be  
21 consistent with all applicable requirements and subject to the review procedure  
22 identified in this Code.

23 **2) Uses Not Listed**

24 Agricultural uses not listed in Table 4.A.3.A, Use Matrix, as permitted in the U/S Tier  
25 shall only be permitted as an interim use, subject to Class A conditional use approval.

26 **3) AR District**

27 The AR district shall be considered consistent with all FLU designations in the U/S  
28 Tier for the purposes of permitting interim agricultural uses only.

29 **4) Temporary Agricultural Uses**

30 Property which has an existing development order may also receive an additional  
31 development order for a temporary agricultural use in the U/S Tier in accordance with  
32 the standards for the specific agricultural use, however, the agricultural use shall not  
33 be eligible for an agricultural tax exemption.

34 **bc. Groves and Row Crop**

35 The cultivation of fruits and vegetables as groves and row crops shall be subject to the  
36 following additional standards in all districts:

37 **1) Lot Size**

38 A minimum of five acres.

39 **2) Setback**

40 Structures and accessory activities shall be setback a minimum of 50 feet.

41 **3) Hours of Operation**

42 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight  
43 of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

44 **4) Loading**

45 All loading and unloading of trucks shall be restricted to the site and shall not be  
46 permitted in any setbacks.

47 **5) Spraying**

48 No aerial application of any pesticides, fungicides, fertilizers, or any other chemical  
49 shall be allowed.

50 **ed. Dipping Vats**

51 Dipping vats shall not be allowed in the AR district, unless approved as a Class B  
52 conditional use.

53 **de. Pens and Cages**

54 In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for  
55 a principal use, or be setback a minimum of 50 feet from any property line, whichever is  
56 greater.

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

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- ef. Game and Exotic Animals**  
The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes. [Ord. 2012-003]
- 1) **Exotic Animals**  
Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.
- 2) **Dangerous or Class I and II Animals**  
Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the FG&FWFC, shall require Class A conditional use approval and shall have a minimum lot size of five acres.
- fg. Livestock Raising**  
The breeding, raising and caring for domestic animals including horses.
- 1) **Urban Service Area (USA)**  
In the Urban Service Area, livestock raising shall comply with the following standards:
  - a) **Lot Size**  
A minimum of five acres.
  - b) **Setback**  
All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet.
  - c) **Large Animals**  
The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.
  - d) **Small Animals**  
The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.
  - e) **Palm Beach County Animal Control Department (PBCACD)**  
The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.
  - f) **Processing and Slaughtering**  
Processing and slaughtering shall be prohibited.
  - g) **Loading**  
All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.
  - h) **Waste**  
A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.
  - i) **Compatibility**  
The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.
- gh. Accessory Agricultural Uses**  
These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 – 002]
- hj. Agriculture Marketplace**  
A use that is accessory, incidental and subordinate, to a [Bona-Fide Agriculture Farm](#) use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the [Bona-Fide Agriculture Farm](#) use, adding economic viability to farming operations. [Ord. 2012-027]
- 1) **Approval Process**  
Class A Conditional Use. [Ord. 2012- 027]
- 2) **Location Criteria**
  - a) **Tier and District**

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

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- d) **Outdoor Permanent Activities**  
Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be permitted by right, subject to the following: **[Ord. 2012-027]**
  - (1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas; **[Ord. 2012-027]**
  - (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and, **[Ord. 2012-027]**
  - (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate onsite directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties. **[Ord. 2012-027]**
- e) **Outdoor Display**  
Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks. **[Ord. 2012-027]**
- f) **Storage**  
Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes. **[Ord. 2012-027]**
- g) **Parking**  
Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited. **[Ord. 2012-027]**
- h) **Hours of Operation**
  - 1) Eight a.m. to six p.m. Monday through Saturday; and,
  - 2) Ten a.m. to six p.m. Sunday. **[Ord. 2012-027]**
- ~~ij.~~ **Landscape Curbing**  
A ~~Bona-Fide Agriculture Farm~~ use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.
- ~~jk.~~ **Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels**
  - 1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials. **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**
  - 2) In the AR district with any ~~Bona-Fide Agriculture Farm~~ use, other than nurseries, provided it is setback a minimum of 25 feet from any property line. **[Ord. 2011-001]**

**42. Agriculture, Light Manufacturing**

- ~~a.~~ **Definition**  
An accessory agricultural use for the manufacturing of products related to agricultural operations, such as fencing, pallets, crates, or containers. Product components are predominantly assembled from previously prepared materials or finished parts. Manufacturing includes processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage and distribution, but excludes heavy industrial processing or manufacturing.
- ~~ab.~~ **Setbacks**  
A minimum 100 foot setback shall be required adjacent to a residential district.
- ~~bc.~~ **Accessory Use**  
Light agricultural manufacturing operations may be allowed as an accessory use to a related ~~Bona-Fide Agriculture Farm~~ use on the same property provided it does not exceed 25,000 square feet.
- ~~cd.~~ **Landscaping**  
An incompatibility buffer may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to agriculture.

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

53. Agriculture, Packing Plant

a. Definition

A facility used for the packing of produce not necessarily grown on site.

b. Typical Activities

Activities may also include canning, dehydration, washing, cutting, or basic preparation of raw produce prior to shipment. [Ord. 2005-002] [Ord. 2012-027]

~~a. Accessory Use~~

~~A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, may be allowed as an accessory use to a related bona fide agriculture use on the same property, provided it does not exceed 25,000 square feet. [Ord. 2012-027] [Partially relocated to Accessory Uses f, below]~~

~~b. Setbacks~~

~~A minimum of 100 feet along all property lines which are adjacent to a residential district. [Relocated to Setbacks e, below]~~

~~c. Landscaping~~

~~An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a bona fide agriculture use. [Partially relocated to Landscaping g, below]~~

c. Approval Process - AR/RSA Zoning District

May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005-002] [Relocated from AR/RSA e, below]

~~d. Storage~~

~~Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets. [Relocated to Storage h, below]~~

d. Zoning District AGR-PUD Preserve Area

An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: [Ord. 2012-027] [Relocated from AGR-PUD Preserve Area f., below]

- 1) Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and, [Ord. 2012-027] [Relocated from Zoning District f., below]
- 2) Located on or adjacent to active agricultural crop production. [Ord. 2012-027] [Relocated from Zoning District f, below]

~~e. AR/RSA~~

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

e. Setbacks

A minimum of 100 feet along all property lines which are adjacent to a residential district. [Relocated from Setbacks b., above]

~~f. AGR-PUD Preserve Area~~

~~An agriculture packing plant located in an AGR Preserve Area, including where permitted as an accessory use as specified above, shall comply with the following: [Ord. 2012-027] [Relocated to Zoning District d, above]~~

- 1) ~~Located on a roadway classified as an arterial street on figure TE 3.1 – Functional Classification of Roads; and, [Ord. 2012-027] [Relocated to Zoning District d, above]~~
- 2) ~~Located on or adjacent to active agricultural crop production. [Ord. 2012-027] [Relocated to Zoning District d, above]~~

f. Accessory Use

A packing plant in the AP and AGR districts, or the Preserve Area of an AGR PUD, may be allowed as an accessory use to a related Farm use on the same property, provided it does not exceed 25,000 square feet. [Ord. 2012-027] [Relocated from Accessory Use a, above]

g. Landscaping

An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be omitted if the use is adjacent to farm worker quarters or a mobile home accessory to a Farm use. [Relocated from Landscaping c., above]

h. Storage

Only equipment directly related to the facility shall be stored on the site. All stored equipment shall be screened from view from adjacent properties and streets. [Relocated from Storage d., above]

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

**3-24. Agriculture, Renewable Fuels Production**

**a. Definition**

Any facility using biomass as its principal source of feed stock for the production of renewable fuel or fuels and other related renewable products including but not limited to ethanol or fuel ethanol. [Ord. 2008-037]

**ab. Setbacks from Residential**

The facility shall be located a minimum of 750 feet away from parcels with a residential zoning or future land use designation that accommodate an existing residential structure. [Ord. 2008-037]

**b. Location**

~~Facilities shall be located within two miles of an existing agricultural related use.~~ [Ord. 2008-037] [Partially relocated to Separation Distance e., below]

**ec. Review Procedures and Standards**

- 1) The applicant shall submit a site plan, for informational purposes only, to the Zoning Division prior to Building Permit application. The site plan shall be consistent with the requirements indicated in the Technical Requirements Manual. [Ord. 2008-037]
- 2) The owner or operator shall obtain the required approval and permits from all applicable federal, state, and local agencies prior to operating the facility. [Ord. 2008-037]
- 3) The owner or operator shall perform a daily visual inspection of all wood material and similar vegetative matter to be used as feed stock. [Ord. 2008-037]
- 4) Any toxic or hazardous waste generated at the site shall be handled pursuant to Rule 62-730 FAC. [Ord. 2008-037]

**ed. Prohibitions**

- 1) The generation of toxic or hazardous waste effluent into the sanitary system shall be prohibited unless adequate pretreatment facilities have been constructed and are being utilized. The pretreatment facilities are subject to approval by DEP and the appropriate sewage works provider. [Ord. 2008-037]
- 2) Feed stock observed to contain prohibited materials shall not be used. [Ord. 2008-037]

**e. Separation Distance**

~~Facilities shall be separated two miles from an existing agricultural related use.~~ [Ord. 2008-037] [Partially relocated from Location b, above]

**3-45. Agriculture, Research and Development**

**a. Definition**

The use of land or buildings for agriculture research and the cultivation of new agricultural products.

**ab. Approval Process - AR/RSA Zoning District**

May be permitted in the AR/RSA District with a SA FLU subject to a Class B conditional use approval. [Ord. 2005-002]

**bc. Outdoor Activities**

Outdoor research, testing or development of agricultural products shall be limited to industrial districts only.

**cd. Landscape Curbing**

A ~~bona fide agricultural~~ Farm use may use railroad ties or landscape lumber as an alternate to the curbing requirement in Article 7.G, Off-Street Parking Requirements.

**6. Agriculture, Sales and Service**

**a. Definition**

An establishment primarily engaged in the sale or rental of farm tools, small implements and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like:

**a.—Storage**

~~All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor trailers used for the transport of bona fide~~

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

~~agricultural products may be stored outside if they are completely screened from view from adjacent properties and streets. [Partially relocated to Storage c., below]~~

~~**b. Grocery Sales**~~

~~Five percent or 1000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale. [Relocated to Grocery Sales d., below]~~

~~**b. Approval Process - AR/RSA Zoning District**~~

~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002] [Relocated from AR/RSA d, below]~~

~~**c. Repair Service**~~

~~Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m. [Relocated to Repair Service e., below]~~

~~**c. Storage**~~

~~All storage areas for agricultural sales and service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of Farm products may be stored outside if they are completely screened from view from adjacent properties and streets. [Partially relocated from Storage a., above]~~

~~**d. AR/RSA**~~

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

~~**bd. Grocery Sales**~~

~~Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to retail grocery sales. Shelves, floor area, counter space and overhead display areas shall be included in the calculation of the grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale. [Relocated from Grocery Sales b., above]~~

~~**ce. Repair Service**~~

~~Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and setback a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m. [Relocated from Repair Service c., above]~~

~~**d. AR/RSA**~~

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



7. Agriculture, Storage

**a. Definition**

The storage of equipment or products accessory or incidental to a principal agricultural use.

**ab. General Storage**

1) Storage of hazardous waste or regulated substances shall comply with local, state and federal regulations.

**b. Outdoor Storage**

2) Outdoor agricultural storage shall comply with the following standards:

**1)a Urban Service Area**

**a)1)Setbacks**

Outdoor agricultural storage shall meet the principal use setbacks of the district in which it is located.

**b)2)Screening**

Outdoor agricultural storage shall be screened from view by a solid fence, wall or building.

**2)3 Outdoor Agriculture Storage**

b) Outdoor agriculture storage is only permitted in the RE, RT, RS, RM, CN, CC and CG districts as a Class B conditional use.

**a)1)Exception**

Outdoor agriculture storage is not permitted in a PDD with a commercial FLU designation.

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~~c3). Indoor Storage~~

Indoor agricultural storage shall be permitted in conjunction with a ~~bona-fide agricultural Farm~~ use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural storage in a mobile home shall not be permitted. Agricultural storage in a shipping container shall only be permitted in conjunction with a ~~bona-fide agricultural Farm~~ use.

1) **AR district in Urban Service Area (USA)**

An enclosed structure shall be setback 100 feet from the front and side street and 50 feet from the side and rear property lines.

2) **All Other Districts in Urban Service Area (USA)**

An enclosed structure shall meet the principal use setbacks of the district in which it is located.

8. Agriculture, Transshipment

a. Definition

A facility engaged in the transferring of agricultural products between two modes of transport, such as from a truck to a railroad car or from local vehicles to long-haul trucks.

ab. Zoning District - AGR and AP Districts

1) **Accessory Use**

Agricultural transshipment facilities not exceeding 25,000 square feet shall be permitted as an accessory use.

2) **Setback**

A minimum 100 foot setback shall be required along all property lines which are adjacent to an existing residential use, district or FLU as of the effective date of this Code excluding farm worker quarters and mobile homes accessory to agriculture.

~~499.~~ Aviculture, Hobby Breeder

a. Definition

The raising and care of birds in captivity.

ab. Minimum Lot Size

The minimum lot size shall be as follows:

- 1) Two acres: 40-200 birds.
- 2) Five acres: 201 or more birds.

bc. Hobby Breeder

1) **AR/USA**

The raising of birds as a hobby in the AR/USA shall be permitted subject to the following: **[Ord. 2009-040]**

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) The minimum lot size of two acres;
- d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and
- g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

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**3210. Community Vegetable Garden**

**a. Definition**

A plot of land used primarily as a vegetable garden which is cultivated and harvested by a group of residents from the surrounding area.

~~**a. Accessory Structures**~~

~~Accessory structures shall be limited to 400 square feet.~~ **[Relocated to Accessory Structures c, below]**

**b. Setbacks**

Accessory activities shall maintain a setback of five feet from all property lines adjacent to residential districts. Accessory structures shall meet the setbacks of the district.

~~**c. Spraying**~~

~~Aerial application of fertilizer or pesticides shall be prohibited.~~ **[Relocated to Spraying g, below]**

~~**c. Accessory Structures**~~

~~Accessory structures shall be limited to 400 square feet.~~ **[Relocated from Accessory Structures a, above]**

**d. Parking**

Overnight parking shall be prohibited.

**e. Loading**

All loading and unloading activities shall be restricted to the site and shall not encroach into any setbacks.

**f. Storage**

Outdoor storage shall be prohibited. Storage of all accessory equipment or products shall be contained within an accessory structure.

~~**g. Spraying**~~

~~Aerial application of fertilizer or pesticides shall be prohibited.~~ **[Relocated from Spraying c, above]**

**4711. Equestrian Arena, Commercial**

**a. Definition**

An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes.

~~**ab. U/S Tier**~~

~~**1) Urban/ Suburban (U/S)**~~

~~**4a) Lot Size**~~

~~The minimum lot size shall be five acres.~~

~~**2b) Frontage**~~

~~The project in which an equestrian arena is located shall front on and access from collector or arterial street.~~

~~**3c) Hours of Operation**~~

~~Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.~~

~~**4d) Loudspeakers**~~

~~Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.~~

~~**b.2) Rural, Exurban, Agricultural Reserve (AGR) and Glades Tiers**~~

~~**4a) Location**~~

~~The project in which an equestrian arena is located shall have frontage on a paved street.~~

~~**2b) Operating Hours**~~

~~Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.~~

~~**3c) Loudspeakers**~~

~~Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.~~

**c. Setbacks**

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

**d. Compatibility**

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.

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**5212. Farmers Market**

**a. Definition**

An establishment for the wholesale sale of farm produce.

~~**a. Setback**~~

~~A farmers market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding farm worker quarters and mobile homes accessory to agriculture. [Relocated to Setback d., below]~~

~~**b. Accessory Use**~~

~~A produce stand shall be permitted as an accessory use to a farmers market. [Relocated to Accessory Use e., below]~~

~~**d.b Approval Process - AR/RSA Zoning District**~~

~~May be permitted in the AR/RSA District with a SA FLU, subject to a Class A Conditional Use approval. [Ord. 2005-002] [Relocated from AE/RSA d., below]~~

**c. Frontage**

Shall be located on an arterial street.

~~**d. AR/RSA**~~

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

~~**a.d Setback**~~

~~A Farmers Market shall be setback a minimum of 100 feet from property lines adjacent to a residential use existing as of the effective date of this Code, excluding Farm Worker Quarters and Mobile Homes accessory to agriculture. [Relocated from Setback a., above]~~

~~**be. Accessory Use**~~

~~A Produce Stand shall be permitted as an accessory use to a Farmers Market. [Relocated from Accessory Use b., above]~~

**Reason for amendments:** [Zoning]

- 1. Delete Ferrier from the Use Matrix and Supplementary Use Standards as this use has not been utilized. Typical functions associated with equestrian activities such as Ferrier are accessory to a principal use such as Stable Commercial or Private.

~~**53. Farrier**~~

~~One that shoes horses. May be accessory to a blacksmith, farm, equestrian facility, or is mobile and shoes the horses on site. [Use to be deleted from the ULDC]~~

~~**8813. Nursery, Retail**~~

~~**a. Definition**~~

~~The retail sale of horticultural specialties such as flowers, shrubs, sod, trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. [Ord. 2009-040]~~

~~**ab. Frontage**~~

~~Shall front on and access from a collector or arterial street.~~

~~**bc. Lot Size**~~

~~A minimum of one acre is required in a residential district.~~

~~**d. Setbacks**~~

~~All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.121, Shade House. [Ord. 2009-040]~~

~~**e. Loading**~~

~~All loading and unloading of trucks shall occur on the site.~~

~~**f. Office Accessory Uses**~~

~~An office is permitted as an accessory use, provided it is not a ~~m~~Mobile ~~h~~Home.~~

~~**g. Compatibility**~~

~~The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval. [Relocated to Compatibility g., below]~~

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**h. Spraying**  
~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.~~ [Relocated to Spraying I., below]

**ig. Buffering Landscaping**  
A buffer shall be provided along all property lines that are not screened by plant material.

**1) Incompatibility Buffer**  
A Type 3 incompatibility buffer shall be required adjacent to all retail, office, parking, loading and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten feet if the buffer contains permanent landscaping only and not for-sale plant inventory.

**2) Compatibility Buffer**  
A compatibility buffer shall be provided around all growing areas less than 50 feet in width. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high and the growing area is a minimum of five feet wide.

**3) R-O-W Buffer**  
A R-O-W buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall be required adjacent to all growing areas unless the growing area is at least 50 feet in width, and contains plant materials providing a six foot high visual buffer equivalent in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall be preserved.

**4) Barbed Wire**  
The use of barbed wire shall be prohibited.

**jh. Outdoor Bulk Storage**  
Mulch, rock, soil, or similar material shall comply with the outdoor storage standards in Article 5.B, ACCESSORY AND TEMPORARY USES. In residential districts, outdoor bulk storage shall be setback a minimum of fifty feet or the district setback, whichever is greater.

**ki. Site Plan**  
Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed DRO threshold limitations.

**lj. Hours of Operation**  
~~Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 5:00 p.m. to 8:00 a.m. is prohibited.~~ [Relocated from Hours of Operation c., above]

**k. Compatibility**  
~~The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional or DRO approval.~~ [Relocated from Compatibility g., above]

**l. Spraying**  
~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.~~ [Relocated from Spraying h., above]



**8914. Nursery, Wholesale**

**a. Definition**  
The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes. [Ord. 2009-040]

**a. Limitations of Sales**  
~~Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.~~ [Relocated to Limitation of Sales j., below]

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b. Approval Process

Table 4.B.1.A - Residential Districts in the USA

Residential Districts in the USA	
Special Permit	Five acres or less.
DRO	More than five but less than 20 acres.
Class B conditional use or Requested Use	20 or more acres.
[Ord. 2005-041]	

Table 4.B.1.A – AR District in RSA

AR District in RSA	
Permitted	Ten acres or less.
Special Permit	More than ten but less than 40 acres.
DRO	40 or more acres.

1) All Other Districts  
Permitted.

**c. Hours of Operation**

~~Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.~~ [Relocated to Hours of Operation i., below]

**c. Tier**

~~In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with the following standards.~~ [Relocated from U/S Tier h., below]

1) **Lot Size**

~~A minimum of one acre.~~ [Relocated from U/S Tier h., below]

2) **Setbacks**

~~All structures and outdoor storage areas shall be setback a minimum of 50 feet from the property line. Shade houses shall be subject to the requirements pursuant to Art. 4.B.121, Shade House.~~ [Ord. 2009-040] [Relocated from U/S Tier h., below]

3) **Compatibility**

~~The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the property owner shall satisfactorily mitigate the incompatibility prior to receiving conditional DRO or Special Permit approval.~~ [Relocated from U/S Tier h., below]

4) **Spraying**

~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.~~ [Relocated from U/S Tier h., below]

**d. Parking and Loading**

~~All parking and loading shall occur on site~~ [Relocated to Parking and Loading f., below]

**ed. Zoning District - AR**

~~May be operated in conjunction with a residence.~~ [Relocated from Zoning District e., below]

**j.e. Agricultural Reserve (AGR) Tier Accessory Use**

1) ~~A retail nursery may be permitted as an accessory use to a wholesale nursery in the AGR Tier.~~ [Relocated from Agricultural Reserve (AGR) Tier j., below]

2) ~~An office is permitted as an accessory use, provided it is not a mobile home.~~ [Relocated from Office g., below]

**f. Buffering**

~~A buffer shall be provided along all property lines that are not screened by plant material.~~ [Relocated to Landscaping g., below]

1) **Incompatibility Buffer**

~~A Type 3 incompatibility buffer shall be required adjacent to all office, parking, loading, internal roads and other non-growing areas within 50 feet of a property line. The buffer requirements may be satisfied by plant material for sale provided that the plant material is grown in the ground, ten feet on center, six feet high, and the growing area is at least 20 feet wide. The width of the buffer may be reduced to ten~~

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- 1 ~~foot if the buffer contains permanent landscaping only and not for-sale plant~~
- 2 ~~inventory.~~ **Relocated to Landscaping g., below]**
- 3 **2) Compatibility Buffer**
- 4 ~~A compatibility buffer shall be provided around all growing areas less than 50 feet in~~
- 5 ~~width. The buffer requirements may be satisfied by plant material for sale provided~~
- 6 ~~that the plant material is grown in the ground, ten feet on center, six feet high and the~~
- 7 ~~growing area is a minimum of five feet wide.~~ **Relocated to Landscaping g., below]**
- 8 **3) R-O-W Buffer**
- 9 ~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal~~
- 10 ~~roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall~~
- 11 ~~be required adjacent to all growing areas unless the growing area is at least 50 feet~~
- 12 ~~in width and contains plant materials providing a six foot high visual buffer equivalent~~
- 13 ~~in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall~~
- 14 ~~be preserved.~~ **Relocated to Landscaping g., below]**
- 15 **4) Barbed Wire**
- 16 ~~The use of barbed wire shall be prohibited.~~ **Relocated to Landscaping g., below]**
- 17 **f. Parking and Loading**
- 18 ~~All parking and loading shall occur on site.~~ **[Relocated from Paring and Loading d.,**
- 19 **above]**
- 20 **g. Office**
- 21 ~~An office is permitted as an accessory use, provided it is not a mobile home.~~ **[Relocated**
- 22 **to Accessory Use e.1, above]**
- 23 **g. Buffering Landscaping**
- 24 ~~A buffer shall be provided along all property lines that are not screened by plant material~~
- 25 **[Relocated from Buffering f., above].**
- 26 **1) Incompatibility Buffer**
- 27 ~~A Type 3 incompatibility buffer shall be required adjacent to all office, parking,~~
- 28 ~~loading, internal roads and other non-growing areas within 50 feet of a property line.~~
- 29 ~~The buffer requirements may be satisfied by plant material for sale provided that the~~
- 30 ~~plant material is grown in the ground, ten feet on center, six feet high, and the~~
- 31 ~~growing area is at least 20 feet wide. The width of the buffer may be reduced to ten~~
- 32 ~~feet if the buffer contains permanent landscaping only and not for-sale plant~~
- 33 ~~inventory.~~ **[Relocated from Buffering f., above].**
- 34 **2) Compatibility Buffer**
- 35 ~~A compatibility buffer shall be provided around all growing areas less than 50 feet in~~
- 36 ~~width. The buffer requirements may be satisfied by plant material for sale provided~~
- 37 ~~that the plant material is grown in the ground, ten feet on center, six feet high and the~~
- 38 ~~growing area is a minimum of five feet wide.~~ **[Relocated from Buffering f., above].**
- 39 **3) R-O-W Buffer**
- 40 ~~A R-O-W buffer shall be required adjacent to all office, parking, loading, internal~~
- 41 ~~roads, and other non-growing areas within 50 feet of a R-O-W. A R-O-W buffer shall~~
- 42 ~~be required adjacent to all growing areas unless the growing area is at least 50 feet~~
- 43 ~~in width and contains plant materials providing a six foot high visual buffer equivalent~~
- 44 ~~in opacity to a R-O-W buffer. Existing native vegetation within the R-O-W buffer shall~~
- 45 ~~be preserved.~~ **[Relocated from Buffering f., above].**
- 46 **4) Barbed Wire**
- 47 ~~The use of barbed wire shall be prohibited..~~ **[Relocated from Buffering f., above].**
- 48 **h. U/S Tier**
- 49 ~~In addition to the above standards, a wholesale nursery in the U/S Tier shall comply with~~
- 50 ~~the following standards.~~ **[Relocated to U/S Tier c.,above]**
- 51 **1) Lot Size**
- 52 ~~A minimum of one acre.~~ **[Relocated to U/S Tier c.,above]**
- 53 **2) Setbacks**
- 54 ~~All structures and outdoor storage areas shall be setback a minimum of 50 feet from~~
- 55 ~~the property line. Shade houses shall be subject to the requirements pursuant to Art.~~
- 56 ~~4.B.121, Shade House. [Ord. 2009-040]~~ **[Relocated to U/S Tier c., above]**
- 57 **3) Compatibility**
- 58 ~~The use shall assure that there is no incompatibility with surrounding land uses.~~
- 59 ~~When an incompatibility exists, the property owner shall satisfactorily mitigate the~~
- 60 ~~incompatibility prior to receiving conditional DRO or Special Permit approval.~~
- 61 **[Relocated to U/S Tier c., above]**
- 62 **4) Spraying**

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~~No aerial application of any pesticides, fungicides, fertilizers or any other chemical shall be allowed.~~ [Relocated to U/S Tier c., above

**h. Storage**

Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor bulk storage in residential zoning districts shall be setback a minimum of 50 feet or the district setback, whichever is greater.

**ei. Hours of Operation**

~~Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.~~ [Relocated from Hours of Operation c., above]

**j. Agricultural Reserve (AGR) Tier**

~~A retail nursery may be permitted as an accessory use to a wholesale nursery.~~ [Relocated to Accessory Use e., above]

**aj. Limitations of Sales**

~~Sales from a wholesale nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.~~ [Relocated from Limitation of Sales a., above]

**k. Site Plan**

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Article 2.D.1, Development Review Officer.

**9915. Potting Soil Manufacturing**

**a. Definition**

An establishment engaged in producing potting soil, including the use of incineration.

**a. Setbacks**

~~A minimum of 50 feet from any property line abutting a residential district or use.~~ [Relocated to Setbacks d., below]

**b. Frontage**

~~The facility shall front on and access from a collector or arterial street.~~ [Relocated to Location c., below]

**b. Approval Process - AR/RSA**

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

**e. Storage**

~~Storage of unprocessed material shall be limited to 45 days and pile height of storage material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.~~ [Relocated to Storage f., below]

**c. Location**

~~The facility shall front on and access from a collector or arterial street.~~ [Relocated from Frontage b., above]

**d. Supplemental Application Requirements**

**1) Site Plan**

~~The site plan shall illustrate how the operation functions including circulation routes, square footage, height and location of buildings, equipment and storage piles.~~ [Relocated to Supplemental Application Requirements g., below]

**2) Dust Control**

~~A plan to address dust control in traffic, storage and processing areas. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.~~ [Relocated to Supplemental Application Requirements g., below]

**d. Setbacks**

~~A minimum of 50 feet from any property line abutting a residential district or use.~~ [Relocated from Setbacks a., above]

**e. Collocated Uses**

If a potting soil manufacturing facility includes chipping, mulching, grinding, or air curtain incinerator, adherence to the Supplementary Use Standards applicable to such uses shall also be required.

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

- 1 **f. Storage**
- 2 *Storage of unprocessed material shall be limited to 45 days and pile height of storage*
- 3 *material shall be limited to 15 feet. Outdoor storage piles shall be setback a minimum of*
- 4 *25 feet from any property line or 50 feet from any property line abutting a residential*
- 5 *district or use. Storage areas shall be screened from view, pursuant to Article 5.B,*
- 6 *ACCESSORY AND TEMPORARY USES. [Relocated from Storage c., above]*
- 7 **g. Supplemental Application Requirements**
- 8 **1) Site Plan**
- 9 *The site plan shall illustrate how the operation functions including circulation routes,*
- 10 *square footage, height and location of buildings, equipment and storage piles.*
- 11 **[Relocated from Supplemental Application Requirements d., above]**
- 12 **2) Dust Control**
- 13 *A plan to address dust control in traffic, storage and processing areas. Dust control*
- 14 *measures may include: additional setbacks, full or partial enclosure of chipper or*
- 15 *grinder and watering or enclosing mulch piles. [Relocated from Supplemental*
- 16 *Application Requirements d., above]*
- 17 **f. AR/RSA**
- 18 *May be permitted in the AR/RSA District with a SA-FLU, subject to a Class A conditional*
- 19 *use approval. [Ord. 2005-002] [Relocated to Approval Process b, above]*



- 21
- 22
- 23 **10416. Produce Stand**
- 24 **a. Definition**
- 25 An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized
- 26 house plants and other agricultural food products. The sale of grocery or convenience-
- 27 type foods or products shall not be permitted, unless stated otherwise herein. **[Ord.**
- 28 **2012-003]**
- 29 **ab. Permanent**
- 30 **1) Maximum Floor Area**
- 31 The square footage of the establishment shall include both the structure and all
- 32 accessory areas devoted to display or storage.
- 33 **2) Outdoor Display and Storage**
- 34 Outdoor storage shall be subject to the provisions in Article 5.B, ACCESSORY AND
- 35 TEMPORARY USES. Outdoor display of only fresh fruits and vegetables is
- 36 permitted, along the property's frontage, except within the required setbacks.
- 37 **3) Sale of Products**
- 38 **a) General**
- 39 Includes sales of agricultural food products such as jelly, jam, honey and juice.
- 40 No Special Permits shall be permitted in conjunction with the stand except for
- 41 seasonal sales. Seasonal sales that require additional storage area may be
- 42 permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or
- 43 Temporary. No vending machines or other similar equipment shall be permitted
- 44 on site. **[Ord. 2005-002] [Ord. 2012-003]**
- 45 **b) Urban/Suburban Tier**
- 46 The sale of packaged or canned food products may be permitted, where in
- 47 compliance with the following: **[Ord. 2012-003]**
- 48 (1) The parcel has Commercial Future Land Use designation; and, **[Ord. 2012-**
- 49 **003]**
- 50 (2) Sales area is limited to five percent of the total square footage of the
- 51 structure, or 1,000 square feet, whichever is less. **[Ord. 2012-003]**
- 52 **4) Building Construction**
- 53 The produce stand shall be contained in either an entirely enclosed or roofed open-
- 54 air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes,
- 55 travel trailers, and other permanent or temporary structures shall not be used for
- 56 storage or display purposes.
- 57 **5) AR/RSA and AGR Tiers**
- 58 In addition to the standards above, permanent produce stands shall comply with the
- 59 following:
- 60 **a) Locational Criteria**
- 61 The structure and accessory area shall be:
- 62 (1) Located on an arterial designated on the PBC Thoroughfare Plan; and
- 63 (2) Located at least 500 feet from adjacent existing residential uses.

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

- 1                   b) **Lot Size**
- 2                   The stand shall be located on a legal lot of record. A minimum of one acre shall
- 3                   be allocated to the exclusive use of the stand and accessory parking area.
- 4                   c) **Setbacks**
- 5                   The structure and accessory area shall be setback at least 50 feet from the front
- 6                   and side corner property lines. The rear and side interior setbacks shall meet the
- 7                   minimum standards of the district.
- 8                   d) **Approval**
- 9                   A permanent produce stand shall be a permitted use in the AGR and AR, and by
- 10                  Special Permit in the CN, CC & CG Zoning Districts. [Ord. 2005 – 002]
- 11                  (1) **AR and AGR Districts**
- 12                  The area devoted to the permanent produce stand exceeding 3,000 square
- 13                  feet shall be approved subject to a Class A conditional use. [Ord. 2005 –
- 14                  002]
- 15                  6) **Stands Less than 1,500 Square Feet**
- 16                  In addition to the standards stated above, stands less than 1,500 square feet
- 17                  (including both the structure and all accessory areas devoted to display or storage)
- 18                  shall be subject to the following development standards: [Ord. 2005 – 002]
- 19                  a) **Paving**
- 20                  The surface parking lot may be constructed of shell rock or other similar material.
- 21                  At a minimum, the following areas shall be paved in accordance with Article 6.A,
- 22                  PARKING, of this Code:
- 23                  (1) A paved driveway apron area, connecting the streets to the site shall be
- 24                  subject to approval by the County Engineer; and
- 25                  (2) Handicap parking spaces and handicap access.
- 26                  7) **Wholesale**
- 27                  Wholesale of produce shall be allowed in the AGR district only.
- 28                  **bc. Temporary Stands**
- 29                  A temporary stand used for the retail sale of agricultural products not necessarily grown
- 30                  on the site. A temporary produce stand shall consist exclusively of fresh unprocessed
- 31                  fruit, vegetables, flowers, and containerized interior houseplants.
- 32                  1) **Use Limitations**
- 33                  a) **Location Criteria**
- 34                  The stand and accessory area shall be located:
- 35                  (1) on an arterial street designated on the PBC Thoroughfare Plan;
- 36                  (2) a minimum of 100 feet from an Intersection of an arterial and any other
- 37                  dedicated R-O-W;
- 38                  (3) at least 600 feet from any other agricultural stand permitted in accordance
- 39                  with these provisions; if located in a zoning district other than a commercial
- 40                  district;
- 41                  (4) at least 500 feet from adjacent residential uses, and [Ord. 2005-041]
- 42                  (5) located on a legal lot of record no less than one acre in size.
- 43                  b) **Number**
- 44                  Only one stand shall be permitted on a lot of record.
- 45                  c) **Approval**
- 46                  Subject to Special Permit approval.
- 47                  d) **Setbacks**
- 48                  The stand shall be setback a minimum of 35 feet from the front property line and
- 49                  50 feet from all other property lines.
- 50                  e) **Size and Configuration**
- 51                  The stand shall not exceed 300 square feet. The accessory area shall be limited
- 52                  to display, storage and cashier purposes and shall be covered by a removable
- 53                  cantilevered canopy or umbrellas. No outdoor display or storage shall occur
- 54                  outside of the stand, umbrella, or canopy area.
- 55                  2) **Uses**
- 56                  No on-site food preparation or processing shall be permitted. No vending machines
- 57                  shall be permitted on site. No additional Special Permits shall be permitted in
- 58                  conjunction with the stand except for seasonal sales.
- 59                  3) **Parking**
- 60                  A minimum of two spaces and additional spaces subject to approval by the Zoning
- 61                  Director.

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EXHIBIT L

AGRICULTURAL USES
SUMMARY OF AMENDMENTS
(Updated 11/1/16)

4) Special Regulations

a) Mobility

The stand shall retain its mobility, and have a frame of sufficient strength to withstand being transported by wheels, skids, or hoist.

b) Building Materials

The stand shall be constructed of durable materials such as but not limited to metal, fiberglass, wood, etc. The structure used for a stand shall be constructed for the sole purpose of selling agricultural products. Semi-truck trailers, mobile homes, and other permanent or temporary structures shall not be used as a stand. Motor vehicles, including vans and small trucks may be permitted provided the vehicle is removed from site at the end of each business day. These vehicles shall not be used for permanent or temporary residential purposes.

c) Refrigeration

Refrigeration shall be contained within the confines of the stand. If a motor vehicle is used for the stand, portable refrigeration may be used if contained as part of a motor vehicle and removed from the site daily.

d) Signage

Signs shall be limited to two, with a combined maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a minimum separation of 100 feet. Banners, pennants, balloons, or flags shall be prohibited.

e) Existing Stands

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid business tax receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein: [Ord. 2007-013]

- (1) the enclosed portion of the stand shall not exceed 300 square feet unless provided for below;
(2) display of products immediately adjacent to the stand, whether or not displayed under an umbrella or canopy, may continue in the same configuration as existed on July 11, 1995;
(3) the stand shall not sell any products unless permitted in accordance with the uses permitted to be sold in an agricultural stand as set forth in this Subsection, as amended;
(4) portable refrigeration may be permitted if confined within the 300 square foot stand and all required electrical permits have been obtained;
(5) the use of vending machines shall not continue; and,
(6) expansion of existing stands shall not be permitted. Any future expansion of an existing stand shall comply with the regulations of this Section. If an existing stand is expanded, repaired, or altered, the affected area shall comply with the regulations herein.

12417. Shade House

a. Definition

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

ab. Permits

A shade house used for Bona-Fide Agriculture Farm purposes less than 12 feet in height shall not be required to obtain a building permit.

Table 4.B.1.A - Minimum Setbacks 12 feet or Less In Height

Table with 2 columns: Setback Type (Front and Street, Side and Rear) and Setback Distance (15 feet, 7.5 feet)

Table 4.B.1.A - Minimum Setbacks Over 12 feet in Height

Table with 2 columns: Setback Type (Front and Street, Side and Rear) and Setback Distance (25 feet, 15 feet)

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

bc. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AGR districts, subject to the following: [Ord. 2006-004]

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of FLU Element Table III.C.2 of the Plan, or with five or more acres of building coverage must be approved by the DRO. [Ord. 2006-004]

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses. [Ord. 2006-004]

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational or residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height. [Ord. 2006-004]

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas. [Ord. 2006-004]

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer. [Ord. 2006-004]

4) Parking and Loading

All parking and loading shall occur in the designated areas indicated on the site plan. [Ord. 2006-004]

a) Parking

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles. [Ord. 2006-004]

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless approved as a Type I Waiver. [Ord. 2006-004] [Ord. 2012-027]

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets. [Ord. 2006-004]

6) Interior Lighting

Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use. [Ord. 2006-004]

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements: [Ord. 2006-004]

a) Less than five acres of commercial greenhouse: 1,000 square feet. [Ord. 2006-004]

b) Greater than five acres of commercial greenhouse: 2,000 square feet. [Ord. 2006-004]

c) Bathroom facilities shall not be included in the calculation of office square footage. [Ord. 2006-004]

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance. [Ord. 2006-004]

~~12518.~~ **Stable, Commercial**

a. Definition

An establishment for boarding, breeding, training or raising of horses not necessarily owned by the owners or operators of the establishment; rental of horses for riding or other equestrian activities, excluding uses classified as an equestrian arena. ~~A commercial stable may be operated in conjunction with a residence and shall comply with the PBACD.~~ [Partially relocated to Collocated Use g., below]

~~b. Lot Size~~

~~A minimum of five acres.~~ [Relocated to Lot Size e., below]

ab. Use Limitations

A commercial stable shall be limited to raising, breeding, training, boarding, and grooming of horses, or rental (livery) of horses for riding and instruction.

~~c. Frontage~~

~~The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.~~ [Relocated to Frontage d., below]

c. Overlay - LOSTO

~~A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.~~ [Relocated from LOSTO e., below]

~~d. Setbacks~~

~~A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.~~ [Relocated to Setbacks f., below]

~~d. Frontage~~

~~The minimum required frontage on a public street to be used from the primary point of access shall be 100 feet, or the minimum standard of the Tier in which the stable is located, whichever is greater.~~ [Relocated from Frontage c., above]

~~e. LOSTO~~

~~A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.~~ [Relocated to Overlay - LOSTO c., above]

~~e. Lot Size~~

~~A minimum of five acres.~~ [Relocated from Lot Size b., above]

~~f. Setbacks~~

~~A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.~~ [Relocated from Setbacks d., above]

g. Collocated Uses

~~A commercial stable may be operated in conjunction with a residence and shall comply with the PBCACC.~~ [Partially relocated from Definition a., above]

~~12619.~~ **Stable, Private**

a. Definition

The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A private stable shall comply with the ~~PBACD~~ PBCACC.

~~a. Boarding~~

~~On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.~~ [Relocated to Board c., below]

**b. Setbacks**

**1) Accessory Structure**

A private stable with twelve stalls or fewer located on a parcel with a single family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.

**2) Principal Structure**

A private stable with more than twelve stalls located on a parcel with a single family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.

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EXHIBIT L

AGRICULTURAL USES  
SUMMARY OF AMENDMENTS  
(Updated 11/1/16)

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**c. Boarding**  
*On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted. [Relocated from Boarding a., above]*



**12720. Sugar Mill or Refinery**

**a. Definition**  
An establishment for the extraction and refining of sugar from agricultural products.

**ab. Setback**  
Shall be setback 300 feet from off-site residentially occupied or zoned property. In the AR district, a sugar mill or refinery shall be permitted on land in a RR FLU designation as a Class A conditional use.

**b. Barbed Wire**  
~~*Barbed wire may be installed pursuant to Art. 5.B.1.A.2.e, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]*~~ [Relocated to Art. 5.B, Accessory and Temporary Uses]

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EXHIBIT M

TRANSPORTATION USES  
SUMMARY OF AMENDMENTS  
(Updated 11/2/16)

1  
2 **Part 21.** New ULDC Art. 4.B.8, Transportation Uses, is hereby established as follows:

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 4.B.8 Transportation Uses**

**HISTORY:**

**Reason for amendments:** [Zoning] Transportation Uses is a newly proposed Use Classification. The new classification will include Airport, Heliport (formerly known as Helipad), Landing Strip, Seaplane Facility and Transportation Facility.

**Air Transportation Related Uses**

Regulations related to air transportation uses are addressed in the ULDC, under Article 3 through the Airport Zoning Overlay ~~Zone~~ (AZO) and Palm Beach International Airport Overlay (PBAO); Article 4, for private airports, helipads and landing strips; and, Article 16, Airport Regulations for uses surrounding publicly owned airports within Palm Beach County.

Airport, helipad and landing strip were relocated from the Public and Civic Use Classification, while Seaplane Facility was relocated from Article 5, Supplementary Standards to be consolidated under the Transportation Use Classification. Since 2003 (Ord. 2003-067), Airport, Landing Strip and Helipad definition and Supplementary Use Standards have been consolidated but shown approval as three separate uses in Table 4.A.3.A - Use Matrix, Public and Civic Uses ~~most Use Matrices~~. The amendment addresses the uses individually in the Supplementary Use Standards consistent with the Use Matrix as further specified below. The amendment will also clarify where and how Helipad, and Landing Strip and ~~Seaplane Facility~~ are considered accessory uses.

**Transportation Facility**

A new use Transportation Facility was added as a result of the analysis made to the existing Transportation Facility use under the Industrial Use Classification review. Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. During the Industrial Use Classification review, staff separated Transportation Facility into two uses: Transportation Facility and Distribution Facility to clarify the distinction between the movement of people and goods. Research and analysis concluded that the movement of people and goods is not similar in terms of overall operation and impact. The movement of people is consistent with transportation uses (bus stops, train station) while movement of goods is consistent with an industrial use (railroad or truck terminals). As a result, Distribution Facility has been established as an Industrial use.

5  
6 **A. Transportation Use Matrix**

**Reason for amendments:** [Zoning]

1. The following section will address General Transportation standards related to private Airports, Heliports, Landing Strips and Seaplane Facilities which will be subject to local, state and federal regulations. Public airports and collocated uses will continue to be regulated by Article 3.B.2, Airport Zoning Overlay (AZO). Article 3.B.2 regulates airports and non-airport related uses for the following Palm Beach County airports: Palm Beach International Airport (PBA), PBC Glades Airport (Pahokee), Park Airport (Lantana), and Palm Beach North County Airport. Additionally, Article 16. Airport Regulations establishes additional standards applicable to the regulation of incompatible uses or building height near airport runway approach zones, and Review Procedures for Airport Land Use Noise Zones, among other similar topics. Standards were relocated from Airport standards to the general section as they mostly apply to all air transportation uses.

The relocation of the language clarifies the following:

- Setback requirements related to landing area, navigation aid or structure;
- Increasing structure height would not require increase in setbacks if preempted by State or Federal regulation;
- Hangars may be allowed as principal structures related to airports only. Hangars, as accessory structures, are prohibited in the front yard for Heliports, Landing Strips and Seaplane Facilities. The relocation also addresses lot size limitations for hangars, accessory to Agriculturally Classified uses as established by State Statutes; and,
- Additional Federal (Federal Aviation Administration - FAA) and State regulations (Florida Department of Transportation - FDOT) may apply to private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain

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## EXHIBIT M

### TRANSPORTATION USES SUMMARY OF AMENDMENTS (Updated 11/2/16)

any State or Federal permit unless said permit has already been denied.

2. Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.

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EXHIBIT M

TRANSPORTATION USES
SUMMARY OF AMENDMENTS
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B. General Transportation Standards for Aviation Related Uses

All Airports, Heliports, Landing Strips and Seaplane Facilities not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards: [Relocated from Art. 4.B.8.C.1. Airport, below]

1. Setbacks

a. No structure or navigation aid shall be located within 50 feet of any property line. [Relocated from Art. 4.B.8.C.1.h, Setback, below]

b. There shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line. [Relocated from Art. 4.B.8.C.1.h, Setback, below]

2. Structure Height

A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S. Florida Statutes. [Relocated from Art. 4.B.8.C.1.i, Building Height, below]

3. Hangars

Storage buildings for aircraft shall be allowed as principal structures. Hangars accessory to an Agriculturally Classified Use as established by State Statutes shall be located on parcels containing a minimum of 20 acres [Relocated from Art. 4.B.8.C.1.g, Hangars, below]

4. FAA and FDOT Requirements

DRO and Class A Conditional Use approvals as related to FAA and FDOT requirements shall be in accordance with F.S. 125.022(4), Development Permits.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Airport, Landing Strip or Helipad

HISTORY: Airport use definition and Supplementary Standards were first referenced in the 1957 Land Use Code as an Airplane Landing Field and in the 1973 Code as Airports, Landing Strips and Heliports with use specific eSupplementary Use eStandards. The definition and Supplementary Use Standards were amended by the 1992 Code rewrite (Ord. 1992-020), 1993-004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord. 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

Reason for amendments: [Zoning]

1. Revise the definition:

2. To Partially relocate "All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards" to the new General Transportation Uses standard. General standards are established to consolidate regulations for air transportation uses into one location.

3. Delete the reference to ownership in definition.

4. To clarify that a standalone use such as landing strip or heliport shall not be deemed an airport.

a. Definition

Any public or privately owned or operated facility designed to accommodate landing or take-off operations of aircraft. All private airports, landing strips, and helipads not owned and operated by the State of Florida, PBC, or a hospital shall comply with the following standards: [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

Reason for amendments: [Zoning]

5. Partially relocate the Accessory Landing Strip standard. The Use will be defined and the language will be relocated and clarified in its own section. The purpose is to ensure that Landing Strip is not misunderstood to be an Airport.

a. Accessory Landing Strip

Defined as any private ground facility designed to accommodate landing and take-off operations of aircraft used by individual property owners, farm operators, or commercial operations. [Partially relocated to Art. 4.B.8.C.3, Landing Strip, below]

Reason for amendments: [Zoning]

6. Partially relocate the Agricultural Reserve (AGR) and Agricultural Residential (AR) reference. A new Supplementary Use Standard will be established to address accessory Heliports and Landing Strips

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to Agriculturally Classified Uses as established by State Statutes in certain zoning districts.

**b. AGR and AR Tiers**

~~Only landing strips, hangers and helipads accessory to a bona fide agricultural use shall be permitted.~~ [Partially relocated to Art. 4.B.8.C.2 Heliport, Art. 4.B.8.C.3 Landing Strip below, and Art. 4.B.8.B, General Transportation Standards, above]

Reason for amendments: [Zoning]

7. Delete provision related to location of the use in the Rural Residential (RR) Future Land Use (FLU) designation associated with the Commercial Recreation (CRE) Zoning District as this zoning district is not consistent with that FLU designation.

**c. CRE District**

~~An airport, landing strip, or helipad shall not be located in an RR FLU designation.~~

Reason for amendments: [Zoning]

8. Delete the FAA and FDOT requirements for Airspace Analysis and Landing Area. Additional State and Federal regulations will apply for private Airports, Heliports, Landing Strips and Seaplane Facilities. Florida Statutes prohibit counties from requiring the applicant to obtain any State or Federal permit unless said permit has already been denied.

9. Relocate the following ~~Supplementary Use Standards~~ to the General Transportation Standards:

- Lot Size related to accessory hangars; and,
- Hangars, Setback and Building Height.

10. General Transportation standards will address common regulations for air transportation uses.

**d. Airspace Analysis**

~~A helipad shall demonstrate that the FAA has conducted an airspace analysis and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities, or the addition of navigation aids designed to facilitate an instrument approach capability, shall require a new application if the original approval was granted for Visual Flying Rules (VFR).~~

**e. Landing Area**

~~Private airports, landing strips, and helipads shall comply with the minimum dimensions required by FDOT. Helipads shall comply with Heliport Design Guide as required by the FAA.~~

Reason for amendments: [Zoning]

11. Lot Size - relocate and consolidate reference to accessory Helipads with the Heliport standards below. Same principle is applied to accessory Landing Strip.

**f. Lot Size**

~~Helipads accessory to a farm residence shall be located on parcels containing a minimum of ten acres. Landing strips and hangars accessory to agricultural uses shall be located on parcels containing a minimum of 20 acres.~~ [Partially relocated to Art. 4.B.8.C.2 Heliport, Art. 4.B.8.C.3 Landing Strip below, below and Art. 4.B.8.B, General Transportation Standards, above]

**g. Hangers**

~~Storage buildings for aircraft shall be allowed as principal structures.~~ [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

**h. Setback**

~~No structure or navigation aid shall be located within 50 feet of any property line. In addition, there shall be a 100-foot setback between the edge of the landing area, as defined by the FDOT, and the property line.~~ [Relocated to Art. 4.B.8.B, General Transportation Standards, above]

**i. Building Height**

~~A variance shall not be required for a structure to exceed the height limit for the district in which the use is located, if the additional height is required by Federal law or F.S.~~ [Partially relocated to Art. 4.B.8.B, General Transportation Standards, above]

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

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2. Heliport

**HISTORY:** Helipad use definition and Supplementary Use Standards were first referenced in the 1992 Code rewrite (Ord. 1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord. 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

**Reason for amendments:** [Zoning]

1. Establish use definition for Heliport consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition. Research suggested the need to change the use name from Helipad to Heliport as that is the appropriate name used by industry and contained in applicable regulations.

2. Clarify that accessory heliport shall not include facilities or structures (i.e., repair and maintenance or commercial fueling stations) which in such case shall be referenced as helipad limited to landing and takeoff of helicopters.

a. Definition

A facility designed to accommodate helicopter operations, including facilities and structures, needed for heliport business to function.

b. Accessory Use

Except where otherwise allowed as a principal or collocated use, A a Heliport limited to landing and takeoff of helicopters, tilt rotors or rotorcraft that does not include facilities or structures may be considered a helipad which may be allowed as an accessory use, as follows:

**Reason for amendments:** [Zoning]

3. Consolidates removal of existing provisions and to clarify type of approval the use is subject to when accessory. The provisions are:

- Use approval removed from Agricultural Production (AP), AGR, AR and Residential Estate (RE) in Use Matrix;
- Supplementary Use Standard related to AGR and "AR" Tier limiting the use accessory to Bona Fide Agricultural use (~~use to be amended to term "Farm"~~); and,
- Prior minimum ten-acre lot size for Farm Residence (which by definition is accessory to a Bona Fide Agricultural use).

1) Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AR, AP and RE Zoning Districts, located on parcels containing a minimum of ten acres, shall be Permitted by Right. [Partially relocated from Art. 4.B.8.C.1.f, Lot Size, above]

**Reason for amendments:** [Zoning]

4. Clarify no minimum acreage, as such would be addressed commensurate with scope of use (e.g. how often they fly, how close to other residences, other setback requirements, etc.).

2) Accessory to Single Family in the AR, RE and RM Zoning Districts, subject to Class A Conditional Use approval.

**Reason for amendments:** [Zoning]

5. Clarify use can be utilized by aviation based communities or neighborhoods.

3) Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to approval as a Class A Conditional Use approval.

**Reason for amendments:** [Zoning/Parks and Recreation]

6. Allow helipad accessory to public parks as a transportation option. Clarify if 1,000 foot separation distance from residential is met, an accessory heliport may be Permitted by Right. The separation distance requirement is to mitigate potential nuisances related to noise.

4) Accessory to a Public Park may be Permitted by Right subject to the following, as follows:

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- a) The heliport Subject to Class A Conditional Use approval if located within 1,000 feet from a parcel of land with a residential use or FLU designation. A heliport shall be Permitted by Right if located more than is not within 1,000 feet of from a parcel of land with a residential use or FLU designation. Measurement shall be made from the edge of the heliport to the property line of a parcel of land with a residential use or FLU designation or use; or.
b) Use of helicopters shall be Permitted by Right if limited to a heliport for only emergency purposes.

Reason for amendments: [Zoning]
7. Clarify limited landing or takeoff of helicopters accessory to uses such as Data and Information Processing or Government Services or Government Facilities, as defined, is may be allowed as a Class A Conditional Use as these are uses that are very likely to require air transportation of people or for a public purpose. For purposes of this amendment, Article 1.1.2.G.12, Government Facilities is defined as "lands that are owned by a unit of local, state, or federal government, that support government services, customary government operations, or delivery of public services".
8. Landing or takeoff of helicopters accessory to hospitals is a relocated Supplementary Use Standard from the ULDC Supp. 20, 4.B.1.A.71.d, Heliport related to Hospital Use.

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- 5) Except where allowed otherwise herein, a Heliport A heliport accessory to Data and Information Processing, Government Services, and Research and Development may be allowed subject to Class A Conditional Use approval.
6) Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval. A heliport shall be Permitted by Right if located more than 1,000 feet from a parcel of land with a residential FLU designation or use. Measurement shall be made from the edge of the heliport to the property line of a parcel of land with a residential FLU designation or use.
7) Accessory to a Hospital may be Permitted by Right subject to the setback, height and FAA/FDOT Transportation General Standards for emergency purposes only.

Reason for amendments in the Matrix: [Zoning]
9. Remove the use from the following zoning districts: AGR, AP, Agricultural Residential/ Rural Service Area (AR/RSA) and Agricultural Residential/ Urban Service Area (AR/USA), RE, and Multifamily Residential (RM) as a principal use. The supplemental standards will clarify where an accessory Heliport may be located and how the use shall be approved.
10. Delete the use from the following zoning districts: Commercial High Office (CHO) standard zoning district and Infill Redevelopment Overlay (IRO) with a Commercial Low (CL), Commercial Low Office (CLO), and CHO FLU designation. A Heliport use is not suitable for lower intense zoning districts.
11. Change the approval process in Commercial General (CG) from Class B Conditional Use and CRE from Development Review Officer (DRO) Approval to Class A Conditional Use. The change would address potential adverse impacts that may arise from the use and provides an opportunity for the public to speak before the Board of County Commissioners (BCC).
12. Add the use to the Commercial Pod of a Planned Industrial Park Development (PIPD), Lifestyle Commercial Center Development (LCC) with a Commercial High (CH) FLU designation, and Traditional Marketplace Development (TMD) in the Urban/Suburban, Exurban, and Rural Tiers, and the Development area of the AGR Tier as a Class A Conditional Use Approval. The additions are for consistency with the approval of the use in similar commercial standard zoning districts.

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3. Landing Strip

**HISTORY:** Landing Strip use definition and Supplementary Use Standards were first referenced in the 1992 Code rewrite (Ord. 1992-020). The definition and ~~Supplementary~~ Use Standards were amended by Ord. 1993-004, 1995-008, 1999-037, 2000-015, 2001-001, 2001-029, 2001-062, 2001-100, 2003 Code rewrite (Ord. 2003-067), 2005-002, 2006-036, 2009-040, 2010-005, and 2013-018.

**Reason for amendments:** [Zoning]

1. Establish use definition for Landing Strip consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.

a. Definitions

~~A ground facility designed to accommodate landing and take-off operations of aircraft, used by individual property owners, farm or commercial operations including facilities or structures, needed for landing strip functions.~~

**Reason for amendments:** [Zoning]

2. Consolidates removal from AP, AGR, AR/RSA in Use Matrix and prior minimum twenty acre lot size requirement for Farm Residence (which by definition is accessory to a Bona Fide Agricultural use).

b. Accessory Uses

~~Except where otherwise allowed as a principal or collocated use, a Landing Strip may be allowed as an accessory use, as follows:~~

1) ~~Accessory to an Agriculturally Classified Use as established by State Statutes, in the AGR, AP, and AR/RSA Zoning Districts, located on parcels containing a minimum of twenty acres, shall be Permitted by Right. [Partially relocated from Art. 4.B.8.C.1.f, Lot Size, above]~~

**Reason for amendments:** [Zoning]

3. Clarify use can be utilized by aviation based communities or neighborhoods or emergency situations.

2) ~~Accessory to Residential subdivision, as a Neighborhood Recreation Facility, or within the Recreation or Civic Pod of a PDD or TDD, subject to approval as a Class A Conditional Use approval.~~

**Reason for amendments:** [Zoning]

4. Clarify use can be utilized by public entities such as South Florida Water Management District (SFWMD), Florida Highway Patrol (FHP), Palm Beach County Sheriff's Office (PBSO), Florida Fish and Wildlife Conservation Commission (FWCC), etc., to support services or the operation provided by the government agency.

3) ~~Accessory to Government Services or Government Facilities, subject to Class A Conditional Use approval.~~

**Reason for amendments in the Matrix:** [Zoning]

5. Remove the use from the following zoning districts: AGR, AP, and AR/RSA as a principal use. The ~~Supplementary~~ Use Standards will clarify where an accessory Landing Strip may be located and how the use shall be approved.

6. Change the approval process in CRE, General Industrial (IG) and Institutional and Public Facilities (IPF) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change would address potential adverse impacts that may arise from the use and provides an opportunity for the public to speak before the Board of County Commissioners.

7. Add the use to the Public Ownership (PO) Zoning District as a Class A Conditional Use Approval.



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**4. Seaplane Facility**

**HISTORY:** A seaplane use was first referenced as a principal use in the 1973 Code rewrite (Ord. 1973-002). In the 1992 Code rewrite (Ord. 1992-020), the Supplementary Use Standards were relocated to the accessory use section. The Supplementary Use Standards remained there during the 2003 Code rewrite (Ord. 2003-067).

Relocate Seaplane Use from Article 5.B.1.A.15 to ~~Article 4.B.1.C.2, Seaplane Facility~~ new Transportation Use Classification to consolidate with other transportation uses. A seaplane use was a principal use in the 1973 Code. The proposed amendment establishes Seaplane Facility as a Transportation Use with newly created approval process and Supplementary Use Standards.

**Reason for amendments:** [Zoning]

1. Establish use definition for Seaplane Facility consistent with US Department of Transportation, FAA, and Title 14 of the Code of Federal Regulations (14 CFR) definition.

**a. Definitions**

*A facility, on land or water, designed to accommodate the landing and takeoff of seaplanes, water taxiing, anchoring, ramp service and onshore facilities.*

**b. Separation Distance - Residential Zoning District**

*1) If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential zoning district provided the facility is not commercial or within 400 feet of a residential use.*

*2) If the facility is a commercial venture, it shall not be located within 1,000 feet of a parcel of land with a residential zoning FLU designation or use.* **[Relocated from Art. 5.B.1.A.15.a, Location]**

**c. Minimum Land Area**

*The minimum required land area for any type of seaplane operation shall be two acres.* **[Relocated from Art. 5.B.1.A.15.b, Minimum Land Area]**

**d. Water Area**

*All seaplane operations shall comply with the following minimum standards for water landing area:* **[Relocated from Art. 5.B.1.A.15.c, Water Area]**

**Table 5.B.1.A - Seaplane Landing Area Standards**

<i>Length</i>	<i>3,500 feet</i>
<i>Width</i>	<i>300 feet</i>
<i>Depth</i>	<i>4 feet</i>

**e. Airport Approach**

*No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.* **[Relocated from Art. 5.B.1.A.15.d, Airport Approach]**

**f. Setbacks**

*All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.* **[Relocated from Art. 5.B.1.A.15.e, Setbacks]**

**g. Landing Operations**

*All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be conducted during the hours between sunset and sunrise.* **[Relocated from Art. 5.B.1.A.15.f, Landing Operations]**

**h. Parking**

*Shore facilities shall provide one automobile parking space for each 2,000 square feet of hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities shall provide a minimum of five parking spaces.* **[Relocated from Art. 5.B.1.A.15.g, Parking]**

**Reason for amendments in the Matrix:** [Zoning]

2. Add the use to the CRE, IG, PO, and IPF Zoning Districts; MUPD with a Commercial Recreation (CR) and Industrial (IND) FLU designation; and Industrial Light (IND/L) & General Industrial (IND/G) Pods of a PIPD as a Class A Conditional Use Approval (A).

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**5. Transportation Facility**

**HISTORY:** The Transportation Facility use definition and Supplementary Use Standards were first referenced by Ord. 1981-024. The definition and Supplementary Use Standards were amended by the 1992 Code rewrite (Ord. 1992-020), 2003 Code rewrite (Ord. 2003-067), 2010-022, and 2011-016.

Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. During the Industrial Use Classification review in 2013, staff separated Transportation Facility into two uses: Transportation Facility and Distribution Facility. The separation clarified the distinction between the movement of people and goods. Research and analysis concluded that the movement of people and goods are not similar in terms of overall operation and impact. The movement of people is consistent with transportation uses (bus ~~stops~~, or train station) while goods are consistent with an industrial use (railroad depots, truck terminals). Distribution Facility has been established as an Industrial use.

The proposed amendment establishes Transportation Facility as a Transportation Use with newly created approval process and Supplementary Use Standards.

**Reason for amendments:** [Zoning]

1. Establish a Definition for new use Transportation Facility. The definition will focus on multi-model means of moving people from one destination to another ~~but will exclude~~ and clarifies exclusion of airports, ~~and~~ aviation related uses and bus stops and alighting areas.
2. Identify typical uses that may be covered by the Transportation Facility.
3. Establish a Location standard to clarify that bus and railroad establishments shall front and have access from a major street to limit potential adverse impacts.
4. Establish approval process requirements for a Transportation Facility and to identify the most restrictive approval process in the Use Matrix. Clarify a Transportation Facility requiring Class A Conditional Use approval may be approved by the DRO or Permitted by Right if separation distance requirements are met.
5. Establish separation distance standards from residential to clarify if a Transportation Facility is closer to residential it must comply with additional mitigating standards.
6. Establish minimum circulation requirements to ensure pedestrian and vehicular areas are clearly indicated on the site design and provide for pedestrian safety.

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**a. Definition**

An establishment used as a transfer point for the loading and unloading of passengers from one mode of transportation to another, excluding airports, and aviation related uses, and bus stops and alighting areas as outlined within Article 5.H, Mass Transit Standards.

**b. Typical Uses**

A Transportation Facility use may include, but not be limited to: bus stations, ferryboat or cruise ship terminals, and commuter railroad stations.

**c. Approval Process**

**1) UC, UI, and PO Zoning Districts**

a) A Transportation Facility in the UC and UI Zoning Districts that is subject to Class A Conditional Use approval may be approved by the DRO if located 200 feet or more from a parcel of land with a residential ~~use or~~ FLU designation or use.

b) A Transportation Facility in the PO Zoning District that is subject to Class A Conditional Use approval shall be Permitted by Right if located 200 feet or more from a parcel of land with a residential ~~use or~~ FLU designation or use.

**2) All Other Zoning Districts**

A Transportation Facility in all other zoning districts subject to Class A Conditional Use approval may be approved by the DRO if located 500 feet or more from a parcel of land with a residential ~~use or~~ FLU designation or use.

**d. Location**

Bus or railroad stations shall have frontage on and access from a collector or arterial street, unless located within a PDD or TDD.

**e. Separation From Residential**

A Transportation Facility located within 200 feet from a parcel of land with a residential ~~use or~~ FLU designation or use shall be subject to the following:

- 1) Building openings used by vehicles and unglazed architectural openings shall not face residential; and,
- 2) A Type 3 Incompatibility Buffer shall be required.

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f. **Vehicular and Pedestrian Circulation**

The site design shall include the following elements:

- 1) ~~Vehicle idling and queuing spaces do not encumber on-site circulation traffic nor present a safety hazard for vehicles or pedestrians.~~
- 2) ~~Designated passenger drop off/pick up areas.~~
- 3) ~~A minimum six foot wide sidewalk in front of or adjacent to the drop-off spaces and connected to the building entrance.~~
- 4) ~~On-site vehicular circulation system setback a minimum 100 feet if adjacent to a parcel of land with a residential FLU designation or use.~~

**Reason for amendments in the Matrix:** [Zoning]

7. Allow as a Class A Conditional Use approval, Transportation Facility use in the CG, Urban Center (UC) and Urban Infill (UI) Zoning Districts, PO and IPF Zoning Districts, Multiple Unit Planned Development (MUPD) with a CH<sub>7</sub> or Institutional and Public Facilities (INST) FLU designation and Commercial Pod of a PIPD. The Use Matrix will reflect the most restrictive approval process. As stated in the historical section above, the movement of goods and people, components of the original use, was separated by definitions, Supplementary Use Standards and approval process. Prior to the separation of the use, the use was allowed in several zoning districts (e.g., commercial and industrial districts) regardless of intensity. The separation recognized the difference in intensity and was revised accordingly (i.e., Distribution Facility primarily in industrial districts). This amendment completes the use separation and allows a new Transportation Facility use in lower intense zoning districts.

**Part 3. ULDC Art. 4, Use Regulations [Related to Seaplanes] is hereby deleted from Article 5.B.1.A.15 to relocate in Art. 4.B.8.C:**

**HISTORY:** See 4.B.8.C.4, Seaplane Facility History above.

**Reason for amendments:** [Zoning] Use to be relocated to Art. 4.B.8.C.4, Seaplane Facility.

**15. Seaplanes**

**a. Location**

~~If the seaplane facility use is limited to the adjacent property owners who jointly own and maintain the aircraft facility, it may be located in a residential district and not be of a commercial nature, provided that the facility is not within 400 feet of a residential use. If the facility is a commercial venture, it shall not be located within 1,000 feet of a residential district.~~ **[Relocated to Art. 4.B.8.C.4.b, Separation Distance – Residential Zoning District]**

**b. Minimum Land Area**

~~The minimum required land area for any type of seaplane operation shall be two acres.~~ **[Relocated to 4.B.8.C.4.c., Minimum Land Area]**

**c. Water Area**

~~All seaplane operations shall comply with the following minimum standards for water landing area:~~ **[Relocated to Art. 4.B.8.C.4.d, Water Area]**

**Table 5.B.1.A – Seaplane Landing Area Standards**

Length	3,500 feet
Width	300 feet
Depth	4 feet

**d. Airport Approach**

~~No seaplane operation shall be considered unless the airport approach to the water landing area is at a slope of 40:1 or flatter for a distance of at least two miles from both ends of the water landing area and is clear of any building structure or portion thereof that extends through and above the airport approach plane.~~ **[Relocated to Art. 4.B.8.C.4.e, Airport Approach]**

**e. Setbacks**

~~All buildings, structures, and aircraft parked on shore shall be located a minimum distance from all property lines of at least 50 feet.~~ **[Relocated to Art. 4.B.8.C.4.f, Setbacks]**

**f. Landing operations**

**Notes:**

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EXHIBIT M

TRANSPORTATION USES  
SUMMARY OF AMENDMENTS  
(Updated 11/2/16)

1 ~~All aircraft landings shall be performed under Visual Flying Rules (VFR) and shall not be~~  
2 ~~conducted during the hours between sunset and sunrise.~~ [Relocated to Art. 4.B.8.C.4.g,  
3 Landing Operations]  
4 **g. Parking**  
5 ~~Shore facilities shall provide one automobile parking space for each 2,000 square feet of~~  
6 ~~hangar or tie-down area, or one space per craft, whichever is greater. All shore facilities~~  
7 ~~shall provide a minimum of five parking spaces.~~ [Relocated to Art. 4.B.8.C.4.h, Parking]

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS
SUMMARY OF AMENDMENTS
(Updated 10/27/16)

1 Part 21. ULDC Art. 2.D.1.G.2.b, Agency Review (page 41 of 87), is hereby amended as follows:
2

Table with 1 column: Reason for amendments: [Zoning]
1. Currently Stealth Towers when less than 100 feet in height and located in Agricultural Reserve (AGR), Agricultural Residential (AR) Urban and Rural Service areas, and Residential Estate (RE) Zoning Districts are allowed to be subject to DRO Agency Review process which allows amendments to existing approved plans. This amendment creates cross reference between the regulations related to DRO Agency Review process contained in Art. 2.G.2, Administrative Modification, and the Stealth Tower standard in Art. 4; and, clarifies it applies only to sites with existing DRO site plans, otherwise the tower will be subject to the review of all DRO agencies.

3 CHAPTER D ADMINISTRATIVE PROCESS

4 Section 1 Development Review Officer (DRO)

5 G. Modifications to Prior Development Orders

6 2. Administrative Modifications

7 b. Agency Review

8 Agency Review is for applications that require amendment(s) to existing approved
9 plan(s). This type of application requires review, comments, and conditions by a
10 maximum of five DRO Agencies. The DRO shall determine which Agencies are required
11 to review the amendment based upon the request and compliance with County
12 Ordinances. The Zoning Director shall maintain PPM Z0-0-29, Administrative
13 Modifications to Approved Site Plans, outlining a list of minor amendments and
14 establishing items that are exempt from the Administrative Modifications process.
15 Amendments include the following, provided Art. 2.D.1.G.1, Modifications to BCC/ZC
16 Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001] [Ord.
17 2014-001] [Ord. 2015-006] [Ord. 2016-016]

18 ....
19 11) Stealth Towers equal to or less than 100 feet in height located in the AGR, AR and
20 RE Zoning Districts, provided the parcel has an existing DRO approved site plan.

21 ....

24 Part 32. ULDC Art. 4.B.1.A.31, Communication Towers, Commercial (page 41 of 171), is hereby
25 deleted as follows:
26

Table with 1 column: Reason for amendments: [Zoning]
1. Consolidate definitions in new Art. 4.B.9, Commercial Communication Towers.

27 CHAPTER B SUPPLEMENTARY USE STANDARDS

28 Section 1 Uses

29 A. Definitions and Supplementary Standards for Specific Uses

30 31. Communication Towers, Commercial

31 Any tower whose principal use is to facilitate transmissions for AM/FM radio, television,
32 microwave and cellular telephone transmission towers, antennae and accessory equipment
33 and buildings. All tower and antennae types are subject to standards in Article 4.C,
34 COMMUNICATION TOWER, COMMERCIAL. [Partially relocated to Art. 4.B.9.B, General
35 Standards]

36 a. Communication Panel Antennas, Commercial

37 Standards shall apply to commercial communication panels and antennas mounted on
38 roofs, or attached to buildings or legal billboards.

39 b. Communication Cell Sites on Wheels (COWs)

40 A temporary facility utilized to ensure adequate telecommunications capacity during
41 periods of high usage or during periods when traditional modes of communication are
42 unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with
43 attached antenna, mounted on a trailer or truck.

46 Part 53. Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I,
47 Non-Residential Districts, Tower Location, and Type of Review, are hereby deleted and
48 approval processes are consolidated in the Commercial Communication Towers
49 Matrix as follows:
50

Notes:
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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS

(Updated 10/27/16)

<b>Reason for amendments:</b> [Zoning]	
1.	Consolidate Commercial Communication Tower approval processes in residential and non residential zoning districts in one Use Matrix to facilitate ease of use and reduce possible glitches in the future.
2.	Delete Expedited DRO (DE) approval from Stealth Towers equal to or less than 100 feet to reflect a "D" in the consolidated Use Matrix as the correct acronym related to Development Review Officer (DRO). Stealth Tower Supplementary Use Standard is updated to reflect that in Agricultural Reserve (AGR), Agricultural Residential (AR) Rural Service Area (RSA), AR Urban Service Area (USA); and Residential Estate (RE) Zoning Districts, Stealth Tower equals to or less than 100 feet is reviewed by DRO Agency Review which is the process that equates to DE in today's Code. Footnote in the table is deleted also for consistency with the noted change.
3.	Delete "BP" for Building Permit Review as shown in the Residential and Non-Residential District Tower Location and Type of Review tables to reflect a "P" for Permitted by Right use in the consolidated Use Matrix.
4.	Delete footnote # 1 that relates to location of towers in public and private Civic pod, Commercial pod and Golf Courses in Recreation pod of Planned Unit Development (PUD). The consolidated Use Matrix reflects the approval process in the specific pods as described in the note.

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

**Table 4.C.3.1 – Residential District Tower Location and Type of Review**

TOWER TYPE	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD Pods (1)		RVPD	MHPD	TND
								CIV or COM	REC			
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	A	*	*	D
Stealth Towers >100' ≤ 125'	D	D	D	D	B	B	B	D	A	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	A	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	A	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	*	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	*	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	*	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	*	*	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	*	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	*	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*	*
Self Support Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	*	*	*	*
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	D	*	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	*	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*	*
Guyed Towers > 250'	A	A	A	*	*	*	*	*	*	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	D(2)	*	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)

**[Ord. 2014-001]**

**Notes:**

- D = Development Review Officer (No Public Hearing)
- DE = Expedited Review
- BP = Building Permit Review (No Public Hearing)
- B = Conditional use Review by ZC (1 Public Hearing)
- A = Conditional use Review by BCC (2 Public Hearings)
- (1) = Public or Private Civic, and Commercial pods; or, a *Recreational Pod only when located on a Golf Course.* **[Ord. 2014-001]**  
**[Partially relocated to Art. 4.B.9.C.1.b.2), Recreation pod of PUD]**
- (2) = *I-95 and Florida Turnpike streets at least 250 feet in width.* **[Relocated to Table 4.B.9.A, Commercial Communication Towers Matrix, note #2]**
- (3) = *Electrical transmission streets at least 250 feet in width.* **[Relocated to Table 4.B.9.A, Commercial Communication Towers Matrix, note #1]**
- \* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

**[Relocated to Art. 4.B.9.A, Commercial Communication Tower Use Matrix]**

2  
3

**[Approval processes relocated to Table 4.B.9.A, Commercial Communication Towers Matrix]**

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

<b>Reason for amendments:</b> [Zoning]
5. Delete footnote #2 in table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review which clarifies towers in Mixed Use Planned Development (MXPDP) are allowed only when located in Commercial High (CH) Future Land Use (FLU) designation. The consolidated Use Matrix identifies CH and Commercial High Office (CHO) FLU designations contained in MXPDP. As a result of the note, the approval will be reflected only in MXPDP with CH FLU designation for the same tower types that are currently shown in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.
6. Delete table footnote #3 related to Self Support and Guyed Towers in MXPDP to be located only in Industrial (IND) FLU designation given the fact that MXPDP is not consistent with IND FLU designation.

2  
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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review

TOWER TYPE	AP	PO	CN	CLO	CC	CG	CHO	CRE	IL	IG	MUPD (1)	MXPD	PIPD	PC
Stealth Towers ≤ 100'	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP
Stealth Towers >100' ≤ 125'	D	D	D	D	D	D	D	D	D	D	D	D(2)	D	D
Stealth Towers > 125'	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Camouflage Towers	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP(2)	BP	BP
Monopole Towers ≤ 60'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 60' and ≤ 100'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >100' and ≤ 150'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 150' and ≤ 200'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >200' and ≤ 250'	D	A	A	A	B	B	A	A	D	D	A	A(2)	D	A
Monopole Towers >250'	B	A	A	A	A	A	A	A	B	B	A	A(2)	B	A
Self Support Towers ≤ 60'	BP	BP	*	*	*	BP	*	*	BP	BP	*	BP(3)	BP	BP
Self Support Towers > 60' and ≤ 100'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers >100' and ≤ 150'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers > 150' and ≤ 200'	D	B				B			D	D		D(3)	D	D
Self Support Towers > 200' and ≤ 250'	B	B				B			B	B		B(3)	B	B
Self Support Towers > 250'	B	A				A			B	B		B	A	A
Guyed Towers ≤ 60'	BP	BP				BP			BP	BP	BP	BP(3)	BP	BP
Guyed Towers > 60' and ≤ 100'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 100' & ≤ 150'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 150' & ≤ 200'	D	B				B			D	D	B	D(3)	D	B
Guyed Towers > 200' & ≤ 250'	B	B				B			B	B	B	B(3)	B	B
Guyed Towers > 250'	B	A				A			B	B	A	B(3)	B	A
FDOT (4)	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FPL (5)	D	D	D	D	D	D	D	D	D	D	D	D	D	D

**Notes:**  
D = Development Review Officer (No Public Hearing)  
BP = Building Permit Review (No Public Hearing)  
B = Conditional use Review by ZC (1 Public Hearing)  
A = Conditional use Review by BCC (2 Public Hearings)  
(1) = Permitted in CH of CL FLU Designation over five acres [Relocated to Supplementary Use Standards for Stealth Tower in Article 4.B.9.C.1.c; Camouflage Tower in Article 4.B.9.C.2; Monopole in Article 4.B.9.C.3; Self Support in Article 4.B.9.C.4; and Guyed Tower in Article 4.B.9.C.5 ]  
(2) = CH and IND FLU Designation [CH relocated to Consolidate Use Matrix in Table 4.B.9.A, Commercial Communications Tower Use Matrix]  
(3) = Limited to IND FLU Designation  
(4) = I-95 and Florida Turnpike streets at least 250 feet in width [Relocated to Table 4.B.9.A, Commercial Communication Towers Matrix, note #2]  
(5) = Electrical transmission streets at least 250 feet in width [Relocated to Table 4.B.9.A, Commercial Communication Towers Matrix, note #1]  
\* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section

2  
3

[Approval processes relocated to Table 4.B.9.A, Commercial Communication Towers Matrix]

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**EXHIBIT N**

**COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS**

(Updated 10/27/16)

1 **Part ~~64~~**. **New ULDC Art. 4.B.9, Communication Towers, Commercial, is hereby established as**  
 2 **follows:**  
 3

<b>Reason for amendments:</b> [Zoning]
1. In 1998, a comprehensive Commercial Communication Tower amendment was introduced in the Unified Land Development Code (ULDC) throughout Ordinance 1998-1 in response to Federal regulations and industry trends in cellular communication. Later, during re-write of the ULDC in Ordinance 2003-067, Commercial Communication Tower regulations were placed under Article 4.C. Multiple amendments have since been made to the Code that affected the approval processes and references of the uses contained in the Commercial Communication Towers section.
2. This amendment consolidates all Commercial Communication Tower regulations regarding approval processes, general standards, definitions, and Supplementary Use Standards in order to make it consistent with the formatting and construction of the Code proposed for Article 4 as part of the Use Regulations Project (URP).

4 **CHAPTER ~~CB~~ COMMUNICATION TOWER, COMMERCIAL USE CLASSIFICATION**

5 **Section 9 Commercial Communication Towers ~~Uses~~**

6 **A. Commercial Communication Towers ~~Use Matrix~~**  
 7

<b>Reason for amendments:</b> [Zoning]
3. Indicate in the Use Matrix "P" for Permitted use where previously shown as "BP" for Building Permit review for consistency with construction of the consolidated Use Matrix.
4. Allow Stealth, Camouflage, Monopole and Guyed Towers to be located in Institutional and Public Facilities (IPF) Zoning District and Multiple Use Planned Development (MUPD) with Institutional (INST) FLU designation. <ul style="list-style-type: none"> <li>• MUPD with INST FLU designation is proposed to use the same approval process as MUPD with Commercial Low (CL) and CH FLU designation, where the towers are already allowed. Commercial Communication Towers are likely to be collocated with uses already permitted on institutional land.</li> <li>• IPF Zoning District was added to the ULDC through Ord. 2000-015 but was not recognized in the approval process table in Article 4.C for Commercial Communication Towers. The approval process assigned to the use is based on the same approval given to the towers located in Institutional (INST) FLU designation of MUPD.</li> </ul>
5. Delete Expedited DRO (DE) approval from Stealth Towers 100 feet in height or less to reflect a "D" in the consolidated Use Matrix and indicate the correct acronym related to DRO.
6. The approval processes contained in table 4.C.3.I, Residential Districts, Tower Location, and Type of Review, limited approval of towers to Civic and Commercial pods of PUD as noted in the table footnote #1. The consolidated Use Matrix which includes all pods in PUD reflects that Residential pod and Agricultural/Preserve are not allowed to include any tower type.
7. Amend Stealth and Camouflage Towers approval in Civic and Commercial pods of PUD to require Class A Conditional instead of DRO approval. In 2013, an amendment to the ULDC took place to allow Stealth and Camouflage Towers in Golf Courses located in Recreational pod of PUD subject to Class A Conditional Use. Zoning administration advised the BCC of the future change in the approval process for Civic and Commercial pods of PUD to protect adjacent residential uses. Standards under the provisions of these two tower types allow the towers to be DRO approval when the height of the tower is less or equal to 60 feet. This change is consistent with Monopole, Self Support/Lattice and Guyed towers existing DRO approval for towers less than 60 feet in height.
8. Indicate the most restrictive approval process in the Use Matrix, in this case prohibited, for Stealth Towers in Recreation pod of PUD. A Supplementary Use Standard for Stealth Tower has been added to indicate Class A Conditional Use approval when the use is located in Golf Courses in Recreation pod of PUD. The standard reflects the approval and the only location allowed for this type of tower in Recreation pod of PUD as contained in footnote of table 4.C.3.I, Residential Districts, Tower Location, and Type of Review.
9. Allow all tower types in MUPD with IND FLU designation consistent with the towers approved in other industrial zoning districts such as Industrial Light and Industrial General pods of Planned Industrial Park Development (PIPD) and industrial standard zoning districts. The approval process proposed for MUPD with IND FLU is the same as in Industrial General pod of PIPD since both Planned Development Districts (PDDs) have IND FLU designation.
10. Ord. 2014-025 clarified Economic Development Center (EDC) FLU designation by creating consistency with the Plan FLU Element Section III.C.4-2 now Policy 2.2.24-c that indicates EDC "is intended to accommodate employment opportunities, research parks, and employment centers" and "shall be limited those (uses) that demonstrate Light Industrial characteristics." Such consistency is reflected by including the EDC FLU designation in the Use Matrix for MUPD and including approval

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS

(Updated 10/27/16)

	processes for applicable uses through the different use classifications. EDC was not added to the approval process table for Commercial Communication Towers in Article 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review. This amendment adds EDC to indicate the same approval process in towers types already permitted in Light Industrial pod of PIPD. Approval for Electrical Transmission Line R-O-W and the FDOT R-O-W has been added to the MUPD with EDC FLU equally consistent with Light Industrial pod of PIPD.
11.	Currently all Use Matrices through the Code differentiate the approval process for Industrial Light pod, Industrial General pod and Commercial pod in PIPD. Table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review indicate approval for PIPD but does not specify what particular pod the approval is for. The consolidated Use Matrix simply utilizes the same approval process contained in the referenced table and makes it applicable to all pods.
12.	Amend the Use Matrix to reflect Article 4.B.9.D.1.c.1).e) standard related to Electrical Transmission Line R-O-W. The standard limits the approval of combined transmission/communication structures in Electrical Transmission Line R-O-W to Class A Conditional Use when the R-O-W is in a PUD. As a result, the Use Matrix will be changed from DRO as currently shown to Class A Conditional Use in the Civic, Commercial and Recreation pods of PUD as they are pods where towers are currently allowed.
13.	Clarify in the Use Matrix the maximum height allowed for Stealth Tower is 200 feet for consistency with existing maximum tower height standards for this tower type, already contained in the Code.
14.	Clarify in the Use Matrix the maximum height allowed for Camouflage Tower is 150 feet for consistency with existing maximum tower height standards for this tower type, already contained in the Code.
15.	Approval of towers in the Traditional Neighborhood Development (TND) Zoning District indicated in table 4.C.3.I, Residential District Tower Location and Type of Review, does not specify the land use zones where towers are permitted. The consolidated Use Matrix is not going to include approval of towers in Residential land use zone of TND for consistency with the prohibition of the use in Residential pod of PUD. The same situation applies to Open Space Recreation (OS Rec) in TND as when compared with PUD Recreation pod, TND does not include Golf Course which is the only case when some of the towers are allowed in the Recreation pod of PUD. Approval in TND will be applied to Neighborhood Center in the Urban/Suburban, Exurban and Rural Tiers only for those towers originally shown in table 4.C.3.I. The same concept is applied for the approval applicable to Electrical Transmission Line R-O-W and the FDOT R-O-W.
16.	Add Lattice to the name of Self Support Tower in the Use Matrix for consistency with the terminology used in Article 4.B.9.C.4 that has specific standards for this tower type.
17.	Antennas are regulated by specific requirements established by State Statutes 365.172 (13) which are indicated in Article 4.B.9.E, Share Use/Collocation. As a result, Antenna is removed from the Use Matrix.
18.	Indicate in the Use Matrix Electrical Transmission Line Right of Way (R-O-W) instead of FPL (Florida Power and Light) as the Commercial Communication Tower provisions are for any Electrical Transmission Line R-O-W regardless of what utility company is the utilizing it.
19.	Clarify in the Use Matrix that FDOT means Florida Department of Transportation and that the approval relates to the right-of-way for consistency with the standards in Article 4.B.9.D, Collocation in Right of Ways.
<u>20.</u>	<u>Change approval process for Stealth Towers more than 125' to 200' in height as well as Self Support and Guyed Towers more than 150' to 250' in height in the Public Ownership (PO) Zoning District from Class B Conditional use to Class A Conditional Use. The change is requested by Facilities Department to allow the Board of County Commissioners (BCC) to review and approve towers in Public Ownership (PO) Zoning District.</u>
<u>21.</u>	<u>Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.</u>

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS
SUMMARY OF AMENDMENTS
(Updated 10/27/16)

Table with 2 rows: Reason for amendments: [Zoning] and 22. Relocate to consolidate reference for waivers applicable to government owned towers under the Waiver provisions contained in Article 4.B.9.G, Exemptions and Waivers.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

B. General Standards

Commercial communication tower use shall comply with the following supplementary use standards. If this Section prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this Section may be waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the modification. [Partially relocated to Art. 4.B.9.G.2, Government Towers, related to Exemptions and Waivers]

Commercial Communication Towers include provisions for any tower, pole or structure that supports a device whose principal use is to facilitate transmissions for AM/FM radio, television, microwave; cellular, personal wireless services, or related forms of electronic communications. The regulations include provisions for Stealth, Camouflage, Monopole, Self Support/Lattice, Guyed Towers. [Partially relocated from Art. 1.1.2.C.49, Communication Tower, Commercial and Art. 4.B.1.A.31, Communication Towers, Commercial]

Section 1 States of Emergency

The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2006-004] [Ord. 2012-027] [Relocated to Art. 4.B.9.G.1, States of Emergency]

Section 2 Definitions

See Art. 1.I, DEFINITIONS AND ACRONYMS

Existing text under Section 4, Standards, shown below was relocated to be above current Section 3, Siting Requirements.

Table with 1 row: Reason for amendments: [Zoning] and 24. The Code includes standards in Articles 4.B.9.C.1.g and 4.B.9.C.2.f, Associated Uses, applicable to Stealth and Camouflage Towers, that limit collocation of these two tower types to specific uses. This amendment clarifies that approval of Commercial Communication Towers on sites with other principal use may apply to some tower types only.

Section 4 Standards

A1. Additional Uses Permitted on Lot Collocated Tower and Accessory Structures

Communication towers may be permitted on a lot with another principal use as provided herein unless stated otherwise. [Relocated from Art. 4.C.4.A, Additional Uses Permitted on Lot]

a. Owned Parcel

Communication towers may be located on lots containing another principal use, including another communication tower. [Relocated from Art. 4.B.9.B.1.b, Leased Parcel, below]

1b. Leased Parcel

Communication towers may be located on lots containing another principal use, including another communication tower. [Relocated to Art. 4.B.9.B.1.a, Owned Parcel, above]

Separation between communication towers and other uses on the lot may be required to ensure compatibility. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks, below] Towers may occupy a leased parcel on a lot that meets the minimum lot size requirement of the district in which it is located. PBC may require execution of a unity of title control, or other documentation as determined appropriate by the County Attorney, for leased parcels that do not meet the minimum lot size requirement for the district in which they are located. [Relocated from Art. 4.C.4.A.1, Lease Parcel]

2c. Accessory Structures

Any structure accessory to communication towers, other than peripheral supports and guy anchors, shall conform to the setback requirements for the district in which it is located. [Relocated from Art. 4.C.4.A.2, Accessory Structures]

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1 **~~B. Measurement of Height~~**  
2 ~~All antennas, panels, and other attachments shall be included in the height measurement of the~~  
3 ~~tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and~~  
4 ~~whip antennas, less than six inches in diameter, shall be excluded from this requirement.~~  
5 **[Relocated from Art. 4.B.9.B.6, Measurement of Height]**  
6

<b>Reason for amendments:</b> [Zoning]
25. Consolidate standard that requires all tower types to be subject to the minimum separation and setbacks from residential and non-residential zoning districts. The provisions were repeated under all tower type standards.

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8 **~~C2. Separation and Setbacks from Residential Uses~~**  
9 ~~Separation between communication towers and other uses on the lot may be required to~~  
10 ~~ensure compatibility. [Relocated from Art. 4.C.4.A.1, Lease Parcel] Separation or setbacks~~  
11 ~~for all towers shall be established, as provided in Tables 4.B.9.B, Minimum Separation and~~  
12 ~~Setbacks for Towers Located in Residential Zoning Districts, and Table 4.B.9.B, Minimum~~  
13 ~~Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, unless~~  
14 ~~stated otherwise herein. [Relocated from Art. 4.C.3.A.2, 4.C.3.B.2, 4.C.3.E.2, 4.C.3.F.2,~~  
15 ~~and 4.C.3.G.2, Separation and Setbacks]~~  
16

<b>Reason for amendments:</b> [Zoning]
26. Consolidate redundant standards repeated for each tower type and all zoning districts to improve ease of use of the tower separation and setbacks table by reducing the current five-page table to one page.
27. Revise table title to better clarify that contents establish "Minimum" setbacks and separations.
28. Correct scrivener's error made during the 2003 Code re-write and reflected in Ord. 2003-067. This amendment includes Multifamily Residential (RM) Zoning District in the separation and setbacks table of residential zoning districts applicable to 250 feet height Guyed Tower and Self Support/Lattice Tower. Ordinance 1998-1 clearly includes RM Zoning District in the separation and setbacks table for these towers.
29. Clarify the maximum height of Stealth Tower is 200 feet for consistency with Supplementary Use Standards in Article 4.B.9.C.1.b.5), Stealth Tower.
30. Indicate that the maximum height of Camouflage Tower is 150 feet for consistency with the Supplementary Use Standards in Article 4.B.9.C.2.b.2)c), Camouflage Tower. Includes a footnote clarification to indicate that Camouflage Tower height is subject to additional height requirements based on number of providers.
31. Include a footnote to clarify that separation and setbacks for Monopole, Self Support/Lattice and Guyed Towers apply regardless of the height of the tower.
32. Add minimum setback and separation standard for Monopole, Self Support/Lattice and Guyed Towers when adjacent to nonresidential use or public right-of-way. The provision has been missing in the Code and it is added for consistency with the existing standard under Stealth Tower more than 125' in height.

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**EXHIBIT N**

**COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)**

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**a. Towers Located in Residential Zoning Districts**

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

TOWER TYPE	Adjacent to	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD	RVPD	MHPD	TND
Stealth Tower ≤ 100' to ≤ 125'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential Vacant and Public ROW	100% of tower height for setback from property line										
Stealth Tower > 125' to Max. 200'	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or district setbacks whichever is greater										
Camouflage Tower Max. 150' (1)	Residential Existing	150% of tower height for separation between tower and adjacent residential structures 100% of tower height for setback from property line										
	Residential Vacant	100% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or district setbacks whichever is greater										
Monopole Tower (2)	Residential Existing	600% of tower height for separation between tower and adjacent residential structures 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or district setbacks whichever is greater										
Self Support / Lattice Tower (2)	Residential Existing	600% of tower height, separation between tower and adjacent residential structures 150% of tower height setback from property line										
	Residential Vacant	150% of tower height setback from property line										
	Non-residential and Public ROW	20% of tower height or district setbacks whichever is greater										
Guyed Tower (2)	Residential Existing	Lesser of 600% of tower height or 1,500' separation between tower and adjacent residential structures and 150% of tower height for setback from property line										
	Residential Vacant	150% of tower height for setback from property line										
	Non-residential and Public ROW	20% of tower height or district setbacks whichever is greater										
Electric Transmission Line FPL		Height, tower type, and setbacks limited as provided in this section Art. 4.B.9, Commercial Communication Towers										
FDOT												
[Ord. 2005-002]												
Notes:												
(1)	Maximum height subject to the specific requirements contained in the Supplementary Use Standards.											
(2)	Applicable to any tower height											

3 [Consolidated Tables 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts Separation and  
4 Setback]

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1 **b. Towers Located in Non-Residential Zoning Districts**

2 **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	
Stealth Towers Max. 200'	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																			
	Residential Vacant (2)	100% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Camouflage Towers Max. 150' (1)	Residential Existing (1)	150% of tower height for separation and 100% of tower height for setback from property line																			
	Residential Vacant (2)	100% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Monopole Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	20% of tower height or zoning district setbacks whichever is greater																			
Self Support Lattice Tower (2)	Residential Existing (1)	600% of tower height for separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	Lesser of 100% of tower height or zoning district setback substantiated by breakpoint calculations																			
Guyed Tower (2)	Residential Existing (1)	Lesser of 600% of tower height or 1,500' separation and 150% of tower height for setback from property line																			
	Residential Vacant (2)	150% of tower height for setback from property line																			
	Non-Residential and Public ROW	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations																			
Electric Transmission Line FPL	Residential	150' setback from abutting residential property line																			
	Non-residential	100' setback from abutting non-residential property line																			
FDOT	Residential	150' setback from abutting residential property line																			
	Non-residential	75' setback from abutting residential property line																			
[Ord. 2015-006]																					
<b>Notes:</b>																					
(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																					

3  
4 **[Relocated from Table 4.C.3.I - Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts]**

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7 **c. Conforming Use or Structure**  
8 *Construction of any lawful residential or nonresidential structure within the required*  
9 *separation distance shall not create a nonconforming use or structure when an existing*  
10 *communication tower is established pursuant to the provisions of this Section in Art.*  
11 *4.B.9.B.2, Separation and Setbacks. [Relocated from Art. 4.C.4.R, Creation of*  
12 *Nonconforming Use or Structure]*  
13 **C3. Measurement of Separation and Setback from Residential Uses**  
14 **1. Measurement of Separations and Setbacks**  
15 **a. Existing Residential Use**  
16 *Separations from existing residential structures shall be measured from the wall of the*  
17 *closest principal residential structure to the base of the tower (See Figure 4.C.4.C,*

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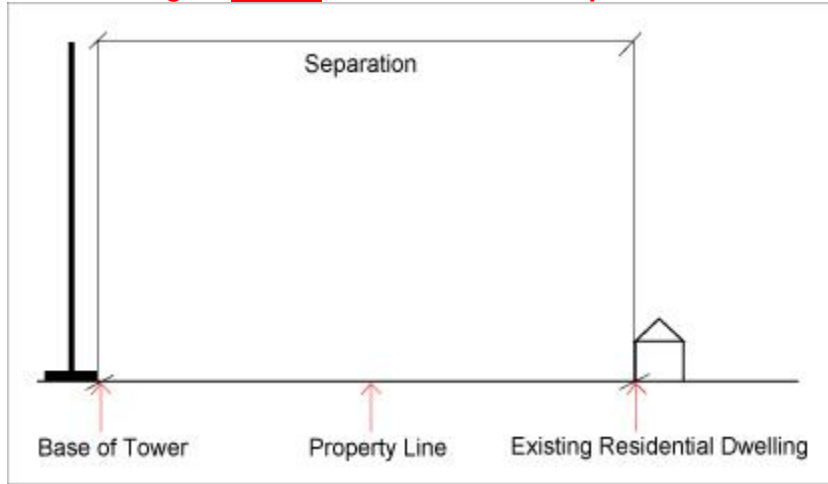
EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
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(Updated 10/27/16)

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~~Measurement of Separation~~. [Relocated from Art. 4.C.4.C.1.a, Existing Residential Use]

**Figure 4.B.9.B - Measurement of Separation**

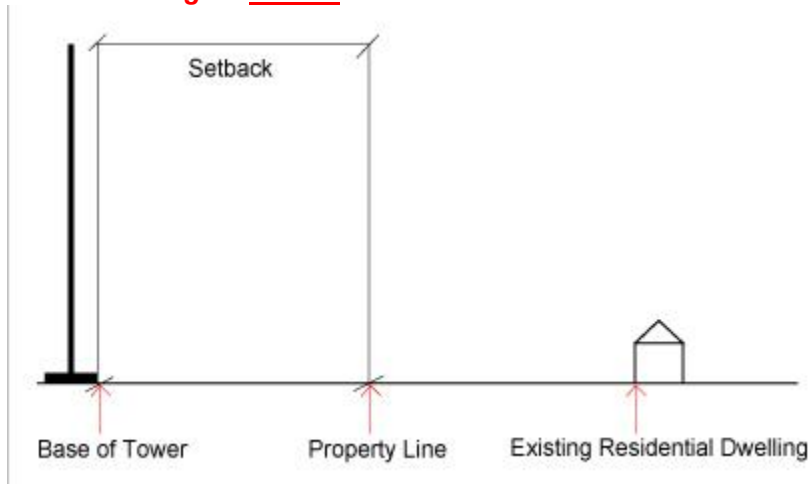


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**b. Vacant Residential Parcel**

*Setbacks from vacant residential parcels shall be measured from adjacent property lines to the base of the tower* (~~See Figure 4.C.4.C, Measurement of Setback~~). [Relocated from Art. 4.C.4.C.1.b, Vacant Residential Parcels]

**Figure 4.B.9.B - Measurement of Setback**



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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

<b>Reason for amendments:</b> [Zoning]
33. Complete Distance Between Towers table to include zoning districts where towers are allowed per the Use Matrix. The changes include: 1) Commercial and Recreation pods in PUD, Urban Center and Urban Infill, MUPD Commercial FLU designation, MXP, Lifestyle Commercial Center (LCC), and Open Space Recreation area of Traditional Marketplace Development (TMD) were grouped with commercial and recreation zoning districts of high intensity; 2) TND neighborhood Center was added to the provisions applicable to low intensity commercial zoning districts and residential zoning districts; and, 3) PUD Civic pod and MUPD with INST FLU designation were added to the same group of provisions applicable to IPF Zoning District as they have similar characteristics.

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**D4. Distances/Separation Between Towers**

*Towers shall be subject to the following minimum distances between towers:* **[Relocated from Art. 4.C.4.D, Distance/Separation Between Towers]**

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

ZONING DISTRICT Tower Type	Zoning District							
	AGR, AR less than 10 acres, 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. MXP, LCC, TND OSREC	Pparcels less than 10 acres in: AP, IG, IL, PIPD	Pparcels 10 or more acres in: AP, AR, IG, IL, PIPD	PO	PUD:Civic pod, MUPD: INST FLU, Public Civic Sites IPF	FPL Trans. R-O-Ws and FDOT R-O-Ws
<b>Stealth</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Camouflage</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Monopole</b>								
60' or less in height	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
>60' and to 100' or less in height	500 feet	660 feet	500 feet	N/A	N/A	N/A	300 feet	N/A
>100' and to 150' or less in height	660 feet	660 feet	660 feet	N/A	N/A	N/A	600 feet	N/A
>150' and to 200' or less in height	1,320 feet	1,320 feet	1,320 feet	1,320 feet	660 feet	660 feet	660 feet	660 feet
>200' and to 250' or less in height	2,640 feet	2,640 feet	2,640 feet	2,640 feet	1,320 feet	1,320 feet	1,320 feet	1,320 feet
>250' in height	3,960 feet	5,280 feet	5,280 feet	2,640 feet	1,320 feet	2,640 feet	2,640 feet	2,640 feet
<b>Self Support/Lattice</b>	5,280 feet	Not permitted	5,280 feet	1,320 feet	N/A	N/A	5,280 feet	5,280 feet
<b>Guyed</b>	5,280 feet	Not permitted	5,280 feet	2,640 feet	N/A	N/A	5,280 feet	5,280 feet

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**[Relocated from Art. 4.C.4.D, Distance/Separation Between Towers]**

<b>Reason for amendments:</b> [Zoning]
34. Delete duplicated text related to Type 2 Waiver applicable to distance between towers. It is already covered in Article 4.B.9.G.4, Type 2 Waivers.
35. Delete reference to the figure that relates to the distance between towers as the figure is immediately below the reference.

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**4. Type II Waiver**

~~A Type II Waiver to reduce the distance between towers may be granted subject to the requirements of Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. [Ord. 2012-027]~~

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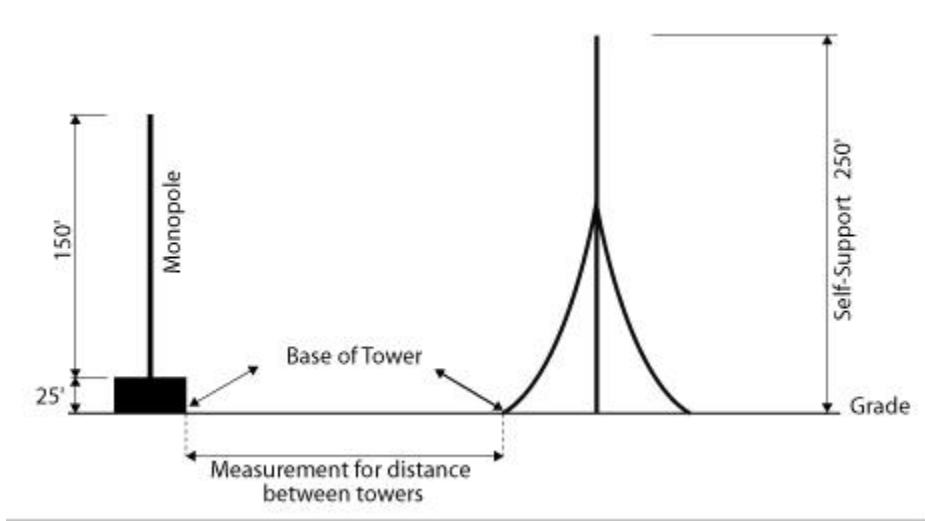
COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

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**2a. Measurement of Distance Between Towers**

The distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of proposed towers (see Figure 4.B.9.B, Distance Between Existing and Proposed Towers). [Relocated from Art. 4.C.4.D.2, Measurements]

**Figure 4.B.9.B - Distance Between Existing and Proposed Towers**



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Separations between towers located in different zoning districts shall be measured as follows: [Relocated from Art. 4.C.4.D.2, Measurements]

**a-1) Residential and Residential**

The greater of the distance between towers requirements shall apply between residentially zoned parcels. [Relocated from Art. 4.C.4.D.2.a, Residential and Residential]

**b-2) Residential and Non-Residential**

The greater of the distance between towers requirements shall apply between residentially and non-residentially zoned parcels. [Relocated from Art. 4.C.4.D.2.b, Residential to Non- Residential]

**c-3) Non-Residential and Non-Residential**

The lesser of the distance between towers requirements shall apply between non-residentially zoned parcels. [Relocated from Art. 4.C.4.D.2.c, Non- Residential and Non- Residential]

**d-4) Certification of Distance**

The distance between towers shall be certified by a professional engineer or a professional ~~land~~ surveyor ~~and mapper~~, each of whom shall be licensed by the State of Florida. [Relocated from Art. 4.C.4.D.2.d, Certification of Distance]

**B5. Measurement of Tower Height**

All antennas and other attachments shall be included in the height measurement of the tower structure, and shall not extend beyond its maximum permitted height. Lightning rods and whip antennas, less than six inches in diameter, shall be excluded from this requirement. [Relocated from Art. 4.C.4.B, Measurement of Height]

**16. Parking**

Communication towers shall be exempt from the parking requirements of Article 6, Parking, unless otherwise required by the Zoning Director. [Relocated from Art. 4.C.4.I, Parking]

Reason for amendments: [Zoning]

36. Relocate barbed wire provisions to consolidate with standards in Article 5.B.1.A.2.e.1), Bared Wire Exception, related to dangerous wall materials.

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**E7.-Perimeter Buffering**

**1a. Fence or Wall**

A fence or wall, a minimum of eight feet in height measured from finished grade, shall be constructed around the base of each communication tower and accessory equipment structure, and around each guy anchor. Access to the communication tower shall be through a locked gate. ~~Barbed wire along the top of the fence or wall may be used in any zoning district to preclude unauthorized tower access.~~ [Relocated from Art. 4.C.4.E.1, Fence/Wall]

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS
SUMMARY OF AMENDMENTS
(Updated 10/27/16)

2b. Landscaping

The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards shall may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets. Landscaping shall be installed along the exterior side of the required fence, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall. [Relocated from Art. 4.C.4.E.2, Landscaping]

1) Installation

Landscaping shall be installed along the exterior side of any required fences, unless the Zoning Director determines that the viability, survivability, or utility of the plant material is enhanced when located along the interior side of the fence or wall. [Partially relocated from Art. 4.B.9.B.7.b, Landscaping, above]

a-2) Leased Parcels

Landscaping shall be maintained pursuant to Article 7.F, Perimeter Buffer Landscape Requirements. The applicant shall execute a perpetual maintenance agreement with the property owner to ensure the maintenance of the landscape buffer if the buffer is installed outside of the leased parcel footprint. [Relocated from Art. 4.C.4.E.2.a, Leased Parcels]

Reason for amendments: [Zoning]

37. Landscape buffer provisions for towers adjacent to residential originally requested a Type 3 buffer. In 1998, when the Commercial Communication Tower provisions were updated through Ord. 1998-1, the Type 3 Buffer requirements made the wall optional in accordance with the provisions in Ord. 1992-020. This amendment clarifies the original intent that towers adjacent to residential use or Future Land Use (FLU) designation are required to provide a buffer in compliance with the vegetative material and minimum buffer width only with not wall as it is in today's code for Type 3 Incompatibility Buffer.

b-3) Adjacent to Residential FLU Designation, Zoning Uses or Districts or Use

1a) Towers Less than 50 feet from Existing Residential

A Type 3 landscape Incompatibility Buffer without a wall shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or FLU designations, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements. [Relocated from Art. 4.C.4.E.2.b.1), Towers Less than 50 feet from Existing Residential]

2b) Towers More than 50 feet from Existing Residential

A Type 1 landscape Incompatibility Buffer shall be installed between towers and adjacent lots with existing residential uses, residential zoning, or residential FLU designations, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements. [Relocated from Art. 4.C.4.E.2.b.2), Towers More than 50 feet from Existing Residential]

c4) Adjacent to Non-Residential Uses or Districts

Towers shall comply with the standards for landscape buffers between compatible uses of Article 7.F, Perimeter Buffer Landscape Requirements. [Relocated from Art. 4.C.4.E.2.c, Adjacent to Non-Residential Uses or Districts]

c3. Accessory Equipment and Structures

All accessory equipment and structures shall be located within the required perimeter buffering. [Relocated from Art. 4.C.4.E.3, Accessory Equipment and Structures]

Reason for amendments: [Zoning]

38. Delete requirement to provide high voltage signage as the Building Code requires those signs to be attached to equipment.

F High Voltage Signs

If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE DANGER".

8. Signage

1a. Signs and Advertising

The placement on a Monopole, Self-Support/Lattice, or Guyed Tower, of any signs, flags or appurtenances for advertising purposes, including company name, shall be prohibited. Signs or advertising may be permitted when in conjunction with a stealth tower when that

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structure is an integral element of a principal building or structure. [Relocated from Art, 4.C.4.J Signs and Advertising]

Reason for amendments: [Zoning]
39. Delete standard that requires identification tags to be posted on towers as it is requested by the Federal Communication Commission (FCC).

K. Identification Tags

Identification tags or signs shall be posted on all communication towers and facilities in accordance with FCC and OSHA requirements. The tags shall include the FCC tower registration number, or television or radio call numbers; the latitude and longitude of the tower; and, the name, address, and telephone number of the tower owner. The identification tags shall be visible from the perimeter fence, and shall be constructed of durable materials. The Zoning Director shall prescribe the size of the sign and the materials to be used.

O9. Generators

All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel. [Relocated from Art. 4.C.4.O, Generators]

210. Lighting

The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower. [Relocated from Art. 4.C.4.Q.2, Lighting]

11. Interference

4a. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties. [Relocated from Art. 4.C.4.Q.4, Interference]

6. Airborne Spraying

6b. Towers or guy wires shall not impede the aerial mosquito control activities performed by PBC, as determined by the BCC, for the health, safety, and welfare of its residents. [Relocated from Art. 4.C.4.Q.6, Airborne Spraying]

H12. Building Permits

In addition to the review approval processes required in this Section Table 4.B.9.A, Commercial Communication Towers Matrix, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by Federal, State of Florida or local law. [Relocated from Art. 4.C.4.H, Building Permits]

7a. Accessory Structures

Building permits shall be required for all accessory structures related to an antenna. [Relocated from Art. 4.C.4.Q.7, Accessory Structures]

Reason for amendments: [Zoning]
40. Delete the term "panel" from the windload standards since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types.

5b. Windload Standards

All antennas, panels and other tower attachments shall meet the required windload standards pursuant to Building Division review. Documentation indicating compliance with the windload standards shall be certified by a professional engineer, licensed in the State of Florida, and submitted to the Building Division at the time of building permit application. [Relocated from Art. 4.C.4.Q.5, Windload Standards]

Reason for amendments: [Zoning]
41. Delete redundant Aircraft Hazard standard that requires towers to be in compliance with the Federal Aviation Administration (FAA) regulations as existing standards already cover this topic.
42. Delete standard intended to clarify towers that were not considered utilities. This provision was in the Code to avoid Towers to be exempt from certain requirements applicable to utility uses. Commercial Communication Towers is its own use classification in Article 4 therefore there is no need for this standard to remain in the Code.

Q. Additional Standards and Requirements

1 Aircraft Hazard

a. Towers shall not be a hazard to air navigation as determined by the FAA.

bc. FAA Compliance Airport Regulations

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Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of ~~the FAA and~~ Article 16, Airport Regulations; of the Code, shall be provided in a manner acceptable to the Zoning Director. **[Relocated from Art. 4.C.4.Q.1.b, related to Aircraft Hazard].**

**8. Public Utilities**

~~For the purposes of this Section, wireless communications, communication towers, and associated facilities shall not be considered public utilities.~~

Reason for amendments: [Zoning]

43. Create a new table that consolidates provisions related to the minimum number of providers for all tower types as it fits better under the General Standards applicable to all towers. Existing Camouflage Tower provisions that require proof of collocation prior to building permit is relocated to the Provider by Tower Type table as a footnote. The relocation will make applicable the requirement of proof of collocation for all towers that are required to provide two or more providers.

**13. Providers**

All communication towers, shall be constructed to accommodate a minimum number of providers as follows: **[Partially relocated from Art. 4.C.6.A, Collocation]**

**Table 4.B.9.B - Providers by Tower Type**

Tower Types (1)	Minimum Number of Providers
<b>Stealth</b>	Two Providers (2) <b>[Relocated from Art. 4.C.3.A.6, Mandatory Collocation]</b>
<b>Camouflage</b>	One Provider for a maximum 100' height tower <b>[Relocated from Art. 4.C.3.B.3.b.1]</b>
	Two Providers for a maximum 125' height tower <b>[Relocated from Art. 4.C.3.B.3.b.2]</b>
	Three Providers for a maximum 150' height tower <b>[Relocated from Art. 4.C.3.B.3.b.3]</b>
<b>Monopole, Self Support/Lattice and Guyed</b>	Two Providers <b>[ Relocated from Art. 4.C.6.A, Collocation]</b>
<b>[Ord.]</b>	
<b>Notes:</b>	
<b>1.</b>	<i>Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of share use/collocation in a form acceptable to the County Attorney and Zoning Director. <b>[Relocated from Art. 4.C.3.B.3.b.3]</b></i>
<b>2.</b>	<i>An applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures indicate no other service provider wishes to collocate on the structure. <b>[Relocated from Art. 4.C.3.A.6, Mandatory Collocation]</b></i>

Reason for amendments: [Zoning]

44. Create a reference for antenna regulations to clarify where to find the applicable standards in the Code. The provisions in this use classification only relates to antennas attached to towers. Standards for antennas attached to buildings or structures have been relocated to Article 5.B, Accessory and Temporary Uses.

**14. Antenna**

Antennas attached to towers shall be subject to the standards contained in Art. 4.B.9, Commercial Communication Towers. Standards for antennas attached to other type of structure are addressed in Art. 5. Supplementary Standards.

**15. Inspections**

All towers shall be inspected in compliance as required by the Building Division. **[Ord. 2006-004]** **[Relocated from Art. 4.C.4.Q.3, Inspections]**

**16. Violation of Standards**

The property owners, as well as the tower owners, shall be responsible for violations of applicable standards. **[Relocated from Art. 4.C.4.N, Violation of Standards]**

~~**R. Creation of Nonconforming Use or Structure**~~

~~Construction of any lawful residential or nonresidential structure within the required separation distance shall not create a nonconforming use or structure when an existing communication tower is established pursuant to the provisions of this Section. **[Relocated to Art. 4.B.9.B.2.a, Conforming Use or Structure - Related to Separation and Setbacks]**~~

~~**S. Nonconforming Lots of Record**~~

~~Towers may be located on nonconforming lots of record provided the structure will comply with all sitting requirements of this Section without a Type II Waiver from any dimensional criteria as provided herein. **[Ord. 2012-027]** **[Relocated to Art. 4.B.9.G.5, Nonconforming Lots of Record - Related to Exemptions and Waivers]**~~

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1

<b>Reason for amendments:</b> [Zoning]	
45.	Delete standard referencing permitted districts since the approval process for Stealth Tower is consolidated in the Use Matrix.
46.	Delete duplicated separation and setbacks standards applicable to Stealth Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.
47.	Clarify that examples of Stealth Tower include structures where antennas are concealed as a typical industry practice to provide service in areas where conventional communication towers may not be feasible or visually appealing.
48.	For consistency with the requirements of DRO Agency Review in Art. 2.D.1.G.2.b, which allows limited amendments to existing approved plans, this amendment clarifies that Stealth Towers equal to or less than 100 feet may be subject to DRO Agency Review approval process when located in the AGR, AR/RSA, AR/USA; or, RE Zoning Districts and when an existing DRO approved site plan already exist. Existing regulation indicate that Stealth Towers shall be permitted only in association with specific uses, some of which may be subject to Building Permit approval. In those cases, there is no DRO site plan and as a result, the site shall be subject to the review of all DRO agencies instead of five as it is for Agency Review. The approval has always been identified as Expedited DRO (DE) application in the approval table of Article 4.C for the noted zoning districts. In the current Code, that process equates to DRO Agency Review process which is a five-agency review application. This standard has been relocated from a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review and the Use Matrix has been updated to reflect the approval process "D" for DRO instead of DE.

2

**Section 3 — Siting Requirements**

3

**C. Definitions and Supplementary Tower Standards**

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**A1. Stealth Towers**

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**1. Permitted Districts**

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~~Stealth facilities may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District, Tower Location and Type of Review, and Table 4.C.3.1 Non-Residential Districts, Tower Location, and Type of Review, and as provided herein.~~

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**2. Separation and Setbacks**

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~~Separation or setbacks for stealth facilities shall be established as provided in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in Non-Residential Districts Separation and Setback. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks]~~

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**a. Definition**

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*A structure, which is not readily identifiable as a tower and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function. [Relocated from Art. 1.1.2.S.85, Stealth Facility]*

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**b. Typical Structures**

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*Typical structures include but are not limited to bell tower, steeple, flagpole, cross, or water tank where antennas are typically concealed. [Relocated from Art. 1.1.2.S.84, Stealth Facility]*

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**c. Approval Process - AGR, AR, RE Zoning Districts**

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*In the AGR, AR/RSA, AR/USA, and RE Zoning Districts, Stealth Towers 100 feet in height or less may be approved through DRO Agency Review process when the parcel has an existing DRO approved Site Plan. Approval shall be subject to the Administrative Modification standards contained in Art. 2.*

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<b>Reason for amendments:</b> [Zoning]	
49.	The amendment relocates a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review related to the approval process of Stealth Tower in Recreation pod of PUD to the use standards. While the Use Matrix shows that it is prohibited in the Recreation pod to reflect the most restrictive approval process, the standard indicates Class A Conditional Use approval since Stealth Towers are only permitted in Golf Courses.
50.	Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Stealth Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.
51.	Allow approval of Stealth Tower 60 feet in height or less in Civic and Commercial pods of PUD to be approved by the DRO for consistency with Monopole, Self Support/Lattice and Guyed towers height approval. Approval of higher towers is subject to public hearing. The amendment is not applicable to

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recreation pod as it is limited to golf courses where the tower is subject to Class A Conditional Use. This approval process provides an opportunity for public participation as golf courses are areas typically visible from residential structures and may be reason for concern by residents.

d. Approval Process - Commercial and Civic Pod of PUD

In the Commercial pod and Civic pod of a PUD, Stealth Towers 60 feet in height or less may be approved by the DRO.

e. Location - Recreation Pod of PUD

Stealth towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval. [Ord. 2014-001] [Relocated from footnote in Table 4.C.3.I, Residential District Tower Location and Type of Review]

ef. Lot Size - MUPD

A Stealth Tower may be located in MUPD with CH and CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations. [Partially relocated from footnote in deleted Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review]

3g. Criteria

Stealth structures shall comply with the following criteria:

- a-1) The structure shall be compatible with the architectural style of the existing buildings/structures on site and with the character of the surrounding area. A determination of architectural compatibility shall include, but not be limited to, color, type of building material, and architectural style;
b-2) The structure shall be consistent with the character of existing uses on site;
c-3) Communications equipment or devices shall not be readily identifiable;
d-4) The structure shall be related to and integrated into the existing natural and/or man-made environment to the greatest extent possible; and
e-5) The maximum height of the structure shall not exceed 200 feet.

Reason for amendments: [Zoning]

- 52. Delete Stealth Tower Supplementary Use Standard that lists Residential Transitional (RT), Single-family Residential (RS), RM, and Commercial, Recreation, and public or private Civic pods in PUD as the only residential zoning districts where the tower is allowed. The Use Matrix also allows Stealth Towers in AR and RE Zoning Districts. There is no need to repeat the standards under the specific provisions for this tower type since the approval by zoning district is already contained in the Use Matrix.
53. The consolidated approval processes in the Use Matrix makes it unnecessary to repeat and constantly refer to approval in the use standards.
54. Delete duplicated reference to the separation and setback standards as they are already consolidated in tables 4.B.9.B, Setbacks for Towers Located in and Adjacent to Residential Zoning Districts and 4.B.9.B, Setbacks for Towers Located in and Adjacent to Non-Residential Zoning Districts
55. Delete duplicated standard for the tower setback from nonresidential zoning district or public street as the standard is already contained in table 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.

4. Stealth Towers in Certain Residential Zoning Districts

Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, recreation, public or private civic pods only. [Ord. 2014-001]

a. Approval

Stealth towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent in tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts of Public R-O-W

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

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1

Reason for amendments: [Zoning]
56. The provisions contained in the "Associated Uses" standard further restricts the location of Stealth Towers by limiting it to be on sites where specific uses are already in operation. This amendment includes Electric Distribution Substation use within the list of associated uses. Standards for Electric Distribution Substation were part of Minor Utilities use which was pulled out to be a separate use during the review of Utilities Use Classification. As a result, Electric Distribution Substation is noted as a new use in this standard.

2

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eh. Associated Uses

The Stealth Towers shall be permitted only in association with the following uses: assembly, nonprofit institutional assembly; church or Place of Worship; College or University; Electric Power Generating Facility, excluding electrical transmission line streets as provided herein; government services; Passive Park, passive; Public Park, public; Golf Course and associated facilities; Schools, elementary or secondary; Solid Waste Transfer Station; Minor Utility minor; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

Stealth towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles. [Relocated to Art. 4.B.9.C.1.h, Flagpoles, below] [Ord. 2014-001]

i. Flagpoles

Stealth towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles. [Relocated from Art. 4.B.9.C.1.g, Associated Uses, above]

18

Reason for amendments: [Zoning]
57. Delete duplicated provision that allows Stealth Tower to apply for Type 2 Waivers. The provisions to waive separation, setback, distance between towers, height, and similar dimensional criteria are already contained in Article 4.B.9.G.3, Type 2 Waivers from Required Dimensional Criteria.
58. Relocate standard on the number of providers applicable to Stealth Towers to table 4.B.8.B, Providers by Tower Type, and consolidate similar regulations for all tower types. The table includes a footnote that clarifies when Stealth Tower is exempt from the minimum number of providers as it is also stated in language relocated from the Supplementary Use Standards for Stealth Tower.

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5. Type II Waivers from Required Dimensional Criteria

A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria [Ord. 2012-027]

6. Mandatory Collocation

A stealth tower shall be required to accommodate a minimum of two providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this Section indicate no other service provider wishes to collocate on the structure. [Partially relocated to Table 4.B.9.B, Providers by Tower Type]

7j. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and Stealth Towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public ROW.

37

Reason for amendments: [Zoning]
59. Delete standard referencing permitted districts since the approval process for Camouflage Tower is consolidated in the Use Matrix.
60. Delete duplicated separation and setbacks standards applicable to Camouflage Tower as they are already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.
61. The amendment relocates a footnote in table 4.C.3.I, Residential District Tower Location and Type of Review related to the approval process of Camouflage Tower in a Recreation pod of a PUD to the use standards. While the Use Matrix shows it is prohibited in the Recreation pod to reflect the most restrictive approval process, the standard indicates Class A Conditional Use approval since Camouflage Towers are only permitted in Golf Courses.
62. Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review

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related to minimum lot size of 5 acres needed to allow a Camouflage Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.

63. Allow approval of Camouflage Tower 60 feet in height or less in Civic and Commercial pods of PUD to be approved by the DRO for consistency with Monopole, Self Support/Lattice and Guyed towers height approval. Approval of higher towers is subject to public hearing. The amendment is not applicable to recreation pod as it is limited to golf courses where the tower is subject to Class A Conditional Use. This approval process provides an opportunity for public participation as golf courses are areas typically visible from residential structures and may be reason for concern by residents.

B2. Camouflage Towers

1. Permitted Districts

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review and as provided herein.

2. Separation and Setbacks

Separation and setbacks for camouflage facilities shall be established as provided in Table 4.C.3.I, Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and Table 4.C.3.I, Distances for Towers Located in Non-residential Districts Separations and Setback. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks]

a. Definition

A tower or structure, which is incorporated into and is compatible with existing or proposed uses on site [Relocated from Art. 1.I.2.C.1, Camouflage Tower] and the structure has an additional function other than antenna support. [Relocated from Art. 4.C.3.B.3, Criteria, below]

b. Typical Structures

Examples include but are not limited to antenna incorporated into site lighting at a park or incorporated into an electrical distribution center. [Relocated from Art. 1.I.2.C.1, Camouflage Tower]

c. Location - Recreation Pod of PUD

Camouflage Towers may be permitted in the Recreation pod of a PUD only when located on a Golf Course subject to Class A Conditional Use approval. [Ord. 2014-001] [Relocated from footnote in deleted Table 4.C.3.I, Residential District Tower Location and Type of Review]

d. Approval Process - Commercial and Civic Pod of PUD

In the Commercial pod and Civic pod of a PUD, Camouflage Towers 60 feet in height or less may be approved by the DRO.

de. Lot Size - MUPD

A Camouflage Tower may be located in MUPD with CH or CL FLU designation with a minimum of five acres, provided the tower complies with all applicable regulations. [Partially relocated from footnote in deleted Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review]

Reason for amendments: [Zoning]

64. Relocate standard on the number of providers applicable to Camouflage Towers to table 4.B.8.B, Providers by Tower Type, and consolidate similar regulations for all tower types. Existing Camouflage Tower provision that requires proof of collocation prior to building permit has been moved to the Provider by Tower Type table as a footnote. The relocation will make applicable the requirement of proof of collocation to all towers that are required to provide two or more providers which will include Stealth, Monopole, Self Support/Lattice and Guyed Towers.

3. Criteria

Camouflage towers shall comply with the following criteria:

a. The structure shall have an additional function other than antenna support. [Relocated to Art. 4.B.9.C.2.a, Definition, above. Related to Camouflage Tower]

b. The maximum height of the structure shall not exceed:

1) 100 feet for a single provider; [Relocated to Table 4.B.9.B, Providers by Tower Type]

2) 125 feet for a minimum of two providers; or [Relocated to Table 4.B.9.B, Providers by Tower Type]

3) 150 feet for a minimum of three providers. [Relocated to Table 4.B.9.B, Providers by Tower Type]

Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to

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the County Attorney and Zoning Director. [Relocated to Table 4.B.9.B, Providers by Tower Type]

Table with 2 columns: Reason for amendments: [Zoning] and description of amendments 65, 66, and 67.

4. Camouflage Towers in Certain Residential Zoning Districts

Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, recreation, public or private civic pods only. [Ord. 2014-001]

a. Approval

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review.

b. Separation and Setback from Existing Residential Structures

The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

c. Setback from Vacant Residential Property

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

d. Setbacks from Nonresidential Zoning Districts of Public R-O-W

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

Table with 2 columns: Reason for amendments: [Zoning] and description of amendments 68 and 69.

ef. Associated Uses

The Camouflage Towers shall be permitted only in association with the following uses: assembly, nonprofit institutional Assembly, church or Place of Worship; College or University; Electric Power Generating Facility, excluding electrical transmission line streets as provided herein; Government Services; Passive Park, passive; Public Park, public; Golf Course and associated facilities; Schools, elementary or secondary; Solid Waste Transfer Station; Minor Utility minor; Electric Distribution Substations; or Water or Wastewater Treatment Plant; commercial, office or industrial development.

5. Type II Waivers

A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II 2 Waiver from Required Dimensional Criteria. [Ord. 2012-027]

6g. Additional Submission Requirements

Applications for approval to install a Camouflage Tower shall include the following information:

Notes:

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- a. A colorized illustration or representation of the proposed tower.
b. The height, diameter, and coloration of the proposed facility.
c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

7h. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-O-W.

Table with 2 columns: Reason for amendments: [Zoning] and description of amendments 70, 71, 72, and 73.

E3. Monopole Towers

1. Permitted Districts

Monopole towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential Districts Tower Location, and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.

2. Separations and Setbacks

Monopole towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential District Separation and Setback. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks]

a. Definition

A structure that consists of a single pole supported by a permanent foundation. [Relocated from Article 1.1.2.M.50, Monopole Tower]

b. Lot Size - MUPD

A Monopole Tower may only be located in an MUPD with CH and or CL FLU designation shall be with a minimum of five acres, provided the tower complies with all applicable regulations. [Partially relocated from footnote in deleted Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review]

3c. Increase in Height

The height of a Monopole tower may be increased as provided herein.

a-1) Percentage of Increase

The height of a proposed Monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

b-2) Proof of Collocation

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

Table with 2 columns: Reason for amendments: [Zoning] and description of amendments 74 and 75.

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

**F4. Self Support/Lattice Towers**

**1. Permitted Districts**

~~Self-support or lattice towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I, and Type of Review. Non-Residential District Tower Location.~~

**2. Separations and Setbacks**

~~Lattice towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks]~~

**a. Definition**

~~A structure that is constructed without guy wires or ground anchors. [Relocated from Article 1.I.2.S.23, Self Support/Lattice Tower]~~

**Reason for amendments: [Zoning]**

76. Delete standard referencing permitted districts since the approval process for Guyed Tower is consolidated in the Use Matrix.

77. Delete duplicated separation and setbacks standards applicable to Guyed Tower as it is already contained and consolidated in tables 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, and 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts.

78. Relocate footnote in table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review related to minimum lot size of 5 acres needed to allow a Guyed Tower when located on MUPD with CL or CH FLU designation to be part of the standard of that tower type.

79. Existing footnote in the Non-Residential Districts, Tower Location and Type of Review table indicates approval of Stealth, Camouflage, Monopole and Guyed Towers may only be approved in an MUPD with a CH and CL FLU designation on sites over five acres. The footnote was relocated to be a Supplementary Use Standard in the mentioned towers.

**G5. Guyed Towers**

**1. Permitted Districts**

~~Guyed towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review~~

**2. Separations and Setbacks**

~~Guyed towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback. [Relocated to Art. 4.B.9.B.2, Separation and Setbacks]~~

**a. Definition**

~~A structure that is supported either partially or completely by guy wires and ground anchors. [Relocated from Article 1.I.2.G.37, Guyed Tower]~~

**b. Lot Size - MUPD**

~~A Guyed Tower may only be located in an MUPD with CH and or CL FLU designation shall be with a minimum of five acres, provided the Tower complies with all applicable regulations. [Partially relocated from footnote in deleted Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review]~~

**3c. Setbacks**

Breakpoint calculations may be provided to demonstrate a tower will collapse within the minimum required district setbacks. Breakpoint calculations shall be certified by a professional engineer, licensed in the State of Florida.

**4d. Anchors**

Peripheral supports and guy anchors may be located within required setbacks provided they shall be located entirely within the boundaries of the property on which the communication tower is located. Peripheral supports and guy anchors shall be located at least ten feet from all property lines.

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EXHIBIT N

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1

Reason for amendments: [Zoning]	
80.	Change towers separation and setback table title to delete adjacency of the towers as it is already identified within the content of the table under Residential Existing, Residential Vacant and Non-residential.
81.	Delete > More Than, < Less than, Not Less Than (NLT), Not More Than (NMT), and Property Line (PL) from the foot note in the towers separation and setback table. The proposed consolidated table clarifies the concepts by utilizing the appropriate terminology applicable to every specific tower type.
82.	Delete footnote #1 related to the pods in Planned Unit Developments (PUDs) in which towers can be located. This table relates to separation and setbacks and the deleted note relates to approval which is already addressed in the Use Matrix.
83.	Delete footnotes #2 and #3 to consolidate in the separation and setback standards of all tower types by zoning district.
84.	Foot note clarifies that use of percentage in setback or separation standards relates to a ratio of the tower height, therefore there is no need to repeat in the standards applicable to Camouflage Tower adjacent to non residential and Public ROW.

2

3

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1

**Table 4.C.3.1 – Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback**

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND	
Stealth Towers ≤ 100'	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	100-150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers > 100' ≤ 125'	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers > 125'	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential Public ROW	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater
Camouflage Towers	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential Public ROW	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater	20% of tower height or district setbacks which ever is greater

[Ord. 2005-002] [Ord. 2014-001]

**Notes:**

- (1) = Permitted in public or private civic, and commercial pods; or a Recreational Pod only when located on a Golf Course. **[Ord. 2014-001]**
- (2) = Percent measured as a separation between lower and adjacent residential structures
- (3) = Measured as a setback from property lines of lower location
- (4) = Height tower type and setbacks limited as provided in this section **[Relocated to table 4.B.9.B - Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, for FDOT and FPL Tower Types]**

2 Consolidated in Table 4.B.9.B – Minimum Separation and Setbacks for Towers Located in  
3 Residential Zoning Districts

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**EXHIBIT N**

**COMMERCIAL COMMUNICATION TOWERS  
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1

<b>Reason for amendments:</b> [Zoning]
85. Delete specific ranges of height in Monopole, Self Support and Guyed Towers since the separation and setback requirements are established based on percentage of the tower height and the requirements do not differ between different tower heights.

2

**Table 4.C.3.1 – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Continued**

<b>TOWER TYPE</b>		<b>AGR</b>	<b>RSA</b>	<b>AR/ USA</b>	<b>RE</b>	<b>RT</b>	<b>RS</b>	<b>RM</b>	<b>PUD (1)</b>	<b>RVPD</b>	<b>MHPD</b>	<b>TND</b>
<i>Monopole Towers ≤ 60'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>
<i>Monopole Towers &gt; 60' and ≤ 100'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>
<i>Monopole Towers &gt; 100' and ≤ 150'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>
<i>Monopole Towers &gt; 150' and ≤ 200'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>
<i>Monopole Towers &gt; 200' and ≤ 250'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>
<i>Monopole Towers &gt; 250'</i>	<i>residential existing (2)</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>	600%, NLT 150% <i>from PL</i>
	<i>residential vacant (3)</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>	NLT 150% <i>from PL</i>

3 **[Ord. 2005-002]**

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

5

<b>Reason for amendments:</b> [Zoning]
86. Correct scrivener's error made during the consolidation of Commercial Communication Tower standards in Ord. 2003-067 where the separation and setbacks requirements for Self Support/Lattice towers in the RT Zoning District were shifted between towers adjacent to residential existing and

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residential vacant, as originally contained in Ord. 1998-1. The amendment is made for consistency with the original intent of the Code to protect existing residential structures and the requirements in other zoning districts for the same tower type. The new table in Article 4.B.9.B.2.a, Towers Located in Residential Zoning District is reflecting the change.

**Table 4.C.3.1 – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Continued**

TOWER TYPE		AGR	RSA	AR/ USA	RE	RT	RS	PUD (1)	RVPD	MHPD	TND
Self-Support Towers ≤ 60'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL
Self-Support Towers > 60' and ≤ 100'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL
Self-Support Towers > 100' and ≤ 150'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL
Self-Support Towers > 150' and ≤ 200'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL
Self-Support Towers > 200' and ≤ 250'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL
Self-Support Towers > 250'	residential existing (2)	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL	600%, NLT 150% from-PL
	residential vacant (3)	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL	NLT 150% from-PL

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

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

**Table 4.C.3.I – Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback – Continued**

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Guyed Towers ≤ 60'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 60' and ≤ 100'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 100' and ≤ 150'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 150' and ≤ 200'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
Guyed Towers > 200' and ≤ 250'	residential existing (2)	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL	< of 600% or 1,500', NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL

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

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

1

**Table 4.C.3.I – Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback – Continued**

TOWER TYPE	TND	AGR	RSA	AR/ USA	RE	RS	RT	PUD (1)	RVPD	MHPD	TND
Guyed Towers > 250'	residential existing (2)	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL	< of 600% or 1,500'; NLT 150% from PL
	residential vacant (3)	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL	NLT 150% from PL
FDOT		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
FPL		(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
<b>Notes:</b>											
<p>&lt; = Less than                      (1) = Limited to public civic site locations                      (2) = Percent measured as a separation between tower and adjacent residential structures                      (3) = Measured as a setback from property line of tower location                      (4) = Height, tower type, and setbacks limited as provided in this section <b>[Relocated to Table 4.B.9.B - Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, related to FDOT and FPL Towers.]</b>                      % = Separation or setback measured as a percentage of tower height                      &gt; = More than                      NMT = Not more than                      NLT = Not less than                      PL = Property line</p>											

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

Reason for amendments: [Zoning]
87. Delete footnote #1 to include directly in the table under separation standards where applicable.
88. Delete footnote #2 as it is self explanatory. Setbacks are measured from the property line unless stated otherwise in the Code.
89. Delete note #3 which refers to applicability of towers setback and separation in MUPD with CH, CL, INST, and IND FLU designation. The Use Matrix dictates the zoning districts where towers are allowed and the the FLU designations related to MUPD indicated in note #3 are already in the Use Matrix.
90. Delete note #4 which refers to towers setback and separation in MXPD with CH FLU designation. The note is redundant as the Use Matrix dictates the zoning districts where towers are allowed and the FLU designation associated to MXPD indicated in note #3 is already in the Use Matrix.
91. Foot note clarifies that use of percentage in setback or separation standards relates to a ratio of the tower height, therefore there is no need to repeat in the standards applicable to Camouflage Tower adjacent to non residential and Public R-O-W.

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

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

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
Stealth Towers	Residential Existing (1)	150% separation and 100% setback from Property Line																		
	Residential Vacant (2)	100% setback from Property Line																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater																		
Camouflage Towers	Residential Existing (1)	150% separation and 100% setback from Property Line																		
	Residential Vacant (2)	100% from setback Property Line																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater																		
Monopole Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	20% or district setbacks whichever is greater																		
Self Support Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations																		
Guyed Towers	Residential Existing (1)	Lesser of 600% or 1,500' separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations																		
FDOT	Residential	150' setback from abutting residential property line																		
	Non-residential	75' setback from abutting non-residential property line																		
FPL	Residential	150' setback from abutting residential property line																		
	Non-residential	100' setback from abutting residential property line																		
<b>[Ord. 2015-###]</b>																				
<b>Notes:</b>																				
(1) Percentage measured as a separation between tower and adjacent residential structures																				
(2) Measured from property line of tower location.																				
(3) Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations																				
(4) Limited to Commercial High (CH) Designation																				
% Separation or setback as a percentage of tower height																				

2 **[Relocated to Art. 4.B.9.B.3.c, Setbacks for Towers Located in Non-Residential Zoning**  
3 **Districts]**

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS
SUMMARY OF AMENDMENTS
(Updated 10/27/16)

1

Reason for amendments: [Zoning]
92. Delete the term "panel" from Transmission Poles standard since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types.

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D. Collocation in Streets

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C1. Electrical Transmission Line Streets

5

Communication towers, antennas, and related facilities may be located in such streets as provided herein. [Relocated from Art. 4.C.3.C, Electrical Transmission Line Street]

6

7

4a. Transmission Poles

8

Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section. [Relocated from Art. 4.C.3.C.1, Transmission Poles]

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10

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13

Reason for amendments: [Zoning]
93. Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit.
94. Delete standard that allows approval of combined transmission/communication structures in Electrical Transmission Line street located in PUD to Class A Conditional Use. The Use Matrix has been amended to reflect that approval.

14

15

2b. Combined Transmission/Communication Structures

16

Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix, and subject to the following requirements. [Relocated from Art. 4.C.3.C.2, Combined

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Structures/Communication Structures]

22

a1) Structures installed in transmission line streets with a residential Plan and Zoning designation shall be: [Relocated from Art. 4.C.3.C.2.a.]

23

24

4a) Be located in streets a minimum of 250 feet in width; [Relocated from Art. 4.C.3.C.2.a.1)]

25

26

2b) Be limited to combination structures which are similar to monopole towers; [Relocated from Art. 4.C.3.C.2.a.2)]

27

28

3c) Not exceed No more than 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director; [Relocated from Art. 4.C.3.C.2.a.3)]

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31

4d) Be setback a minimum 150 feet from any property line possessing a residential designation; and, [Relocated from Art. 4.C.3.C.2.a.4)]

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33

34

5) Not be located within a PUD unless approved by the BCC as a Class A conditional use; and [Relocated to Table 4.B.9.A, Commercial Communication Tower Matrix]

35

36

37

6e) Require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.C.2.a.6)]

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b2) Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall be: [Relocated from Art. 4.C.3.C.2.b.]

41

42

43

4a) Be located in streets a minimum of 250 feet in width; [Relocated from Art. 4.C.3.C.2.b.1)]

44

45

2b) Be limited to combination structures which are similar to Monopole Towers or Self Support/Lattice Towers; not exceed 300 feet in height; [Relocated from Art. 4.C.3.C.2.b.2)]

46

47

3c) Be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and [Relocated from Art. 4.C.3.C.2.b.3)]

48

49

4d) Be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and, [Relocated from Art. 4.C.3.C.2.b.4)]

50

51

5e) Require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.C.2.b.5)]

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Notes:

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

**3c. Separation of New Combined Transmission/Communication Structures**  
New Combined Transmission Communication Structures shall be subject to the standards ~~as~~ provided in Table 4.C.4.D 4.B.9.B, Separation/Distances Between Towers. [Relocated from Art. 4.C.3.C.3, Separation of New Combined Transmission/Communication Structures]

<b>Reason for amendments:</b> [Zoning]
95. Delete the term "panel" from the standards in the FDOT R-O-W since the term has been used as something else other than an antenna when in fact panel is just one of many antenna types.
96. Clarify what seems to be a typo for the setbacks applicable to towers installed in portions of the FDOT streets that are adjacent to residential. According to Table 4.C.3.I, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, setbacks for towers in FDOT when adjacent to Residential is 150 feet which differs the language in FDOT standards that indicates 50 feet and 75 feet when adjacent to non-residential. As most provisions look to protect residential, this amendment is reflecting 150' setback from residential and keep 75 feet from non-residential.

**D2. Florida Department of Transportation (FDOT) Streets**  
Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, or antennas, or panels may be installed as follows are subject to the following: [Relocated from Art. 4.C.3.D, Florida Department of Transportation (FDOT) Streets]

**4a. Installation of Antennas and Panels**  
Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review. [Relocated from Art. 4.C.3.D.1, Installation of Antennas and Panels]

**2b. Construction of New Towers**  
New towers constructed within streets shall comply with the following requirements: [Relocated from Art. 4.C.3.D.2, Constructin of New Towers]

**a.1) Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall be:** [Relocated from Art. 4.C.3.D.2.a]

4a) ~~Be~~ located in a streets at least 250 feet in width; [Relocated from Art. 4.C.3.D.2.a.1]

2b) ~~Be~~ only a Monopole or Self Support/Lattice Tower; [Relocated from Art. 4.C.3.D.2.a.2]

3c) ~~Not exceed~~ No more than 150 feet in height; [Relocated from Art. 4.C.3.D.2.a.3]

4d) ~~Be~~ setback a minimum of 150 feet from the nearest property line; and, [Relocated from Art. 4.C.3.D.2.a.4]

5e) Require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.D.2.a.5]

**b.2) Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall be:** [Relocated from Art. 4.C.3.D.2.b]

4a) ~~Be~~ located in a street at least 200 feet in width; [Relocated from Art. 4.C.3.D.2.b.1]

2b) ~~Be~~ only a Monopole or Self Support/Lattice Tower; [Relocated from Art. 4.C.3.D.2.b2]

3c) ~~Not exceed~~ No more than 200 feet in height; [Relocated from Art. 4.C.3.D.2.b.3]

4d) ~~Be~~ setback a minimum of 75 feet from the nearest nonresidential property line and 50-150 feet from any residential property line; and, [Relocated from Art. 4.C.3.D.2.b.4]

5e) Require review as provided in 4.B.9.A, Commercial Communication Towers Matrix. [Relocated from Art. 4.C.3.D.2.b.5]

**c. Separation of New Towers**  
New towers shall be subject to the separation distances as provided in Table 4.C.4.D 4.B.9.B, Separation/Distances Between Towers, of this Section. [Relocated from Art. 4.C.3.D.2.c, Separation of New Towers]

<b>Reason for amendments:</b> [Zoning]
97. <u>To provide definitions and procedure to implement Federal law requiring approval of certain requests for modification of existing towers or base stations.</u>

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS

(Updated 10/27/16)

~~Section 6E, Shared Use/Collocation Eligible Facilities Request for Modification~~

~~This Section is These provisions are designed to foster promote shared use of communication towers and their accessory support facilities. [Relocated from Art. 4.C.6, Shared Use/Collocation]~~

~~This subsection implements Subsection 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.~~

~~1. Definitions~~

~~For the purposes of this subsection, the terms used have the following meaning:~~

~~a. Base Station~~

~~A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:~~

- ~~1) Equipment associated with wireless communications services such as private, broadcast, and public safety services.~~
- ~~2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).~~
- ~~3) Any structure other than a tower that, at the time the relevant application is filed under this subsection, supports or houses equipment described in paragraphs a. 1) and a. 2) that has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.~~

~~The term Base Station does not include any structure that, at the time the relevant application is filed under this subsection, does not support or house equipment described in a. 1) and a. 2) of this subsection.~~

~~b. Collocation~~

~~The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.~~

~~c. Eligible Facilities Request~~

~~Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:~~

- ~~1) Collocation of new transmission equipment;~~
- ~~2) Removal of transmission equipment; or~~
- ~~3) Replacement of transmission equipment.~~

~~d. Eligible support structure~~

~~Any tower or base station as defined in this subsection, provided that it is existing at the time the relevant application is filed under this subsection.~~

~~e. Existing~~

~~A constructed tower or base station is existing for purposes of this subsection if it has been reviewed and approved under the applicable zoning process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not subject to a zoning review process when it was built, but was lawfully constructed, is existing for purposes of this subsection.~~

~~f. Site~~

~~For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.~~

~~g. Substantial Change~~

~~A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:~~

- ~~1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;~~
- ~~2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower~~

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- 1 more than twenty feet, or more than the width of the Tower structure at the level of
- 2 the appurtenance, whichever is greater; for other eligible support structures, it
- 3 involves adding an appurtenance to the body of the structure that would protrude
- 4 from the edge of the structure by more than six feet;
- 5 3) For any eligible support structure, it involves installation of more than the standard
- 6 number of new equipment cabinets for the technology involved, but not to exceed
- 7 four cabinets; or, for towers in the public rights-of-way and base stations, it involves
- 8 installation of any new equipment cabinets on the ground if there are no pre-existing
- 9 ground cabinets associated with the structure, or else involves installation of ground
- 10 cabinets that are more than 10% larger in height or overall volume than any other
- 11 ground cabinets associated with the structure;
- 12 4) It entails any excavation or deployment outside the current site;
- 13 5) It would defeat the concealment elements of the eligible support structure; or
- 14 6) It does not comply with conditions associated with the siting approval of the
- 15 construction or modification of the eligible support structure or base station
- 16 equipment, provided however that this limitation does not apply to any modification
- 17 that is non-compliant only in a manner that would not exceed the thresholds identified
- 18 in paragraphs b. 1) through b.4) of this subsection.
- 19 **h. Transmission Equipment**
- 20 Equipment that facilitates transmission for any FCC-licensed or authorized wireless
- 21 communication service, including, but not limited to, radio transceivers, antennas, coaxial
- 22 or fiber-optic cable, and regular and backup power supply. The term includes equipment
- 23 associated with wireless communications services including, but not limited to, private,
- 24 broadcast, and public safety services.
- 25 **i. Tower**
- 26 Any structure built for the sole or primary purpose of supporting any FCC-licensed or
- 27 authorized antennas and their associated facilities, including structures that are
- 28 constructed for wireless communications services including, but not limited to, private,
- 29 broadcast, and public safety services.
- 30

<b>Reason for amendments:</b> [Zoning]
98. Relocate to consolidate in a new table the provisions related to the minimum number of providers for every tower type. To reflect deletion of Stealth and Camouflage Towers reference in the text below, the Providers by Tower Type table includes the specific provisions applicable to Stealth and Camouflage Towers that were included under the Supplementary Use Standards of those towers.
<u>99. Remove prior collocation standards and replacing with more recent Federal standards provided above.</u>

- 31 ~~**A1. Collocation**~~
- 32 ~~*All communication towers, except stealth and camouflage structures, shall be constructed to*~~
- 33 ~~*accommodate a minimum of two providers.*~~ **[Partially relocated to Art. 4.B.9.B.13,**
- 34 **Providers]**
- 35 ~~**1a. Site area**~~
- 36 ~~The site or leased footprint shall contain sufficient square footage to accommodate the~~
- 37 ~~equipment/mechanical facilities for all proposed providers based upon the structural~~
- 38 ~~capacity of the tower.~~
- 39 ~~**C3. Review Process**~~
- 40 ~~**1a. Collocations on Commercial Communication Towers Including Non-conforming**~~
- 41 ~~**Towers**~~
- 42 ~~*Collocation of antennas on commercial communication towers that meet the following*~~
- 43 ~~*requirements shall be exempt from all other requirements of this Section of the ULDC*~~
- 44 ~~*and shall only be subject to a Building Permit Review: [Ord. 2006-004] [Relocated from*~~
- 45 ~~*Art. 4.C.6.C.1, Collocations on Commercial Communication Towers Including Non-*~~
- 46 ~~*conforming Towers]*~~
- 47 ~~a.1) *The collocation does not increase the height of the existing tower as measured to the*~~
- 48 ~~*highest point of any part of the tower or any existing antenna attached to the tower;*~~
- 49 ~~*[Ord. 2006-004] [Relocated from Art. 4.C.6.C.1.a]*~~
- 50 ~~b.2) *The collocation does not increase the area of the approved ground compound for*~~
- 51 ~~*accessory equipment and structures; [Ord. 2006-004] [Relocated from Art.*~~
- 52 ~~*4.C.6.C.1.b]*~~
- 53 ~~c.3) *The collocation shall be consistent with all of the applicable design and aesthetic*~~
- 54 ~~*regulations, or conditions, if any, applied to the first antenna placement onto the*~~
- 55 ~~*tower itself. [Ord. 2006-004] [Relocated from Art. 4.C.6.C.1.c]*~~
- 56 ~~**2b. Collocations on Structure Other Than Commercial Communication Towers**~~
- 57

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~~Collocation of antennas, on a structure other than a Commercial Communication Tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to Article 4.C.7, Communication Panel Antennas, Commercial. [Ord. 2006-004] [Relocated from Art. 4.C.6.C.2, Collocations on Structure Other Than Commercial Communication Towers]~~

- ~~a. 1) Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure; [Ord. 2006-004] [Relocated from Art. 4.C.6.C.2.a]~~
- ~~b. 2) Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and, [Ord. 2006-004] [Relocated from Art. 4.C.6.C.2.a]~~
- ~~c. 3) The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement. [Ord. 2006-004] [Relocated from Art. 4.C.6.C.2.a]~~

**2. Application Procedures**

Notwithstanding any other provisions in this section to the contrary, eligible facilities requests for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station as determined by the process set forth herein, shall be subject to Building Permit review only.

**a. Application requirements.**

Applications shall include all information necessary to determine whether the modification of the existing tower or base station that does not substantially change its physical dimensions.

**b. Timeframe for Review**

Within 60 days of the date on which an applicant submits an application, the Zoning Division shall approve the application unless it determines that the application is not covered by this subsection.

**c. Tolling of the Timeframe for Review**

The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Zoning Division and the applicant, or in cases where the Zoning Division determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

- 1) To toll the timeframe for incompleteness, the Zoning Division must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required.
- 2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the notice of incompleteness.
- 3) Following a supplemental submission, the applicant will be notified within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

**d. Failure to Act**

In the event the Zoning Division fails to approve or deny a request seeking approval under this subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted, and the applicant may proceed directly to Building Permit review. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**F.4. Review Procedures Shared Use Application Requirements for New Towers**

*Prior to submittal of an application for approval of a proposed tower for Conditional Use, Development Order Amendment, DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.*

**[Relocated from Art. 4.C.6.D, Review Procedures]**

**a1. Notification**

*All communication tower applicants shall provide notice by certified mail to all users on the Communication Tower Users List. The following information shall be included in the notice: description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower; and a shared use application form. A copy of the notice shall be mailed to the Communications Division and the Zoning Division. The notices shall invite potential communication tower*

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users to apply for space on the proposed tower to encourage collocation. [Ord. 2009-040]  
[Relocated from Art. 4.C.6.D.2, Notification]

**b2. Shared Use Application**

Potential communication tower users shall respond to the notice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared use application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response or responses received after the 20 day period. The Zoning Division shall provide the shared use application form. [Relocated from Art. 4.C.6.D.3, Shared Use Application]

**e3. Feasibility**

The feasibility of each shared use request shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower owner and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include but are not limited to: structural capacity, RF interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25 year period), FCC limitations that would preclude shared use, and other applicable Code requirements. [Relocated from Art. 4.C.6.D.4, Feasibility]

**d4. Rejection or Dispute**

If the applicant rejects one or more request(s) for shared use and if potential tower lessees dispute the rejection(s) for shared use, the following procedure shall occur within ten working days after the shared use response deadline. [Relocated from Art. 4.C.6.D.5, Rejection or Dispute]

**4a. Submittal**

The applicant shall submit two copies of the following to the Zoning Division: a brief evaluation of each rejected response; all design data for the proposed communication tower; and, an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations, paid for by the tower space lessee. [Relocated from Art. 4.C.6.D.5.a, Submittal]

**2b. Consultant**

The Zoning Division shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the discretion of the Zoning Division and paid by applicant who is refusing to allow collocation from an interested service provider. [Relocated from Art. 4.C.6.D.5.b, Consultant]

**3c. Evaluation**

Within ten working days of receiving the shared use responses that were rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Two copies of the consultant's evaluations shall be sent to the Zoning Division. One copy of the evaluation shall be made an official part of the communication tower application and one copy of the evaluation shall be forwarded to the applicant by the Zoning Division. The consultant's report shall be advisory, and made part of the staff report, and considered in reviewing the communication tower application. [Relocated from Art. 4.C.6.D.5.c, Evaluation]

**e5. Acceptance with No Dispute**

If the applicant did not reject any requests for shared use or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary. [Relocated from Art. 4.C.6.D.6, Acceptance with No Dispute]

**Section 5FG. Tower Removal, Replacement and Height Increases**

**G1. Tower Removal**

**4a. Form of Agreement**

All obsolete or abandoned communication towers shall be removed within three months following cessation of use. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit an executed removal agreement to ensure compliance with this requirement. The removal agreement shall be in a form acceptable to the County Attorney. [Relocated from Art. 4.C.4.G.1, Form of Agreement]

**2b. Surety for Removal**

Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the Executive Director of PZB and the County Attorney. The required surety shall be irrevocable, unless released by the BCC. The

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- 1 surety shall be utilized to cover the cost of removal and disposal of abandoned towers
2 and shall consist of the following: [Relocated from Art. 4.C.4.G.2, Surety for Removal]
3 a.1) submittal of an estimate from a certified structural engineer indicating the cost to
4 remove and dispose of the tower; [Relocated from Art. 4.C.4.G.2.a]
5 b.2) a surety equivalent to 50 percent of the estimated cost to remove and dispose of the
6 tower; [Relocated from Art. 4.C.4.G.2.b]
7 c.3) an agreement to pool multiple sureties of the tower owner or property owner required
8 by this Section to allow pooled surety to be used to remove abandoned towers; and,
9 [Relocated from Art. 4.C.4.G.2.c],
10 d.4) an agreement by the tower owner or property owner to replenish surety pool upon
11 utilization of surety by PBC. [Relocated from Art. 4.C.4.G.2.d]
12 3c. Alternative Surety for Removal
13 The Zoning Director, subject to review by the County Attorney, may accept
14 documentation from a tower owner that adequate resources or irrevocable contractual
15 obligations are available to remove obsolete or abandoned communication towers.
16 [Relocated from Art. 4.C.4.G.3, Alternative Surety for Removal]
17 4d. Form of Surety
18 Surety shall be provided in a form consistent with the requirements of Art. 11.B.4-2.A.6.c,
19 Performance or Surety Bond. [Ord. 2005 - 002] [Relocated from Art. 4.C.4.G.4, From
20 of Surety]
21 5e. Surety Required
22 Surety required pursuant to this Section shall be provided only for towers constructed
23 after the effective date of this Code. [Relocated from Art. 4.C.4.G.5, Surety Required]
24

Reason for amendments: [Zoning]
100. Relocate tower hierarchy from Definitions in Article 1 to the towers regulations as it does not provide a meaning; instead, it describes the level of impact of communication towers which is more appropriately placed in the Communication Tower regulations, particularly related to replacement of conforming and nonconforming towers.

- 25 A2. Replacement
26 for the purposes of Art. 4, for the purpose of The following tower hierarchy shall be used to
27 determining impact the following hierarchy has been established
28 LEAST IMPACT
29 Stealth
30 Camouflage
31 Stealth
32 Monopole
33 Self Support/Lattice
34 Guyed
35 MOST IMPACT
36 [Partially relocated from Art. 1.I.2.T.43, Tower Hierarchy definition]
37 4a. Conforming Towers
38 An existing conforming tower may be replaced subject to the criteria below. If the criteria
39 is not met, the replacement tower shall comply with the requirements of this Section
40 Tower Height Increases and Accessory Structures, below. [Ord. 2006-004] [Relocated
41 from Art. 4.C.5.A.1, Conforming Towers]
42 a.1) The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
43 [Relocated from Art. 4.C.5.A.1.a]
44 b.2) The tower shall be of the same or lesser impact than the existing structure pursuant
45 to the tower hierarchy. [Ord. 2006-004] [ Partially relocated from Art. 4.C.5.A.1.b]
46 c.3) The tower may be required to be relocated on site to lessen the impact on adjacent
47 parcels. [Relocated from Art. 4.C.5.A.1.c]
48 d.4) The tower shall be subject to review by the Zoning Division through the DRO, Article
49 2.D.1, Development Review Officer, administrative amendment process. [Ord. 2006-
50 004] [Relocated from Art. 4.C.5.A.1.d]
51 e.5) The tower may be structurally modified to allow collocation. [Ord. 2006-004]
52 [Relocated from Art. 4.C.5.A.1.e]
53 2b. Nonconforming Towers
54 An existing nonconforming tower may be replaced subject to the criteria below. If the
55 criteria is not met, the replacement shall comply with the requirements of this Section
56 Tower Height Increases and Accessory Structures, below. [Ord. 2006-004] [Relocated
57 from Art. 4.C.5.A.2, Nonconforming Towers]
58 a.1) The tower shall accommodate a minimum of two providers. [Ord. 2006-004]
59 [Relocated from Art. 4.C.5.A.2,a.]
60

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- b-2) *The tower shall be of equal or less impact than the existing structure pursuant to the tower hierarchy. [Ord. 2006-004] [Partially relocated from Art. 4.C.5.A.2,b.]*
- e-3) *The tower may be required to be relocated on site to lessen the impact on adjacent parcels. [Relocated from Art. 4.C.5.A.2,c.]*
- d-4) *The tower shall be subject to review by the DRO. [Ord. 2006-004] [Relocated from Art. 4.C.5.A.2,d.]*
- e-5) *The tower may be structurally modified to allow collocation. [Ord. 2006-004] [Relocated from Art. 4.C.5.A.2,e.]*

**B3. Tower Height Increases**

**4a. Conforming and Nonconforming Towers**

*Unless otherwise provided herein, the height of a conforming or nonconforming tower may be increased on one occasion subject to the requirements of Table 4.C.5.B.4.B.9.F, Tower Height Increases. [Relocated from Art. 4.C.5.B.1, Conforming and Nonconforming Towers]*

**Table 4.B.9.F - Tower Height Increases**

Review Process	Conforming Towers	Nonconforming Towers
Development Review Officer Administrative Amendment	X(1)	N/A
Development Review Officer	X(2)	X(1)
Class B Conditional use	X(3)	X(2)
Class A Conditional use	X(4)	X(3,4)
<b>Notes:</b>		
1. <i>Increases of 25' or less.</i>		
2. <i>Increases greater than 25' and 45' or less.</i>		
3. <i>Increases greater than 45' and 65' or less.</i>		
4. <i>Increases greater than 65'.</i>		
[Table relocated from Art. 4.C.5.B – Tower Height Increases]		

**2b. Monopoles**

*Unless otherwise provided herein, the height of an existing monopole may be increased, on one occasion, by a maximum of 20 percent to accommodate a second user subject to standard building permit review. An additional increase of up to 20 percent may be approved to accommodate an additional user, subject to standard building permit review. Increases shall be based upon the original approved tower height. [Relocated from Art. 4.C.5.B.2, Monopoles]*

**Bc. Setbacks**

*If it is determined that the proposed tower cannot meet setback requirements due to increases in tower height to accommodate the collocation of at least one additional service provider, minimum setback requirements may be reduced by a maximum of 15 feet, except from residential property lines. [Relocated from Art. 4.C.6.B, Setbacks]*

**C4. Accessory Structures**

*The size of an accessory structure or structures may be increased to accommodate collocation. The expansion shall be subject to Zoning Division review through the DRO administrative amendment process. [Relocated from Art. 4.C.5.C, Accessory Structures]*

Reason for amendments:	[Zoning]
101.	Change the term "section" to specify the regulation or standard that it pertains to. <del>For government-owned towers that address public health, safety or welfare, this amendment clarifies that waivers are Type 2 which are presented to the BCC.</del>
102.	Update reference of the table number and title that contains the approval process of Commercial Communication Towers to reflect the changes in this exhibit.

**GH. Exemptions and Waivers**

**1. States of Emergency**

*The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2006-004] [Ord. 2012-027] [Relocated from Art. 4.C.1, States of Emergency]*

**2. Government Towers**

*If this Section the regulations in the Commercial Communication Towers prohibits a government-owned tower from being located at a specific site and the tower is required to protect the public health, safety, or welfare, the applicable criteria of this Section may be waived or modified by the BCC through a Type 2 Waiver. In such cases the BCC shall make*

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*a finding of fact justifying the modification.* [Relocated from Art. 4.C, Communication Towers Commercial]

**3. School Sites**

*Towers located on school sites and utilized for educational purposes only pursuant to F.S. Chapter 1013.18 shall not be considered Commercial Communication Towers.* [Relocated from Art. 1.1.2.C.49, Communication Tower, Commercial]

**4. Exemptions for Existing Television Broadcast Towers**

Guyed ~~T~~owers existing as of December 31, 1997 with a principal use as a television broadcasting tower shall be exempt from the provisions of this Section as provided below.

**4a. Separation and Setback Distances**

Television towers as provided herein shall be exempt from the separation and setback distances of Table ~~4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback~~ 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, and Table ~~4.C.3.I, Distances for Towers Located in Non-Residential Districts Separation and Setback~~ 4.B.9.B, Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts.

**4b. Distance Between Towers**

Television towers as provided herein shall be exempt from the distance between tower requirements of Table ~~4.C.4.D 4.B.9.B, Separations~~/Distances Between Towers, ~~of this Subsection.~~

**4c. Visual Impact Analysis**

Existing or replacement television towers as provided herein shall be exempt from the visual impact analysis requirements of Article ~~4.C.4.P 4.B.9.H.4,~~ Visual Impact Analysis Standards.

**4d. Replacement or Reconstruction of Existing Towers**

Television towers exempted by the operation of this subsection may be replaced or reconstructed on the same parcel as provided below.

**a.1) Approval**

Television towers to be replaced or reconstructed shall be reviewed as provided in Table ~~4.C.3.I, Residential District Tower Location and Type of Review or Table 4.C.3.I, Non-Residential Districts Tower Location and Type of Review~~ 4.B.9.A, Commercial Communication Towers Matrix.

**b.2) Tower Height**

The height of a replacement for or reconstruction of an existing tower may be increased subject to approval as provided in Table ~~4.C.3.I, Residential District Tower Location and Type of Review or Table 4.C.3.I, Non-Residential Districts Tower Location and Type of Review~~ 4.B.9.A, Commercial Communication Towers Matrix.

**c.3) Required Setbacks from Property Lines**

Setbacks from property lines shall be provided as indicated below.

**4a) Structures of Equal or Lesser Height**

Television towers to be replaced or reconstructed with a structure of equal or lesser height shall provide a setback substantially the same as the existing setbacks, taking into account the continued location of the tower being replaced during construction.

**4b) Structures of Greater Height**

Television towers to be replaced or reconstructed with a structure of greater height shall provide a minimum setback of 110 percent of tower height from any adjacent street and a minimum setback of 100 percent of tower height from all adjacent property lines.

**4c) Breakpoint Calculations**

All setbacks shall be substantiated by certified breakpoint calculations. The breakpoint calculations shall demonstrate that should tower failure occur, the entire height of the tower shall fall within with property lines of the tower site.

**4d) Nonconformity Not Created**

Replacement or reconstruction of a television broadcast tower shall not result in creation of a nonconforming structure or nonconforming use. The television broadcast tower resulting from the replacement or reconstruction as provided herein shall be deemed a conforming structure and use.

**K5. Type II-2 Waiver from Required Dimensional Criteria**

A Type II-2 Waiver from the separation, setback, distance between towers, height, and similar dimensional criteria applicable to communication towers may be allowed ~~as provided in this Section.~~ [Ord. 2012-027]

**4a. Towers approved as a Class A or Class B Conditional Use**

The dimensional criteria ~~required by this Section~~ may be reduced by the BCC for Class A conditional uses and Class B conditional uses subject to the criteria contained herein.

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**2b. Towers Approved on an Administrative Basis**

The dimensional criteria ~~required by this Section~~ may be reduced by the BCC for towers subject to review by the DRO or the building permit process subject to the criteria contained herein.

**3c. Requests for a Type ~~H-2~~ Waiver**

When considering a request to allow a Type ~~H-2~~ Waiver from one or more required dimensional criteria, the BCC must determine that: the request complies with the intent of this Section and, the request is consistent with the criteria listed below. [Ord. 2012-027]

**4d. Criteria for Granting a Type ~~H-2~~ Waiver**

The following criteria shall be utilized by the BCC when considering requests for waivers. Each request for a waiver must be consistent with the following criteria listed below: Art. ~~4.C.3.K.4.a. 4.B.9.G.5.d.1) - 4.C.3.K.4.h. 4.B.9.G.5.d.8).~~ In addition, each request for a Type ~~H-2~~ Waiver must be consistent with one or more of the following criteria: Art. ~~4.C.3.K.4.i 4.B.9.G.5.d.9) - Art. 4.C.3.K.4.r 4.B.9.G.5.d.18).~~ [Ord. 2012-027]

**~~a-1) Protection of Public Welfare~~**

The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare. [Ord. 2012-027]

**~~b-2) Economics~~**

The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements ~~of this Section contained herein.~~ [Ord. 2012-027]

**~~c-3) Incompatibility Not Created~~**

The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses. [Ord. 2012-027]

**~~d-4) Exhaustion of Other Remedies~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities. [Ord. 2012-027]

**~~e-5) Minimum Waiver~~**

Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure. [Ord. 2012-027]

**~~f-6) Consistent with the Plan~~**

Grant of the Waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code. [Ord. 2012-027]

**~~g-7) Not Detrimental~~**

The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare. [Ord. 2012-027]

**~~h-8) Prohibition of Service~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted. [Ord. 2012-027]

**~~i-9) FAA Limitations~~**

The Waiver is required to comply with locational standards established by the FAA. [Ord. 2012-027]

**~~j-10) Lack of Technical Capacity~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service. [Ord. 2012-027]

**~~k-11) Height of Existing Structures~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service. [Ord. 2012-027]

**~~l-12) Lack of Structural Capacity~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area. [Ord. 2012-027]

**~~m-13) Interference~~**

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature

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of other communications equipment or signals, or other technical problems that would result in interference between providers. [Ord. 2012-027]

n-14) Unreasonable Costs

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable. [Ord. 2012-027]

e-15) More Appropriate Site

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area. [Ord. 2012-027]

p-16) Avoid Certain Locations

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following: [Ord. 2012-027]

- 1a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
2b) officially designated vegetation and wildlife preserves;
3c) habitats of threatened/endangered species, historical sites;
4d) Indian religious sites;
5e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
6f) night use of high intensity lights in residential areas;
7g) environmentally sensitive lands acquired or leased by PBC; or
8h) linked open space corridors as set forth in the Plan.

q-17) Reduce Residential Impact

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses. [Ord. 2012-027]

r-18) Effect of Governmental Regulation or Restrictive Covenant

The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower. [Ord. 2012-027]

5-e Simultaneous Consideration

A request for a Type #2 Waiver from one or more required dimensional criteria may be considered at the same time a related request for tower approval is considered. However, final BCC, ZC, or administrative approval shall not be granted until a final decision is rendered by the BCC. [Ord. 2012-027]

6. Nonconforming Lots of Record

Towers may be located on nonconforming lots of record provided the structure will comply with all requirements of this Section without a Type #2 Waiver from any dimensional criteria as provided herein. [Ord. 2012-027] [Relocated from Art. 4.C.4.S, Nonconforming Lots of Record]

Table with 1 row: Reason for amendments: [Zoning] 103. Create reference for compliance with the requirements in Article 2 of the ULDC that relates to application requirements. This standard is added to facilitate ease of Code.

HJ. Application Requirements for Towers

In addition to the application requirements under Article 2, Development Review Procedures, the applicant shall comply with the following:

1. Propagation Study

The provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers. [Ord. 2006-004] [Relocated from Art. 4.C.4.M, Propagation Study] Propagation studies shall include the following information: [Relocated from Art. 4.C.4.M.1, Required Information]

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties; [Relocated from Art. 4.C.4.M.1.a]
b. desired signal strength in the area to be served; and, [Ord. 2006-004] [Relocated from Art. 4.C.4.M.1.b]
c. current and predicted RF coverage following installation and use of the new tower facility. [Ord. 2006-004] [Relocated from Art. 4.C.4.M.1.c.]

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- 2. Location of Existing Towers**
  - a. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type. [Relocated from Art. 4.C.4.L.1.]*
  - b. Submit an alternative structure map with a minimum one mile radius around the proposed site. The alternative structure map shall include the location of all existing towers located within the one mile radius. An alternative structure map shall not be required for television towers. [Ord. 2006-004] [Relocated from Art. 4.C.4.L.2.]*
- H3. Compatibility**
  - To assist in ensuring compatibility between a proposed communication tower and surrounding land uses, the information listed below shall be included with all applications for development approval, development order amendments, etc. [Relocated from Art. 4.C.3.H, Compatibility]*
  - 4a. Site and Tower Location**
    - The proposed site of a tower and the proposed location of the tower within that site, indicated on an official PBC zoning quad sheet. [Relocated from Art. 4.C.3.H.1, Site and Tower Location]*
  - 2b. Aerial Photography**
    - The proposed location of a tower, indicated on an aerial map possessing a scale of not more than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent land uses within a radius of 2,000 feet from the site of the proposed tower. [Relocated from Art. 4.C.3.H.2, Aerial Photography]*
  - 3c. Visual Impact Analysis**
    - A visual impact analysis, consistent with the requirements of Article 4.C.4.P 4.B.9.H.4, Visual Impact Analysis Standards. [Relocated from Art. 4.C.3.H.3, Visual Impact Analysis]*
  - 4d. Buffering**
    - Buffering and landscaping as required by this Section. [Relocated from Art. 4.C.3.H.4, Buffering]*
- P4. Visual Impact Analysis Standards [Relocated from Art. 4.C.4.P, Visual Impact Analysis Standards]**
  - a. Applicability and Procedure**
    - The requirements of this subsection shall be required for Any application to construct a Monopole Tower greater than 150 feet in height or any Guyed or Self-Support/Lattice Tower greater than 150 feet in height is subject to these standards. The applicant shall be advised of the requirement to submit a visual impact analysis by the Zoning Director within ten working days following the application submittal deadline date. [Relocated from Art. 4.C.4.P, Visual Impact Analysis Standards]*
  - 1b. Visual Analysis General**
    - To assess the compatibility with and impact of a proposed tower site on adjacent properties, an applicant seeking to construct a tower subject to ~~the~~ these requirements of this Section may be required to submit a visual impact analysis. The applicant may request review of a proposed tower location, prior to application submittal to the appropriate zoning process, to determine whether or not a visual impact analysis will be required. A visual impact analysis may be required under the circumstances listed below. [Relocated from Art. 4.C.4.P.1, Visual Analysis]*
      - ~~a.1) Existing residential uses are located along 50 percent or more of the entire perimeter of the proposed tower site. [Relocated from Art. 4.C.4.P.1.a]~~*
      - ~~b.2) When the proposed site is located adjacent to:~~ [Relocated from Art. 4.C.4.P.1.b]*
        - 4a) Officially designated wilderness areas, wildlife refuges, and wildlife management areas; [Relocated from Art. 4.C.4.P.1.b.1]*
        - 2b) Officially designated vegetation and wildlife preserves; [Relocated from Art. 4.C.4.P.1.b.2)]*
        - 3c) Habitats of threatened/endangered species; [Relocated from Art. 4.C.4.P.1.b.3)]*
        - 4d) Historical sites; [Relocated from Art. 4.C.4.P.1.b.4)]*
        - 5e) Indian religious sites; [Relocated from Art. 4.C.4.P.1.b.5)]*
        - 6f) Locations which may cause significant alteration of wetlands, deforestation, or water diversion; [Relocated from Art. 4.C.4.P.1.b.6)]*
        - 7g) Residential areas when night use of high intensity lights is required; [Relocated from Art. 4.C.4.P.1.b.7)]*
        - 8h) Environmentally sensitive lands acquired or leased by PBC; or [Relocated from Art. 4.C.4.P.1.b.8)]*
        - 9j) Linked open space corridors as set forth in the Plan. [Relocated from Art. 4.C.4.P.1.b.9)]*

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EXHIBIT N

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- ~~e.3)~~ *The proposed site does not meet the distance between towers requirements of this Section. The applicant may utilize digital imaging technology to prepare the analysis, in a manner acceptable to the Zoning Director. For non-digital methods, the visual impact analysis shall, at minimum, provide the information listed below. [Relocated from Art. 4.C.4.P.1.c.]*
- ~~4a)~~ *The location of the proposed communication tower illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent zoning districts within a 3,000 foot radius from all property lines of the proposed communication tower site shall be indicated. [Relocated from Art. 4.C.4.P.1.c.1)]*
- ~~2b)~~ *A line of site analysis, which shall include the following information: [Relocated from Art. 4.C.4.P.1.c.2)]*
  - ~~(a1)~~ *Identification of all significant existing natural and manmade features adjacent to the proposed tower site and identification of features which may provide buffering and screening for adjacent properties and public streets; [Relocated from Art. 4.C.4.P.1.c.2)(a)]*
  - ~~(b2)~~ *Identification of at least three specific points within a 2,000 foot radius of the proposed tower location, subject to approval by the Zoning Director, for conducting the visual impact analysis; [Relocated from Art. 4.C.4.P.1.c.2)(b)]*
  - ~~(c3)~~ *Certification by the professional that the proposed communication tower meets or exceeds the standards contained in this subsection of this Code; [Relocated from Art. 4.C.4.P.1.c.2)(c)]*
  - ~~(d4)~~ *Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis; [Relocated from Art. 4.C.4.P.1.c.2)(d)]*
  - ~~(e5)~~ *Graphic illustration of the visual impact of the proposed communication tower, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; [Relocated from Art. 4.C.4.P.1.c.2)(e)]*
  - ~~(f6)~~ *Identification of all screening and buffering materials under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the visual impact analysis.); [Relocated from Art. 4.C.4.P.1.c.2)(f)]*
  - ~~(g7)~~ *Identification of all screening and buffering materials that are not under the permanent control of the applicant but are considered of a permanent nature due to ownership or use patterns, such as a public park, vegetation preserve, required development buffer, etc.; [Relocated from Art. 4.C.4.P.1.c.2)(g)]*
  - ~~(h8)~~ *Screening and buffering materials considered in the visual impact analysis shall not be removed by future development on the site; [Relocated from Art. 4.C.4.P.1.c.2)(h)]*
  - ~~(i9)~~ *Screening and buffering materials considered in the visual impact analysis shall be replaced if they die; [Relocated from Art. 4.C.4.P.1.c.2)(i)]*
  - ~~(j10)~~ *Prohibited plant species, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements, shall not be considered in the visual impact analysis; and [Relocated from Art. 4.C.4.P.1.c.2)(j)]*
  - ~~(k11)~~ *Any additional information that may be required by the Zoning Director to fully review and evaluate the potential impact of the proposed communication tower. [Relocated from Art. 4.C.4.P.1.c.2)(k)]*
- ~~d4)~~ *In addition to all other applicable standards of the Code, the following visual impact standards may be applied when a visual impact analysis is required for any application to construct a tower. [Relocated from Art. 4.C.4.P.1.d.]*
  - ~~4a)~~ *At least 25 percent of the tower height is screened from all streets other than expressways, or arterials and planned collector streets with five lanes or more. [Relocated from Art. 4.C.4.P.1.d.1)]*
  - ~~2b)~~ *At least three specific points from adjacent streets, shall be identified, subject to approval by the Zoning Director, for conducting the visual impact analysis. [Relocated from Art. 4.C.4.P.1.d.2)]*
  - ~~3c)~~ *The results of the line of site analysis performed as part of the visual impact analysis. [Relocated from Art. 4.C.4.P.1.d.3)]*
  - ~~4d)~~ *The distance a proposed communication tower, including anchors for guy wires, and guy wires are proposed to be setback from surrounding properties such that its height, bulk and scale is compatible with surrounding residential and nonresidential uses. [Relocated from Art. 4.C.4.P.1.d.4)]*

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5e) At least 25 percent of the tower is screened from view from a majority of the points selected by the Zoning Director for the visual impact analysis. [Relocated from Art. 4.C.4.P.1.d.5)]

6f) The degree or amount of buffering or screening materials permanently included as part of the application. [Relocated from Art. 4.C.4.P.1.d.6)]

e5) The visual impact analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor and mapper registered in the State of Florida. PBC, at the expense of the applicant and at its own discretion, may employ such consultants as are necessary to review and evaluate the visual impact analysis. [Relocated from Art. 4.C.4.P.1.e.]

**J. Tower Appearance Prior Approvals**

The style, height, and overall appearance of any tower or communications facility constructed pursuant to ~~this Section~~ these regulations shall be consistent with plans and elevations submitted as part of an application for development approval. The DRO shall have the authority to approve additions or minor modifications, which do not materially modify the appearance of a tower as approved by the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a development order amendment as provided in this Code. [Relocated from Art. 4.C.3.I, Tower Appearance]

**JK. Consultant Services**

A qualified telecommunication consultant shall be selected and retained by the Zoning Director, and paid for by an applicant, to review technical documents related to the siting of communication towers and facilities. The consultant may review technical documents, propagation studies and other related documents to determine the following: [Relocated from Art. 4.C.4.Q.9, Consultant Services]

1. Need for additional towers; [Relocated from Art. 4.C.4.Q.9.a)]

2. Existence of incompatibilities between providers that may hinder collocation; [Relocated from Art. 4.C.4.Q.9.b)]

3. Necessity of waiver relief to deviate from established dimensional criteria; [Relocated from Art. 4.C.4.Q.9.c)]

4. Compliance with the general requirements of this Section; and, [Relocated from Art. 4.C.4.Q.9.d)]

5. The applicant shall reimburse PBC for the consultant fees prior to the certification of the application for public hearing process or approval of the application by the DRO. [Ord. 2010-022] Art. 4.C.4.Q.9.e)]

**KL. List of Tower Users**

The DRO shall maintain a current Communication Tower Users List, which shall be made available upon request, and shall also be published on the Zoning Web site. [Ord. 2009-040] [Relocated from Art. 4.C.6.D.1, List of Tower Users]

**ELM. Intergovernmental Activities**

**1. Mapping**

PBC shall participate in any countywide mapping program to identify proposed and existing tower sites. [Relocated from Art. 4.C.7.E.1, Mapping. Related to Communication Panel Antennas, Commercial]

**2. Notification**

a. PBC shall participate in an intergovernmental notification program by continuously providing information regarding tower construction applications to the PBC Intergovernmental Coordination Program Clearinghouse. [Relocated from Art. 4.C.7.E.2.a, related to Notifications under Communication Panel Antennas, Commercial]

b. All jurisdictions within a two-mile radius of a proposed tower site located in unincorporated PBC shall be notified at the time of application submittal. [Relocated from Art. 4.C.7.E.2.b, related to Notifications under Communication Panel Antennas, Commercial]

Reason for amendments: [Zoning]
104. Relocate Communication Cell Site on Wheels (COWs) standards contained in Section 8 of the Commercial Communication Towers to a new Temporary Use classification that consolidates all temporary uses of non-permanent nature.

**~~Section 8 — Communication Cell Sites on Wheels (COWs)~~**

Part ~~75.~~ ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 24 of 100), is hereby amended as follows:

Reason for amendments: [Zoning]
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|----|---|
| 1. | Relocate the standards for antenna contained in Article 4.C, Commercial Communication Towers to Article 5.B, Accessory and Temporary uses. These provisions are for antennas attached to buildings or structures, therefore those standards are more appropriate in Article 5 than Article 4. |
| 2. | Delete from the title the term "panel" as the regulations are for all antenna types attached to buildings or structures and not just for panel antennas. Panel antenna is just one of the different types of antennas.  |

**1 CHAPTER B ACCESSORY AND TEMPORARY USES**

**2 Section 1 Supplementary Regulations**

**3 A. Accessory Uses and Structures**

**4 ~~Section 712. Communication Panel Antennas, Commercial~~**

*A transmitting and/or receiving device used for AM/FM radio, television, microwave, telephone, cellular, personal wireless services, and related forms of electronic communications. This excludes amateur radio antennas and satellite dish antennas.* [Relocated from Art. 1.1.2.A.73, Antenna]

**5 a. Applicability**

*Unless an Eligible Facilities Request for Modification is approved pursuant to Art. 4.B.9.E, ~~these standards below shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations).~~ [Ord. 2006-004] [Relocated from Art. 4.C.7, Communication Panel Antennas, Commercial]*

**6 ~~Ab. Permitted Districts Review Process~~**

*1) ~~Communication panels and antennas, excluding whip antennas not exceeding eight feet in height and six inches in diameter, may be permitted and shall be reviewed as follows: in Table 4.C.7.A. Panel Antenna Regulations.~~ [Relocated from Art. 4.C.7.A, Permitted Districts]*

**Table 5.B.1.A- Panel Antenna Review Process**

<b>Zoning District or Use</b>				
<b>Zoning District or Use Structure Height</b>	<b>Single Family Residential</b>	<b>Multi-Family Residential</b>	<b>IG, IL, PO Zoning Districts</b>	<b>All Other Non-Residential Zoning Districts</b>
<i>Structures &lt; 25' or less in height</i>	<i>Not Permitted</i>	<i>Not Permitted</i>	<i>Building Permit Review</i>	<i>Not Permitted</i>
<i>Structures greater than 25' and to 45' or less in height</i>	<i>Development Review Officer</i>	<i>Development Review Officer</i>	<i>Building Permit Review</i>	<i>Development Review Officer</i>
<i>Structures greater than 45'</i>	<i>Class B Conditional use</i>	<i>Building Permit Review</i>	<i>Building Permit Review</i>	<i>Building Permit Review</i>

[Relocated from Table 4.C.7.A - Panel Antenna Regulations]

**7 ~~12) Applicability and Review Process-Building Permit~~**

*A building permit shall be required for the installation of all ~~communication panels and antennas in addition to any other review process.~~ [Relocated from Art. 4.C.7.A.1, Applicability and Review Process]*

**8 ~~B. Communication Panel Antennas~~**

**9 ~~1c. Architectural Compatibility~~**

*Demonstrate architectural compatibility (color and/or texture) with the structure on which it is located.* [Relocated from Art. 4.C.7.B.1, Architectural Compatibility]

**10 ~~2d. Screening~~**

*If the ~~panel antenna~~ is attached to a pole support structure, the pole shall be concealed by an opaque screen.* [Relocated from Art. 4.C.7.B.2, Screening]

**11 ~~3e. Size Limitations for Panel Antenna~~**

*Each ~~communication panel~~ shall not exceed a maximum height of eight feet; maximum depth of four feet; and maximum width of four feet.* [Relocated from Art. 4.C.7.B.3, Size Limitations]

**12 ~~4f. Supplemental Application Requirements~~**

*In addition to the requirements indicated above, plans depicting cross sections or elevations of the panel attached to the structure shall be provided at the time of submittal of the application package.* [Relocated from Art. 4.C.7.B.4, Supplemental Application Requirements]

**13 ~~Cg. Setbacks~~**

**14 ~~1.) Accessory Structures~~**

*~~Unmanned~~ ~~Roof~~ mounted accessory structures shall meet a minimum 25-foot setback from the edge of the roof or comply with the architectural compatibility*

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EXHIBIT N

COMMERCIAL COMMUNICATION TOWERS  
SUMMARY OF AMENDMENTS  
(Updated 10/27/16)

*standards pursuant to Article 4.C.7.B.1-5.B.1.A.12.c, Architectural Compatibility.*  
[Relocated from Art. 4.C.7.C.1, Accessory Structures]

~~2. Communication Panels and Antennas~~

~~2.) There shall be no minimum setback required for panels or antennas.~~ [Relocated from Art. 4.C.7.C.2, Communication Panel and Antennas]

~~Dh. Whip Antennas~~

~~Whip antennas not exceeding eight feet in height and six inches in diameter shall be permitted in any zoning district. Whip antennas may be attached to residential structures, utility poles, etc. Whip antennas, unless attached to a residential structure, shall be installed at least 50 feet from any existing residential structure.~~ [Relocated from Art. 4.C.7.D, Whip Antennas]

[Renumber Accordingly]

Part ~~86~~. ULDC Art. 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 10 of 39), is hereby amended as follows:

Reason for amendments: [Zoning] Amend Minimum Off-Street Parking and Loading Requirements table in Article 6, Parking, to reflect updated use names in Article 4, Use Regulations. The change also removed Communication Cell Site on Wheels (COWs) from the parking for the Towers table as this use is addressed under Temporary Uses.

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

Use Type: <del>Utilities &amp; Excavation - Communication Towers</del>	Parking (1)	Loading (2)
....		
<del>Communication Cell Site on wheels - Wheels (COWs) mobile</del>	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
<del>Communication panels Pannels, or antennas Antennas, commercial</del>	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
<del>Commercial Communication Tower, commercial</del>	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
....		
[Ord. 2005-002]		
Loading Key:		
....		

Notes:

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EXHIBIT O

EXCAVATION USES  
SUMMARY OF AMENDMENTS  
(Updated 10/25/16)

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Part 1. ULDC Art. 1.B.1.A, Authority, (page 6 of 119), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning]
1. Update and clarify who has the authority to interpret the various sections of Article 4.B.10, Excavation Uses. The Reviewing Agencies involved include the Director of the Environmental Resource Management (ERM), the County Engineer, or the Planning, Zoning and Building (PZB) Executive Director. For example, Zoning related provisions such as setbacks should be interpreted by the PZB Executive Director instead of the Director of ERM, as currently established in the Code. Specific Excavation articles contain regulations that pertain to all three departments and should be interpreted by the PZB Executive Director in consultation with the Director of ERM and the County Engineer, or, by the Director of ERM in consultation with PZB Executive Director.
2. As part of the Use Regulations Project, articles have been re-ordered and re-numbered as a result of the reorganized Excavation section.

CHAPTER B INTERPRETATION OF THE CODE

Section 1 Interpretations

A. Authority

Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director of PZB or designee with the following exceptions: [Ord. 2011-016]

....  
3. The County Engineer shall have the authority to make all interpretations of Art. 4.B.10.B.7.a 10), Hauling Standards; Art. 4.B.10.B.7.b.2)c), Drainage; 4.B.10.C.5.g.5, Haul Agreement; Art. 6.C, Driveways and Access; Art. 11, Subdivision, Platting, and Required Improvements; and Art. 12, Traffic Performance Standards; [Ord. 2011-016]

....  
5. The Director of ERM shall have the authority to make all interpretations of ~~ART. Art. 14, Environmental Standards and Article 4.D, EXCAVATION~~ to interpret the following parts of Art. 4.B.10, Excavation Uses in consultation with the Executive Director of PZB or designee as appropriate: Art. 4.B.10.B.4.b.8), WCAA Canals, Art. 4.B.10.B.4.b.9); Mitigation Projects, Art. 4.B.10.B.4.b.10), Wetlands; Art. 4.B.10.B.4.b.13), Canals of Conveyance; Art. 4.B.10.B.7.c.1)a)(2), Littoral Planting; Art. 4.B.10.B.7.c.3), Littoral Planting Reclamation Standards; Art. 4.B.10.B.7.c.5), Area of Record; Art. 4.B.10.B.7.d.5)b), Excavated Area; Art. 4.B.10.B.7.d.5)c), Littoral Zones; Art. 4.B.10.B.7.d.6)b), Excavated Area and Litoral Zones; Art. 4.B.10.B.7.d.7)a), Excavated Areas for Type 3 Excavation; Art. 4.B.10.B.7.e, Maintenance and Monitoring; Art. 4.B.10.B.8.a, Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2 and Type 3 Excavations; Art. 4.B.10.B.8.b.1), Violations; Art. 4.B.10.B.8.f, Use of Collected Monies; Notice of Intent to Construct in Art. Art. 4.B.10.B.6, Art. 4.B.10.C.1.h; Art. 4.B.10.C.1.i.6); and, Art. 4.B.10.C.5.g.6); Art. 4.B.10.C.1.c, Maximum Depth, Art. 4.B.10.C.4.e, Depth, and, Art. 4.B.10.C.5.e, Depth, [Ord. 2011-016]

....  
10. The Executive Director of PZB or designee shall have the authority to make interpretations of the following provisions found in Art. 4.B.10, Excavation Uses in consultation with the Director of ERM and the County Engineer as appropriate: Art. 4.B.10.B.4.a, Prohibitions; Art. 4.B.10.B.4.b.12), De Minimis Impact; Art. 4.B.10.B.4.b.14), Excavation by Public Agencies; Art. 4.B.10.B.6.e, Written Approval, Art. 4.B.10.B.7.b.2), Slopes except for Art. 4.B.10.B.7.b.2)c), Drainage; Art. 4.B.10.B.7.d.1), General; Art. 4.B.10.B.7.d.2), Guarantees Required; Art. 4.B.10.B.7.d.4), Form of Guarantee; Art. 4.B.10.B.7.d.6), Submittal and Approval of Guarantee; Art. 4.B.10.B.7.d.7), Duration and Release; Art. 4.B.10.B.7.d.8), PBC Use of Guarantee; and, Art. 4.B.10.B.8.c, Enforcement.

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Notes:

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

Part 2. ULDC Art. 1.I.2, Definitions, (page 34 and 57 - 58 of 119), is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Delete duplicate definition of Agricultural Excavation in Article 1 as standard is already used in Art. 4.B.10, Excavation Uses.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

40. Agricultural Excavation - approval process for agricultural excavation is administered by ERM and PZB. Agricultural excavation in the WCAA are administered by ERM. Application procedures and requirements are in Art. 4.D.5.A, Agricultural Excavations.

[Renumber Accordingly]

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

For the purposes of Art. 4.B.10 and Art. 14.A respectively:

38. Excavate or Excavation - the extraction of minerals from the earth necessary to (1) construct a single family dwelling; or (2) support bona-fide agricultural production operations; or (3) to implement a final site development plan; or (4) any act wherein the earth is cut into, dug, quarried, uncovered, removed, displaced, or deliberately disturbed to create a temporary or permanent body of water, including the conditions resulting there from. Excavation excludes agricultural plowing, site grading, dry retention/detention, demucking and canal dredging in preparation for construction.

39. Excavation- displacement of soil or sand by the processes not limited to digging, dredging, scooping, or hollowing out.

Part 3. ULDC Art. 2.D.1.G.2.b.7), [Related to Agency Review Expedited Administrative Modifications], (page 41 of 87) is hereby amended as follows:

Reason for amendments: [Zoning]

- 1. Update Type 1B Excavation reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Modifications to Prior Development Orders

2. Expedited Administrative Modifications

b. Agency Review

- 7) Modifications to approved Type 1B Excavation; [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001]

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

Reason for amendments: [Zoning]

- 1. Update Type 1B Administrative Variance references to Type 1A and Type 1B Excavation to reflect revised article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type 1A and Type 1B Administrative Variances

D. Type 1B Administrative Variances

1. Residential Lots of Three Units or Less

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

....

- d. Relief from Excavation Standards (Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C, Type 1B Excavation) in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003]

Notes:

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**EXHIBIT O**

**EXCAVATION USES  
SUMMARY OF AMENDMENTS  
(Updated 10/25/16)**

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Part 5. .... Table 2.E.3.B - Time Limitation of Development Order for Each Phase, (page 58 of 87),  
is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning]
1. Update table footnotes to reflect use of Arabic numbers instead of Roman numbers when excavation types are referenced, for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.

**Table 2.E.3.B - Time Limitation of Development Order for Each Phase**

TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION <sup>4</sup>	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
....					
[Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-01] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2014-025]					
<b>Notes:</b>					
....					
2. From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type # <u>3</u> Excavation shall be established by a condition of approval.					
....					
5. The maximum number of phases and duration of each phase for a Type # <u>3</u> Excavation shall be established by a condition of approval.					
....					

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Part 6. Art. 2.G.3, Appointed Bodies, (pages 75 - 76 and 85 of 87), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning]
1. Update the power and duties of the Groundwater and Natural Resource Protection Board to reflect the changes proposed in Art. 1.B.1, related to ERM's Interpretations of Excavation Use Regulations.
2. Reflect use of Arabic numbers instead of Roman numbers for excavation types to be consistent with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
3. Clarify that the Director of ERM has the authority to review and approve, approve with conditions, or deny applications for Agricultural Excavations in the West County Agricultural Area (WCAA), pursuant to Art. 4.D.3.A, Agricultural Excavation. The provisions for Excavation Uses in Article 4 indicate that approvals for Agricultural Excavation outside of the WCAA, Type 2 Excavation and Type 3 Excavation are administered by both ERM and the PZB Department.

11 **CHAPTER G DECISION MAKING BODIES**

12 **Section 3 APPOINTED BODIES**

13 **F. Groundwater and Natural Resources Protection Board**

14 **2. Powers and Duties**

15 The GNRPB shall have the following powers and duties:

16 a. to hold hearings as necessary to enforce Article 14, Environmental Standards. ERM may refer alleged violations of Art. 14 Environmental Standards, and applicable Art. ~~4.D~~  
17 4.B.10, Excavation Uses, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021,  
18 Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and  
19 Prevention, Natural Areas, Ord. 1994-014 and Ord. 1993-003, Water and Irrigation  
20 Conservation as amended to the GNRPB, if there has been a failure to correct a violation  
21 within the time specified by the Code Inspector, if the violation has been repeated, or is of  
22 such a nature that it cannot be corrected; [Ord. 2006-004] [Ord. 2010-022]

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

1 Section 4 STAFF OFFICIALS

2
3 G. Development Review Officer (DRO)
4 3. Comments and Recommendations

5 a. The DRO may seek comments and recommendations from the following PBC
6 departments and divisions, as well as other local government and state government
7 agencies, as deemed appropriate by the DRO: [Ord. 2008-037]

8
9 15) Department of Environmental Protection (DEP) for Type III 3 Excavation. [Ord.
10 2008-037]

11
12 H. Director of ERM

13
14 2. Jurisdiction, Authority and Duties

15 In addition to the jurisdiction, authority and duties which may be conferred upon the Director
16 of ERM by other provisions of PBC Code and PBC Charter, the Director of ERM shall have
17 the following jurisdictions, authority and duties under this Code:

- 18 a. to review, consider and render interpretations to Article 14, Environmental Standards;
19 b. to review and approve, approve with conditions or deny applications for development or
20 permits for sea turtle protection and sand preservation, wetlands protection, wellfield
21 protection, upland vegetation preservation and protection, Agricultural Excavation in the
22 WCAA, water and irrigation conservation, stormwater pollution prevention, and other
23 ordinances as may be assigned by the BCC;

24
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26
27 Part 7. Art. 3, Overlays and Zoning Districts, (page 34 and 171 of 234), is hereby amended as
28 follows:

Table with 2 columns: Reason for amendments, [Zoning]
1. Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations.
2. Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

30 CHAPTER B OVERLAYS

31 Section 9 PBAIO, Palm Beach International Airport Overlay

32 E. Review Procedures
33 1. Industrial Rezoning in Residential FLUA Designations
34 b. Rezoning Criteria

- 35 3) Lands within the PBAIO that are ....
36 c) The following uses shall be prohibited: salvage junk yards, machine or welding
37 shops, hazardous waste facilities, solid waste facilities, bulk storage facilities,
38 transportation and multi-modal facilities, large-scale repair and heavy equipment
39 repair and service facilities, petroleum and coal-derivations-manufacturing and
40 storage facilities, heliports, helipads, airstrips, hangers and accessory facilities,
41 and Type III 3 Excavation. [Ord. 2004-051]

42
43 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

44 Section 2 Planned Unit Development (PUD)

45 G. RR PUD
46 1. Rural Residential
47 d. Option 1 – Rural Cluster
48 3) Development Area
49 a) Exception

50 Mitigation projects, excavation with jurisdictional wetlands, and excavation by
51 public agencies, as defined as exempt in Article 4.D, EXCAVATION 4.B.10,
52 Excavation Uses, and regional water management facilities certified by the
53 SFWMD, shall be permitted in open space areas.

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EXHIBIT O

EXCAVATION USES  
SUMMARY OF AMENDMENTS  
(Updated 10/25/16)

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Part 8. New ULDC Art. 4.B.10, Excavation Uses, is hereby established as follows:

Reason for amendments:	
1.	Consolidate all zoning district into one Use Matrix to improve ease of use and better delineate differences in approval processes for standards, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). Tables consolidated are as follows: Table 3.B.15.F, Infill Redevelopment Overaly (IRO) Permitted Use Schedule; Table 3.E.1.B, PDDs Use Matrix; Table 3.f.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.
2.	<a href="#">The changes shown here from previous version presented to LDRAB on June 24, 2015 are made to reflect amendments to the approval process done in Round 2015-02 through Ordinance 2016-016.</a>
3.	<a href="#">Amend the Use Matrix to indicate DRO approval for Type 1B Excavation in the Agricultural Reserve (AGR), Agricultural Preservation (AP) and Residential standard zoning districts to reflect the most restrictive approval process as contained in the Supplementary Use Standards.</a>
4.	<a href="#">Include footnote in the Use Matrix to ensure the users of this Code review the Supplementary Use Standards that are applicable to each use Type to determine whether the use is allowed in a particular zoning district or identify the approval process. Since the Use Matrix is intended to show the most restrictive approval process, some uses may be indicated as prohibited or with a specific approval process that may be further clarified in the Supplementary Use Standards that allows the use to be subject to a lower level of approval when specific provisions are met.</a>

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**CHAPTER B USE CLASSIFICATION**

**Section 10 Excavation Uses**

**A. Excavation Uses Matrix**

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**Notes:**

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

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Reason for amendments: [Zoning]
4. Reorganize Excavation Use provisions contained in Article 4 for consistency with the formatting established for the Use Regulations Project. This format presents the general standards applicable to all excavation types first, followed by specific standards for each excavation type.
5. Delete duplicated or redundant text already addressed by the section that contains it.
6. Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers through the entire Excavation Uses chapter. The change is done for consistency with construction of the Code.

B. Common Provisions and General Standards

Section 1. Purpose and Intent

The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

- Aa. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;
Bb. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;
Cc. encourage the use of economically feasible and environmentally sound mining and excavation practices;
Dd. preserve land values by ensuring that alteration of a parcel by non-commercial land excavation does not result in conditions that would prevent that parcel from meeting minimum land development requirements for other valid uses;
Ee. encourage the rehabilitation of commercially mined sites to other beneficial uses by promoting economical, effective and timely site reclamation;
Ff. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;
Gg. provide for the off-site disposal of excess extractive material provided that the excavation site is incorporated into the approval of a bona fide site development plan;
Hh. establish a regulatory framework of clear, reasonable, effective, and enforceable standards and requirements for the regulation of excavation, mining, and related activities; and
Ii. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

Section 2. Applicability

All mining and excavation activities that create a temporary or permanent body of water within unincorporated PBC shall comply with the regulations established in the Code and other State and Local requirements, as applicable.

Aa. Conflicting Provisions

To the extent in the event that provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Fish and Wildlife Conservation Commission, USACE, DEP, and ERM. [Ord. 2006-004] [Ord. 2013-021]

Bb. Previously Approved Development Orders

Applications for excavation and mining projects approved prior to September 25, 1996, may amend the certified site (excavation) plan pursuant to Article 2.D, Administrative Process, to comply with the standards enumerated below provided the standards do not conflict with Development Order conditions. All standards of each Section shall apply. Selective choice of standards shall not be permitted. The DRO may review and approve the excavation plan, pursuant to Article 2.D.1, Development Review Officer, provided the subject site complies with the compatibility criteria in Article 4.D.5.E.8.b 4.B.10.C.5.i.2), Type IIIA Excavations, and the technical standards in Article 4.D.8 4.B.10.B.7, Technical Standards, and provided there is no increase in the land area, excavated surface area, quantity of excavated material, or intensity as approved by the BCC in the original Development Order. Any increase shall require approval of a Development Order Amendment by the BCC pursuant to Article 2.B, Public Hearing Process. Applicable standards include:

Technical standards include:

- 1) Article 4.D.8.A 4.B.10.B.7.a, Operational Standards and Requirements;
2) Article 4.D.8.B 4.B.10.B.7.b, Construction Standards, excluding depth;
3) Article 4.D.8.C 4.B.10.B.7.c, Reclamation Standards;

Notes:

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

- 4) Art. 4.D.5.F.7.b Article 4.B.10.C.5.i 2)b)(3). Buffer; and,
5) Article 4.D.8.E 4.B.10.B.7.e, Maintenance and Monitoring.

Section 3. Excavation Types

Excavation or mining activities shall not be conducted unless such activities are deemed exempt or an approval has been issued in accordance with this Section. The types of excavation that are allowed are as follows:

Aa. Agricultural Excavation

Approval process for aAgricultural eExcavation is administered by ERM and PZB. Application procedures and requirements are subject to Art. 4.D.5.A Article 4.B.10.C.1, Agricultural Excavations. Agricultural eExcavation in the WCAA are administered by ERM. Application procedures and requirements are in Article 4.D.5.B 4.B.10.C.1.i, WCAA Excavations.

Reason for amendments: [Zoning]

7. Delete the reference that subjects Type 1A and 1B Excavations subject to the same requirements as Type 3 Excavation such as type of soil and operations plan. Type 1 Excavation types are applicable only to Single Family Home sites therefore the activities and impacts involved are not comparable with other types of excavation.

Bb. Type #1 Excavation

Two approval processes (Types 1A and 1B) are administered by PZB for excavations on single-family lots. Application procedures and requirements are in Article 4.D.6.A 4.B.10.B.5.a, Content of Application, and Article 4.D.6.B, Additional Application Requests for Type II, Type IIIA and Type IIIB.

Cc. Type #2 Excavation

The approval process for Type #2 excavation is administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6.B 4.B.10.B.5.b, Additional Application Requests for Type #2, Type #3A and Type #3B.

Dd. Type #3 Excavation

Two approval processes for commercial mining excavation activities (Type #3A and Type #3B) are administered by PZB and ERM. Application procedures and requirements are in Article 4.D.6. 4.B.10.B.5, Supplemental Application Requirements.

Section 4. Prohibitions and Exemptions

Aa. Prohibitions

Excavation and mining activities shall be prohibited in the following areas:

- 1) RR-20 FLU Designation.
2) The Pleistocene Sand Ridge.
3) An archeological site, unless approved and requested as a Class A Conditional Use.
4) Publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands.
5) Areas otherwise prohibited by this Section.

Bb. Exemptions

The following excavation activities shall be exempt from the requirements of this Section:

1) Existing Lakes

Existing mined lakes approved prior to June 16, 1992 that have a valid Development Order which complies with the criteria below shall be exempt from the requirements of this Section. If an amendment is proposed that deviates from the original approval, then a Development Order Amendment shall be requested pursuant to Article 2.B, Public Hearing Process, and shall comply with the provisions in Article 1.F, Nonconformities. [Ord. 2010-022]

- a) Regulated by a National Pollutant Discharge Elimination System Permit; or
b) Regulated by a Florida Department of Environmental Protection (DEP) industrial wastewater operation permit; or
c) Located within an approved residential, commercial, industrial or mixed-use development and function as a stormwater management facility pursuant to:
(1) A surface water management construction permit issued by the SFWMD; or,
(2) A conceptual permit issued by the SFWMD that delineates proposed littoral slopes of the excavated lake(s) conducive for planting; or
(3) An applicable Land Development Permit depicting proposed littoral and upland slopes of a mined lake. As long as the existing excavated lake continues to meet the water quality standards contained in Chapter 62-302, F.A.C. [Ord. 2010-022]

2) Pools

Swimming pools, pursuant to Article 5.B, Accessory and Temporary Uses.

3) Small Ponds

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- 1 Ponds accessory to a principal use, such as lily ponds, goldfish ponds, reflecting  
2 ponds, and other small ornamental water features with a maximum depth of four feet  
3 OWL and not exceeding 500 square feet in surface area.
- 4 **4). Cemeteries**  
5 Burial plots in approved cemeteries.
- 6 **5). R-O-W**  
7 Excavation in a road R-O-W, when the road is under construction. To qualify for this  
8 exemption, excavation shall be performed by PBC, the FDOT or any Water Control  
9 District created by special act to operate under FS. Ch. 298.(95) Excavation activity  
10 located outside the R-O-W boundary, performed to accommodate roadway drainage,  
11 and which creates a permanent open body of water for a period of 180 days or more,  
12 shall comply with the standards of a Type ~~H2~~ excavation in Article ~~4.D.5.D~~  
13 ~~4.B.10.C.4~~, Type ~~H2~~ Excavation.
- 14 **6). Utilities**  
15 Excavations necessary for the installation of utilities, including septic systems.
- 16 **7). Man-made Drainage Structures**  
17 The repair, reconstruction and maintenance of existing non-tidal man-made canals,  
18 channels, control structures with associated riprap, erosion controls, intake  
19 structures, and discharge structures, provided:  
20 a). All spoil material is deposited directly to a self-contained upland site, which will  
21 prevent the release of material and drainage from the spoil site into surface  
22 waters of the State;  
23 b). No more dredging is performed than is necessary to restore the canal, channels,  
24 and intake, and discharge structures to original design specifications or as  
25 amended by the applicable permitting agency; and  
26 c). Control devices in use at the dredge site that prevent the release of turbidity,  
27 toxic, or deleterious substances into adjacent waters during the dredging  
28 operation.
- 29 **8). WCAA Canals**  
30 Canals of conveyance located in the WCAA which require permits from SFWMD or  
31 DEP, provided the permitted project does not exceed 15 feet in depth from OWL.
- 32 **9). Mitigation Projects**  
33 Mitigation projects permitted by SFWMD, DEP, or ERM, pursuant to F.S. Chapters  
34 403 and 373, and Chapter 62-312, F.A.C., as amended, and ~~Art.~~ Article 14,  
35 Environmental Standards, including projects approved to implement an adopted  
36 Surface Water Improvement & Management (SWIM) plan, provided the permitted  
37 project depth does not exceed 20 feet from OWL or 15 feet from OWL in the WCAA.  
38 Projects proposed to exceed these depths shall comply with Article ~~4.D.6~~ 4.B.10.B.5,  
39 Supplemental Application Requirements, the administrative waiver requirements of  
40 Article ~~4.D.9~~ 4.B.10.B.8, Administration and Enforcement, and the technical  
41 standards of Article ~~4.D.8.A~~ 4.B.10.B.7.a, Operational Standards and Requirements,  
42 Article ~~4.D.8.B.1~~ 4.B.10.B.7.b.1), Separation, Article ~~4.D.8.B.2~~ 4.B.10.B.7.b.2),  
43 Slopes, Article ~~4.D.8.C~~ 4.B.10.B.7.c, Reclamation Standards, and Article ~~4.D.8.D~~  
44 4.B.10.B.7.d, Performance Guarantee Requirements.
- 45 **10). Wetlands**  
46 Excavation activities within jurisdictional wetlands that have been issued permits  
47 pursuant to Wetlands Protection requirements or have been issued a permit for  
48 wetland impacts through the Environmental Resource Permit (ERP) process by DEP,  
49 USACE, SFWMD, or any other agency with ERP delegation for PBC. **[Ord. 2006-**  
50 **004]**
- 51 **11). Agricultural Ditches**  
52 Agricultural ditches supporting vegetation production which meet the standards of  
53 bona fide agriculture (i.e. groves, row crops, hay, and tree farming) constructed solely  
54 in uplands that are less than six feet in depth from OWL. These ditches shall not  
55 connect to canals of conveyance or waters of the State without the appropriate  
56 Federal, State, and Local approvals and permits.
- 57 **12). De Minimis Impact**  
58 Those projects for which ERM and PZB approval is necessary and both departments  
59 determine that there will be no significant adverse environmental or land use impacts.  
60 A de minimus determination from one agency does not constitute approval by the  
61 other.
- 62 **13). Canals of Conveyance**  
63 Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM  
64 pursuant to Wetlands Protection requirements. **[Ord. 2006-004]**
- 65 **14). Excavation by Public Agencies**

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- 1 a) Excavation performed by or special districts created by special legislative act
2 governed by the BCC, provided such excavation complies with the following:
3 [Ord. 2008-037]
4 (1) solely under the jurisdiction, authority, and control of PBC, or the applicable
5 district. [Ord. 2008-037]
6 (2) completed, operated, and maintained in perpetuity by PBC, or the applicable
7 special district, [Ord. 2008-037]
8 (3) an official part of the operation and function of PBC, or the applicable special
9 district. [Ord.2008-037]
10 (4) In order to be exempt under this provision, the PBC Department or applicable
11 district shall: [Ord. 2008-037]
12 (a) schedule and conduct a public hearing; the notice of the public hearing
13 shall be published at least seven days prior to the hearing, in a
14 newspaper of general circulation,
15 (b) provide written notice of the intent to engage in excavation activities
16 subject to a permit issued by the SFWMD or the FDEP to the Executive
17 Director of PZB and the Director of ERM at least 30 days prior to the
18 commencement of construction activity, and, [Ord. 2008-037]
19 (c) provide written notification of the public hearing required by this
20 subsection above to the Executive Director of PZB and the Director of
21 ERM at least 30 days prior to the public hearing.
22 (5) For excavations greater than the maximum depth listed in Article 4.D.5.A.2
23 4.B.10.C.1.c and Article 4.D.5.B.6 4.B.10.C.2.g, the chloride and TDS
24 requirements shall apply. [Ord. 2008-037]
25 b) Excavations, Canals, Impoundments
26 Excavations, canals, impoundments, regional stormwater treatment areas, and
27 related projects to enhance water quality, water supply, environmental quality,
28 and natural resources operated by the SFWMD, ACOE, or water control districts
29 or improvement districts created pursuant to F.S. Chapter 298 and within PBC.
30 [Ord. 2008-037]

Section 65. Supplemental Application Requirements

Aa. Content of Application

All Type 1B, Type 2, Type 3A and Type 3B excavations shall supplement the applicable application requirements with the material and information listed below:

1) Statement

Application listing the nature of the excavation operation, including but not limited to the:

- a) amount and type of materials to be excavated;
b) duration of the excavation activity and reclamation activity;
c) the proposed method of excavation;
d) the amount of fill to remain on site;
e) if permitted, the amount of fill to be removed from site; and
f) intent to comply with Article 9.A, Archaeological Resources Protection.

2) Site Plan

A site plan depicting:

- a) Boundaries, dimensions and acreage of the site and excavated surface area(s);
b) All existing and proposed improvements including easements, streets, weigh stations, and other structures;
c) Setbacks and separations;
d) Preservation areas;
e) Water table elevations, including Ordinary Water Level.

Reason for amendments: [Zoning - ERM]
8. Delete Vegetation Permit and Aerial standards applicable to excavation types 1B, 2, and 3. Vegetation permits, known now as vegetation approvals are regulated by Art. 14.C, Vegetation Preservation and Protection. Aerials are no longer necessary as they are now on-file.

3) Vegetation Permit

A vegetation permit application pursuant to Article 14.C, Vegetation Preservation and Protection.

4) Aerial

An aerial at a scale of 1:200 or better, clearly depicting the site and phase lines.

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Table with 2 columns: Reason for amendments, [Zoning - ERM]. Row 9: Type 2 Excavations are not be subject to the same application requirements as Type 3 Excavations. Row 10: Consolidate sections of the Code that contain application requirements applicable to Type 3 Excavation.

Bb. Additional Application Requests for Type II, Excavation Type III3A and Type III3B

All applications for Type II, Type III3A and Type III3B excavations shall require the additional information listed below.

1) Soil Statement

A statement certified by an engineer indicating the type of soils to be excavated and that the soils are suitable for road or structural fill construction or the soil contains excessive amounts of silt, rock, or muck.

2) Site Plan

A site plan depicting:

- a. Article 4.D.8.A 4.B.10.B.7.a, Operational Standards and Requirements, as applicable; and
b. Equipment storage, and stockpile areas, including sizes and heights; and
c. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material. [Relocated from below Art. 4.B.10.B.5.c.1)a), Additional Application Requests for Type 3A and Type 3B]

3) Landscape Plan

A landscape plan indicating the buffers and reclamation planting required.

4) Cross Sections

Cross Sections delineating compliance with the following requirements, as applicable:

- a) Article 4.D.8.B, 4.B.10.B.7.b, Construction Standards;
b) Article 4.D.8.C 4.B.10.B.7.c, Reclamation Standards; and
c) Buffer details.

5) Operations Plan

An operations plan shall be submitted in the form of a statement and include the methods of material extraction, on site processing, including erosion and sediment control methods, and particulate matter control. The plan shall also delineate how impacts from hauling operations will be controlled.

Reason for amendments: [Land Development]

11. Relocate Radius of Impact definition to a section that currently contains the terminology instead of keeping it under an unrelated standard that is being proposed to be deleted.

6) Haul Route Plan

A map indicating all possible proposed haul routes within the radius of impacts as defined in Article 4.D.5.E.6, Use Approval and Procedures. Radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector street. [Partially relocated from Art. 4.B.10.B.7.a.10).b), Permit Required]

Cc. Additional Application Requests for Type III3A and Type III3B

All applications for Type III3A and Type III3B Excavation shall require the additional information listed below.

1) Site Plan

A site plan depicting:

- a. Location of grading, sorting, crushing and similar equipment necessary for the operation and distribution of excavated material. [Relocated above to Art. 4.B.10.B.5.b.2), Site Plan (Related to Additional Application Requests for Excavation Type 3A and Type 3B)]

2) Additional Information

a) Report Schedule

Report Schedule, pursuant to Article 4.D.8.E 4.B.10.B.7.e, Maintenance and Monitoring.

b) Location Map

Surrounding uses map depicting the location of the outer boundary of area to be excavated and distances to surrounding land uses; including all residences within

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the applicable specified distance in the separation standards in Article ~~4.D.5.E.8~~  
4.B.10.C.5.i, Compatibility Standards.

**c). Phasing Plan**

A phasing plan and tabular data depicting acreage, location, sequence of operations and schedule of reclamation requirements.

**d). Tree Survey**

A tree survey, as required by Article ~~4.D.8.C.4.d~~ 4.B.10.B.7.c.4)d), Calculating Planting Requirements.

**Section 76. Notice of Intent to Construct**

All applications for Agricultural, WCAA, Type ~~42~~ excavation, and Type ~~43~~ mining activities shall submit a Notice of Intent to Construct in accordance with the provisions below:

**Aa. Notice of Intent**

Prior to commencement of any on-site excavation or mining activities, a Notice of Intent to Construct shall be submitted to and receive written approval from ERM.

**Bb. Contents of Notice of Intent to Construct**

The following information shall be included with the completed Notice of Intent to Construct form:

- 1). paving and Drainage plans, if applicable;
- 2). preliminary plat, if applicable, and restrictive covenant, pursuant to Article ~~4.D.8.C.5~~ 4.B.10.B.7.c.5), Area of Record;
- 3). Article ~~4.D.8.C.3~~ 4.B.10.B.7.c.3), Littoral Planting Reclamation Standard; **[Ord. 2005 – 002]**
- 4). Master Plan, showing all phases of development, if applicable; and, **[Ord. 2005 – 002]** Items 1 and 2 (preliminary plat) shall be signed and sealed by a certified engineer or surveyor as applicable, recognized and approved by the Florida Department of Professional Regulation (FDPDR).
- 5). methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application. **[Ord. 2005 – 002]**

**Cc. Agriculture Excavation**

All Agricultural and WCAA excavation shall submit a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms.

**Dd. Type ~~43~~ Exceptions**

A Type ~~43~~ application shall include documentation of an approved for Class A Conditional Use pursuant to Article 2.B, Public Hearing Process.

**Reason for amendments:** [Land Development]  
12. Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.

**Ee. Written Approval**

ERM shall issue a written approval to the applicant within 30 days upon receipt of a Notice of Intent to Construct and appropriate fee with all information necessary to demonstrate that the provisions of this Section will be met, and confirmation by ~~The~~ the Land Development Division that all necessary ~~haul permits~~ approvals for County R-O-Ws have been issued.

**Section 87. Technical Standards**

**Aa. Operational Standards and Requirements**

All excavation types shall comply with the following operational standards, unless specifically exempt or prohibited pursuant to this Section.

**1). Hours of Operation**

All excavation and hauling activity, except dewatering, shall only occur between the hours of 7:00 A.M. and 7:00 P.M. Monday through Friday, unless otherwise specified in this Section.

**2). Objectionable Odors**

The excavation activity shall be conducted in such a manner as to prevent the occurrence of odors which can be detected off the premises.

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EXHIBIT O

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- 3) Emission of Fugitive Particulate Matter**  
Excavation operations, including hauling activity, shall be conducted to prevent the emission of dust or other solid matter into the air or onto adjacent properties pursuant to the smoke, emissions and particulate matter provisions in Article 5.E, Performance Standards, and Rule 62-296, F.A.C.
- 4) Existing Topsoil**  
Where feasible, existing topsoil shall be stored and redistributed on site to provide adequate growing conditions for the revegetation of plant species. Where such storage is not feasible, the area shall be restored with soil of an equal or better quality than that of the excavated topsoil and be redistributed to provide adequate growing conditions.
- 5) Equipment Storage, Maintenance and Service Areas**  
Equipment storage, maintenance and service areas shall be setback a minimum 200 feet from all property lines abutting a residential district or use. The equipment storage area shall be designed such that noise generated by the equipment is muffled in order to comply with the noise performance standards in Article 5.E, Performance Standards.
- 6) Regulated Substances**  
All storage and use of regulated substances shall comply with local, state, and federal regulations. All regulated substance dispensing areas shall comply with Best Management Practices. Any spill of any regulated substance shall be reported to the PBCHD within one hour and to ERM within one hour or at the beginning of the next business day.
- 7) Dewatering**  
Dewatering shall not be allowed unless permitted by a State agency, Federal agency, the SFWMD, or the dewatering operation is in compliance with conditions of F.A.C. 40E-20.302(3). If dewatering is permitted, pumps shall be located, submerged, buried, or encased in an insulated structure in order to comply with the noise standards in Art. 5.E, Performance Standards. **[Ord. 2005 – 002]**
- 8) Access to Public Prohibited**  
Signs shall be posted prohibiting access to the general public while excavation and reclamation activity is being conducted.
- 9) Retail Sale of Material**  
The retail sale of excavated material shall not be permitted on site.

**Reason for amendments:** [Land Development]

13. Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.

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- 10) Hauling Standards**
  - a) General**
    - (1) All trucks hauling material from sites that permit off-site removal shall be covered to prevent debris and fill from spilling onto the roadway.
    - (2) The hauler shall employ measures acceptable to the PBCHD, and any applicable road maintenance authority, to ensure that roads are properly maintained and kept free of fugitive particulate matter.
    - (3) The BCC may require special conditions, including, but not limited to:
      - ~~a) construction of turn lanes and other roadway improvements necessary to provide safe traffic movement;~~
      - ~~b) requirement to obtain a haul permit from the DEPW in accordance with the procedures herein.~~
    - (4) All vehicles used to haul excavated material shall use the approved haul routes. Vehicles shall not use local residential streets to access arterial or collector streets.
  - ~~b) Permit Required~~  
~~The BCC may require that the petitioner obtain a haul permit for all streets within the radius of impact, except for arterial or collector streets. For the purpose of this Section, radius of impact is defined as the primary street system commencing at the access point of the excavation site and extending out along all streets in all directions to the closest arterial or plan collector street. [Partially relocated to Art. 4.B.10.B.5.b.6), Haul Route Plan]~~
  - ~~c) Contents of Application~~  
~~A haul permit application shall include, but not be limited to, the following:~~

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EXHIBIT O

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- ~~1) the name and address of the applicant and owners of the property;~~
- ~~2) the legal description of the property;~~
- ~~3) a map showing all haul routes from the excavation site to the nearest major non-residential streets; and~~
- ~~4) any other material as required by the Director of Land Development as deemed reasonable and necessary to evaluate the application.~~

**d. Guarantee Required**

~~A guarantee for road maintenance and repair shall be required and shall be released as set forth in Article 4.D.8.D, Performance Guarantee Requirements, for all affected streets as required herein.~~

**e.b) Street Condition Assessment Executed Agreement**

~~The haul permit application shall include BCC or the County Engineer may require an executed agreement between the applicant and the County Engineer and other applicable road maintenance authorities documenting and assessing which may include but not be limited to documentation of the existing conditions of the streets within the radius of impact, as defined in Art. 4.B.10.B.5.b.6), Haul Route Plan. The assessment agreement shall include a description of the hauling operations including but not limited to the number of trips (as approved in the original Development Order), duration of excavation and hauling activity, truck size and weights and the existing conditions of all possible streets designated as haul routes, as well as any requirements for periodic inspections, financial guarantees and the applicant's other responsibilities.~~

**f. Designation of Haul Routes**

~~Proposed haul routes shall have adequate structural strength to accommodate level of proposed trucking activity. Construction of turn lanes and improvements to the roadways may be required to accommodate the level of proposed truck activity. The proposed route and hours of travel shall be approved based on the size and nature of the excavation operation and the type of trucks involved.~~

**g. Issuance of a Haul Permit**

~~A haul permit with designated haul routes shall be obtained from the Land Development Division prior to issuance of written approval by ERM of the applicant's Notice of Intent to Construct.~~

**h. Periodic Inspections**

~~Every six months, for the duration of the project, commencing on the date that original agreement was executed, the applicant shall schedule an inspection with the County Engineer and/or all applicable road maintenance authorities to evaluate and document road deterioration and needed repairs. The County Engineer or applicable road maintenance authority may request a periodic inspection at any time, if deemed necessary to assess the condition of the street or if repairs are needed to ensure the safety of the public.~~

**i. Responsibility of Applicant**

~~It shall be the applicant's responsibility to maintain all minor non-residential streets in a safe, operable condition, as determined by the County Engineer, for the duration of the project. In addition, when the excavation activity is completed, the applicant shall restore the streets to its original condition or to a better condition, which existed at the time excavation activity commenced.~~

**11). Phasing**

In the event the excavation activity is conducted in phases, the phasing plan required by Article ~~4.D.8.A~~ **4.B.10.B.7.a**, Operational Standards and Requirements, shall be subject to Article 2.E, MONITORING, Table 2.E.3.B, Time Limitation of Development Order for Each Phase, and the requirements in Article ~~4.D.8.C~~ **4.B.10.B.7.c**, Reclamation Standards. All excavation types, except Type ~~III~~**3A** and Type ~~III~~**3B** shall comply with Article 2.E, MONITORING, which limits the project to two primary phases for the purposes of monitoring commencement of the Development Order. Additional sub-phases may be permitted for each primary phase for the purposes of conducting the excavation activity in accordance with this Section. For Type ~~III~~**3A** and Type ~~III~~**3B** excavations, the number of phases and the duration of each phase shall be established as a condition of approval. When establishing the condition of approval for the number and duration of each phase, the BCC shall consider the size of the proposed excavation project, existing and proposed surrounding land uses, surrounding FLU designations, and other pertinent information.

**12). Sound Insulation**

All machinery, heavy equipment and vehicles utilized for excavation and hauling purposes shall be equipped with double mufflers to reduce airborne noise caused by excavation operations.

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**Bb. Construction Standards**

All excavation types shall comply with the following construction standards, unless exempt.

**1) Separation**

Separations shall be measured from the top of bank of the nearest excavated area to the property line or designated area in any given direction as defined below: Excavation shall not be constructed within:

- a) wellfield Zone 1 or 300 feet from a public water supply well, whichever is more restrictive;
- b) 200 feet from a wetland or in a wetland, unless approved by ERM;
- c) 300 feet from a Class ~~H1~~ or Class ~~H2~~ Landfill;
- d) 300 feet from a site with known contamination;
- e) 100 feet from a septic system or sanitary hazard;
- f) 100 feet from a potable water well, except for Type ~~H1~~A and Type ~~H1~~B excavations; or
- g) 200 feet from publicly owned conservation areas, publicly owned preservation areas or environmentally sensitive lands, unless approved by ERM.

**2) Slopes**

**a) Slope Angle**

Slopes for all excavation types with unplanted littoral zone areas shall be no steeper than four feet horizontal to one foot vertical to a minimum depth of minus two feet OWL. Slopes below the minus two feet depth shall not exceed two feet horizontal to one foot vertical or the natural angle of repose for the specific conditions encountered. Grades and slopes shall be constructed in such a manner as to minimize soil erosion and to make the land surface suitable for revegetation. The slopes shall be adequately vegetated with appropriate ground cover from top of bank to edge of water within 30 days of final grading and thereafter maintained to prevent wind and water erosion.

**b) Slope for Planted Littoral Zones**

The slope for excavation with planted littoral zone areas shall be no steeper than ten feet horizontal to one foot vertical to a distance of five feet waterward of the designated planted littoral zone area. Shallower slopes are encouraged to promote greater success of the littoral zone plantings. A copy of the record drawings certified by a surveyor or engineer recognized and approved by FDPR shall be submitted to ERM within 30 days following completion of slope construction.

**(1) Inspection**

Within 48 hours prior to completion of construction of the required slopes for the planted littoral zones, notification to ERM is required in order to schedule a slope inspection.

**c) Drainage**

Overland sheet flow directly into an excavated area shall be minimized. Those areas within a maximum of 50 feet of the excavated lake may discharge run-off to the lake. This restriction shall not apply to any catchment area discharging runoff to a lake designated as a water management tract and incorporated in an approved stormwater management plan for treatment and control of runoff from a development site, where the boundaries of said catchment are delineated on an approved plan.

**3) Final Site Conditions**

No sharp declivities, pits, depressions, or debris accumulation shall remain after reclamation. Final grading shall conform to the contour lines and grades on the approved reclamation plan.

**Cc. Reclamation Standards**

**1) General**

**a) Types of Reclamation**

Four types of reclamation standards are defined below. Reclamation standards vary based on the type of excavation activity as set forth in Article ~~4-D~~ 4.B.10, Excavation Uses.

**(1) Excavated Area**

This area includes the depth of a lake and all slopes waterward of the top of bank, excluding littoral plantings.

**(2) Littoral Planting**

This area includes all plantings waterward from edge of OWL or plus one (+1) OWLs.

**(3) Upland**

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This area includes the land area landward of the top of bank and requires that a minimum area of land be maintained or created around the perimeter of an excavated area to preserve future use of the land.

**(4) Upland Planting**

This area includes all plantings landward of the top of bank and requires stabilization of soil and re-establishment of native upland vegetation.

**2) Excavated Area Reclamation Standard**

All slopes shall be reclaimed in accordance with Article ~~4.D.8.B~~ 4.B.10.B.7.b, Construction Standards, and in Article ~~4.D.8.C~~ 4.B.10.B.7.c, Reclamation Standards. Areas not required to be stabilized with littoral plantings shall be stabilized and planted with appropriate ground cover from top of bank to the edge of the water. If seeding is used, a minimum of 50 percent coverage shall be required. The depth of the lake and side slopes shall be comply with Article ~~4.D.8.B~~ 4.B.10.B.7.b, Construction Standards.

**3) Littoral Planting Reclamation Standard**

All Agricultural (excluding WCAA), Type ~~H2~~ and Type ~~H3~~ Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural.

**[Ord. 2006-004]**

**a) Planted Littoral Zones**

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM or any other agency with wetland jurisdiction. **[Ord. 2005 – 002]**

**[Ord. 2006-004]**

**b) Vertical Walls**

Vertical walls, bulkheads or other means of hardening the shoreline may be allowed, however, for each linear foot of vertical wall, an additional eight square feet of planted littoral zone shall be required. Thus every linear foot of vertical wall shall require 16 square feet of planted littoral zone to be planted.

**c) Planting Requirements**

The littoral zone shall be provided with a minimum of six inches of a sand topsoil mix to promote vegetative growth for those areas that do not have adequate soil conditions to ensure plant survivorship. The littoral zone shall be planted with at least five species of appropriate native wetland vegetation, with an average spacing of two feet on center or as approved by ERM. The design and species used shall be such that the plants have an anticipated minimal 80 percent coverage. This criterion shall be met from the 180-day monitoring period, and in perpetuity. The Director of ERM shall maintain a list of acceptable plant species for use in their appropriate elevations within the littoral zones. The list may be amended for general application as more information becomes available. The list shall be open for public inspection and distribution.

**d) Timing of Planting**

Planting of the excavated lake or pond shall occur no later than immediately prior to the issuance of the first certification of occupancy for any lot adjacent to or abutting the bank of that lake. ERM may approve in writing a phasing plan for planting large single lake systems or interconnected multi-lake systems that would allow lake planting to be phased. At all times, applicant is responsible for minimizing erosion of the littoral shelves until the planting is completed. ERM shall be notified within 48 hours prior to completion of the littoral zone planting.

**e) Littoral Planting Plans**

The plans shall detail the species and numbers of plants to be used, the location and dimensions of the littoral areas, including any compensatory littoral areas, if applicable; typical cross ~~S~~section of planted littoral zones from lake maintenance easements to the maximum depth of the lake; the location and dimensions of any

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structure for which a compensatory littoral area is required; the methods for planting and ensuring survival of the plants; and other reasonable information required by the Director of ERM.

Projects which are proposed to be conducted in phases, shall include plans which delineate the phases of excavation and shall include guarantees for each phase.

The signatory of the plans and specifications shall have a personal familiarity with the site and soil conditions based upon a field review.

4) Upland Reclamation Standards

Upland reclamation standards apply to Type #2 and all Type #3 excavations only.

a) Reclamation Plan

(1) General

A site reclamation plan shall be submitted as an integral part of the application for a Type #2 or Type #3 excavation and shall be approved by DRO prior to commencement of work. Reclamation is required to ensure a viable end use for the excavation site. The plan shall demonstrate compliance with the requirements in Article 4.D.8 4.B.10.B.7, Technical Standards, except for the littoral planting plan which has its own application submittal requirements. However, the reclamation plan submitted to DRO shall indicate the littoral planting areas.

(2) Type #2 Excavation

The certified final site development plan shall function as the standards required for the final development plan.

(3) Type #2 Excavations Exceeding Off-Site Removal Limitations

As set forth in Article 4.D.5.D-4.B.10.C.4, Type #2 Excavation, shall be classified as a Type #3A Excavation when the applicant proposes to remove more than ten percent of the fill off-site. Notwithstanding final site plan certification, the final site development plan shall function as the reclamation plan and planting requirements shall be met in accordance with the landscape requirements for the final site development plan. In such cases, the BCC may waive all or modify a portion of the explicit upland reclamation planting requirements defined below based on the ultimate use of the site. The BCC may require that the upland reclamation plantings defined below be incorporated into the open space pedestrian system as defined on the final site development plan.

(4) Type #3 Excavations

The reclamation plan for a Type #3 excavation shall comply with the upland reclamation standards in this Section.

b) Perimeter Reclamation

At a minimum, 75 percent of the perimeter of the excavated area shall have a width of 180 feet; and the remaining 25 percent shall have a width of 100 feet. All disturbed and reclaimed areas shall be planted or seeded with a permanent native ground cover to reduce the loss of topsoil due to water and wind erosion, to provide adequate growing conditions for reclamation planting requirements and to prevent the establishment of prohibited plant species.

c) Timing of Upland Reclamation

Reclamation shall occur immediately following the end of excavation or immediately following each phase of excavation, whichever occurs first. Upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the next phase of excavation may commence upon written authorization by DRO. The applicable guarantee must be on file prior to authorization for the commencement of excavation on any subsequent phase.

(1) Timing of Planting

If excavation activity is phased, planting shall occur at the completion of each phase. Planting of the reclaimed upland area should occur during the rainy season (June-October), within six months after completion of the excavated area or phase thereof, as applicable. The property owner shall ensure that proper watering and maintenance occurs in order to ensure a successful survival rate. If planting does not occur during the rainy season, then the property owner shall provide irrigation to establish the new plantings. PZB shall be notified 48 hours prior to completion of the upland plantings.

d) Calculating Planting Requirements

In addition to the buffer requirements in Article 4.D.5.E 4.B.10.C.5, Type #3 Excavations, the following upland planting requirements shall apply.

(1) Sites Supporting Native Vegetation

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1 Calculations to determine the reclamation planting requirements for sites  
2 supporting native vegetation shall be based on the existing tree cover.  
3 Controlled or prohibited species shall be exempt from this calculation. In  
4 addition, any tree species located within the required perimeter buffer area  
5 shall also be exempt. If no vegetation exists, the applicant shall demonstrate  
6 that the site was cleared before 1986 or has been issued and has complied  
7 with a vegetation removal permit.

8 A certified tree survey shall be submitted by either a landscape architect,  
9 forester, land surveyor, or engineer who is registered in the State of Florida.  
10 This count shall include all existing on-site native trees with a trunk diameter  
11 three inches or greater to be measured at four and one-half feet above the  
12 ground. The number of existing trees meeting this criterion shall then be  
13 divided by the total number of acres to obtain a tree-per-acre figure. The  
14 number of replacement trees to be planted at the time of final site  
15 reclamation shall be determined by multiplying the trees-per-acre figure by  
16 the number of required reclaimed land acres remaining at the time of final  
17 site reclamation. Credit shall be given by PZB for existing trees greater than  
18 three inches in diameter which are relocated and/or adequately protected  
19 during excavation. Any trees relocated and/or protected shall be deducted  
20 from the replacement tree count requirement. The trees to be replanted shall  
21 be native and a minimum eight feet high. In addition, two understory 18 inch  
22 high seedlings shall be planted for each tree required to be planted.

**e) Upland Planting Reclamation Standards**

The upland reclamation plantings may be clustered in one area of the reclaimed  
upland area or dispersed throughout the reclaimed upland area. No minimum or  
maximum area is required, except as a condition of approval, as long as the  
vegetation is planted in accordance with standards set forth in Article 7.F,  
Perimeter Buffer Landscape Requirements, and Article 14.C, Vegetation  
Preservation and Protection. A minimum of five native plant species shall be  
used to fulfill the planting requirements. The design and species used shall be  
such that the plants have an anticipated minimal survival rate of at least 80  
percent at the end of each monitoring period.

**f) Plan Requirements**

The upland reclamation planting plan shall be submitted to the DRO  
simultaneously with the application for the final site plan.

- (1) The signatory of the plans and specifications shall have personal familiarity  
with the site and soil conditions based upon a field review. The plans shall be  
signed and sealed by a professional Landscape Architect certified by the  
Florida Department of Professional Regulation.
- (2) At a minimum, the plans shall detail the location, species and numbers of  
plants to be used, and the methods for planting and ensuring survival of the  
plants, and other reasonable information required by ERM.

**g) Phased Projects**

In the event that upland reclamation is to be conducted in phases, the following  
additional requirements shall apply:

- (1) A phasing plan shall be submitted indicating:
  - (a) exact acreage of each phase;
  - (b) proposed duration of excavation and reclamation of each phase; and,
  - (c) number of trees to be planted.

**5) Area of Record**

All reclaimed littoral and upland planting areas shall be identified graphically and in  
writing on a separate restrictive covenant. The graphic shall be signed and sealed by  
a ~~C~~certified engineer or surveyor as applicable, recognized and approved by the  
FDPR. If a plat is required, pursuant to Article 11, SUBDIVISION, PLATTING, AND  
REQUIRED IMPROVEMENTS, all planted littoral zones and upland reclamation  
planting areas shall be identified by reference to the restrictive covenant. The plat  
and restrictive covenant shall be reviewed and approved by the Zoning Division,  
ERM, and the County Attorney's office prior to recordation. A copy of the plat, if  
applicable, and recorded restrictive covenant shall be provided to ERM and PZB,  
prior to issuance of written approval of the Notice of Intent to Construct. Within 30  
days following plat recordation, a copy of the recorded plat shall be provided to ERM  
and Zoning Division.

The littoral area and reclaimed upland planting area shall be specifically and  
separately reserved to the owner, or if applicable, to the property owners' association  
as its perpetual maintenance responsibility, without recourse to PBC or any other

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1 governmental entity or agency. The plat, if applicable, restrictive covenant and  
2 property owners' association documents, shall contain the following statement:  
3 It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and  
4 approvals to alter the approved slopes, contours, or cross sections or to chemically,  
5 mechanically, or manually remove, damage or destroy any plants in the reclaimed  
6 areas and planted littoral zone except upon the written approval from the Director of  
7 ERM or Zoning, as applicable. It is the responsibility of the owner or property owners  
8 association, its successors or assigns, to maintain the required survivorship and  
9 coverage of the reclaimed upland and planted littoral areas and to ensure on-going  
10 removal of prohibited and invasive non-native plant species from these areas.  
11

<b>Reason for amendments:</b> <u>Land Development</u>
14. Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof

- 12  
13 **Dd. Performance Guarantee Requirements**  
14 **1) General**  
15 ERM shall administer guarantee requirements for the excavated area and littoral  
16 plantings. The Zoning Division shall administer guarantee requirements for reclaimed  
17 upland area, and upland plantings. The Land Development Division shall administer  
18 guarantee requirements associated with road maintenance and repair of haul routes  
19 if required by the BCC or County Engineer ~~e~~Executed ~~e~~Agreement pursuant to Art.  
20 4.B.10.B.7.a.10)b), Executed Agreement.  
21 **2) Guarantees Required**  
22 The guarantees for phased projects may be bonded separately with approval by the  
23 DRO.  
24 **a) Agricultural and Type ~~H2~~ Excavations**  
25 Agricultural and Type ~~H2~~ ~~e~~Excavations shall be required to provide a guarantee  
26 for the littoral zones. If approved as a Class A conditional use, guarantees ~~shall~~  
27 may also be required for the excavated area, upland reclamation (excluding  
28 upland plantings) and roadway maintenance and repair.  
29 **b) Type ~~H3~~ Excavation**  
30 Approval of at least five guarantees shall be required for Type ~~H3~~ ~~e~~Excavations:  
31 (1) excavated areas;  
32 (2) reclaimed upland areas;  
33 (3) upland planting areas; and,  
34 (4) littoral zones; ~~and,~~  
35 ~~5c) Approval may be required for Type 3 Excavation for road maintenance and repair~~  
36 ~~when a haul permit is required in accordance with Article 4.D.8.A, Operational~~  
37 ~~Standards and Requirements.~~  
38 **3) Execution**  
39 The performance guarantee shall be executed by a person or entity with a legal or  
40 financial interest in the property. Transfer of title to the subject property shall not  
41 relieve the need for the performance guarantee. The seller shall maintain, in full force  
42 and effect, the original performance guarantee until it is replaced by the purchaser.  
43 **4) Form of Guarantee**  
44 The guarantee shall assure the project performs as approved by the BCC and in  
45 accordance with the standards of this Code. The guarantee shall take the form of:  
46 a) A cash deposit or certificate of deposit assigned to PBC;  
47 b) An escrow agreement for the benefit of PBC;  
48 c) A performance bond issued by a Florida registered guarantee company which  
49 shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of  
50 Government Financial Operations. Said bond may be canceled only upon a 60  
51 day written advance notice and acceptance of cancellation by ERM, PZB or Land  
52 Development Division, as applicable;  
53 d) An unencumbered, clean, irrevocable letter of credit which must be executed on  
54 a form provided by PBC; or  
55 e) Unless otherwise approved in writing by ERM, PZB or Land Development  
56 Division, as applicable, performance bonds or letters of credit shall be on forms  
57 provided by PBC.  
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5). Amount of Guarantee

a). General

The amount of the guarantees shall be adjusted in accordance with the Consumer Price Index, as provided by the Congressional Budget Office and as approved by the County Attorney's Office.

b). Excavated Area

Guarantee shall be a minimum of 1,000 dollars per acre of permitted excavation area.

c). Littoral Zones

The guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for planting, maintaining, and monitoring the required littoral shelves. ERM retains the option for requesting a second cost estimate for which the performance guarantee is based.

d). Reclaimed Upland and Upland Planting Areas

Guarantee shall be a minimum of 10,000 dollars and shall be an amount of no less than 110 percent of the total estimated cost for reclaiming, planting, maintaining, and monitoring the upland area and required upland planting areas. PZB retains the option for requesting a second cost estimate for which the guarantee is based.

Reason for amendments: [Land Development]

15. Land Development is no longer issuing haul permits due to inability to hold permittees accountable for road damage due to lack of proof. An Executed Agreement will be required on a case-by-case basis when in the opinion of the BCC or the County Engineer, the Agreement is in the best interest of the public to protect road conditions. Specifics for each Executed Agreement may vary in each case so standard Code language is unnecessary.

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~~e). Roadway Maintenance and Repair~~

~~Streets which require a haul permit in order to be used as a haul route shall be required to post a minimum guarantee in the amount of 50,000 dollars per mile of affected streets within the radius of impact.~~

6). Submittal and Approval of Guarantee

Except in the case of an application by a political subdivision or agency of the State, all applicants shall submit the guarantee instruments and obtain approval of the guarantee as provided below.

a). Reclaimed Upland Area and Upland Planting Areas

Guarantees for the reclaimed upland area and upland planting areas shall be submitted with the DRO application and approved prior to DRO certification of the final excavation plan.

b). Excavated Area and Littoral Zones

Guarantees for the excavated area and littoral zones shall be approved by ERM prior to issuance of written approval of the Notice of Intent to Construct.

c). Road Maintenance and Repair

When required, Guarantees for road maintenance and repair shall be approved by the Land Development Division prior to issuance by ERM of the applicants Notice of Intent to Construct.

7). Duration and Release

The guarantee for the excavated area and upland reclamation area of Type ~~III~~ Excavations may be reduced once the "as-built" plan is approved. However, the guarantee shall continue to cover the upland planting and littoral planting areas until released by Palm Beach County in accordance with this subsection.

a). Excavated Areas for Type ~~III~~ Excavations

At the request of the applicant, the guarantees shall be released by ERM, after DRO certification of the final as-built reclamation plan, in accordance with Article ~~4.D.5.E.6~~ 4.B.10.C.5.g, Use Approval and Procedures.

b). Upland Reclamation Area

At the request of the applicant, the guarantees shall be released by PZB, after DRO certification of the final as-built reclamation plan, in accordance with Article ~~4.D.8.C.5~~ 4.B.10.B.7.c.5, Area of Record.

c). Littoral and Upland Planting Reclamation Areas

The guarantees shall remain in effect a minimum of 730 days (two years) after reclamation is completed in accordance with all requirements of this Section. Guarantees shall not be released until approved plats or separate instruments are recorded and proof of recordation is provided to ERM and PZB, pursuant to Article ~~4.D.8.D~~ 4.B.10.B.7.d, Performance Guarantee Requirements . Following

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verification of successful completion of reclamation through approval of the submitted as-builts, area of record, monitoring reports, and site inspection(s) by ERM and PZB, as applicable, guarantees shall be released.

**d). Road Maintenance and Repair**

~~When required, The~~ the guarantee shall be released by the County Engineer and any applicable road maintenance authority after certification of the final phase of the as-built plan and upon final inspection and acceptance of the repair, maintenance and condition of the streets within the radius of impact.

**8). PBC Use of Guarantee**

Should PBC find it necessary to use the performance guarantee for corrective work or to fulfill the applicant’s reclamation, reconstruction or maintenance obligations as set forth herein, the applicant shall be financially responsible for all legal fees and associated costs incurred by PBC in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.

**Eg. Maintenance and Monitoring**

The following maintenance and monitoring program is required for all planted littoral zones and reclaimed planted upland areas.

**1). Excavation Activity**

The applicant shall submit an annual report to the DRO indicating the status of the excavation activity. The report shall include, but not be limited to, the status of:

- a). the current phase(s) of excavation;
- b). all phases of excavation and reclamation activities (including date(s) of completion and anticipated dates of completion);
- c). amount of material extracted and amount of material removed from the site;
- d). condition of perimeter buffers and landscaping; and
- e). status of compliance with conditions of approval and applicable requirements in this Section.

**2). Initial Maintenance and Monitoring of Reclaimed Upland Areas and Littoral and Upland Planting Areas**

The planted littoral zones and planted upland areas shall be inspected and monitored for at least one year after planting. Equipment storage, maintenance and service areas shall be monitored until completion of the excavation activity for contamination by regulated substances. The maintenance and monitoring program shall comply with the following requirements:

**a). Maintenance**

Inspections, monitoring, exotic plant species removal and replanting during each monitoring period shall be required to maintain the minimum:

- (1) 80 percent coverage criterion for the planted littoral zone from the 180 day monitoring period; and,
- (2) 80 percent survivorship for the planted upland area from the 180 day monitoring period;

**b). Exotic Plant Species**

Complete removal of the following plant species from the planted littoral zone and upland areas, as applicable:

- (1) prohibited and invasive non-native plant species as defined by Article 14.C, Vegetation Preservation and Protection; and
- (2) invasive species, such as cattails, primrose willows and water hyacinth.

**c). Regulated Substances**

Inspections and monitoring of all equipment storage, maintenance and service areas shall be required to ensure the site has not been contaminated by regulated substances. Construction areas shall be maintained in accordance with the “Regulated Substance Best Management Practices for the Construction Industry.”

**d). Submittals for Monitoring Programs**

Submittal of monitoring reports for each monitoring period shall be required. The planted littoral zone reports shall be submitted to ERM and the reclaimed upland planting reports shall be submitted to the Zoning Division. These monitoring reports shall represent the monitoring periods commencing with a time zero report, 90 day, 180 day and 360 day reports.

The time zero monitoring report shall be submitted within 30 days of the initial planting. Each subsequent report shall be submitted within 30 days of the completion of the monitoring period. If following the first year of the maintenance and monitoring period, PBC finds the planted littoral or reclaimed planted upland areas to be in non-compliance with the provisions herein, the land owner or entity having maintenance responsibility may be required by PBC to extend their

**Notes:**

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1 maintenance and monitoring period, until compliance with the maintenance and  
2 monitoring requirements is met.

3 **e). Content of Monitoring Reports**

4 Each monitoring report, including the time zero report, shall assess the species,  
5 numbers, and locations of planted littoral zones and reclaimed upland planting  
6 areas. The report shall also depict the equipment maintenance, storage and  
7 service areas and assess the condition of the ground as a result of possible  
8 leakage or spillage of regulated substances. The report shall include multiple  
9 photographs (panoramas are preferred) of the site clearly showing these areas.  
10 Photographs must be taken at approximately the same location(s) each time.

11 In addition, the report shall detail the species, numbers and locations of  
12 additional plantings that were made to attain the 80 percent  
13 survivorship/coverage criteria, if such plantings were necessary.

14 **3). Long-Term Maintenance and Monitoring of Reclaimed Upland Areas and  
15 Littoral and Upland Planting Areas**

16 After the first year, the land owner or entity having maintenance responsibility for the  
17 planted littoral zone and planted upland reclamation area, shall maintain these areas  
18 in the following manner.

19 a). The reclaimed upland areas shall maintain a minimum survivorship of 80 percent,  
20 and the planted littoral zone shall maintain a minimum coverage of 80 percent.

21 b). Exotic and invasive non-native plant species as defined by Article 14.C,  
22 Vegetation Preservation and Protection, such as cattails, primrose willows and  
23 water hyacinth, shall be restricted to a coverage of less than ten percent of the  
24 required planted littoral zone. No exotic or invasive non-native plant species shall  
25 be permitted in the upland areas.

26 **4). Repair, Reconstruction Modification**

27 DRO approval shall be obtained prior to any reconfiguration of the approved lake or  
28 reclaimed upland area. Written approval from the Director of ERM shall be obtained  
29 prior to modification of the planted littoral zones.

30 **Section 98. Administration and Enforcement**

31 **Aa. Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type #2  
32 and Type #3 Excavations**

33 **1). Authority and Criteria**

34 Administrative waivers from the slope, depth, or littoral zone standards contained in  
35 Article ~~4.D.8~~ **4.B.10.B.7**, Technical Standards, for Agricultural, WCAA, Type #2, and  
36 Type #3 Excavations may be granted by ERM in accordance with the standards of  
37 this Section. ERM may grant the waivers to an applicant upon demonstration by a  
38 preponderance of evidence, that such administrative waivers will not be injurious to  
39 the area involved or otherwise detrimental to the public welfare, and that special or  
40 unique circumstances exist to justify the administrative waivers based on one or more  
41 of the following conditions:

42 a). That the literal application of these standards will create an unreasonable  
43 hardship and that the special and unique circumstances do not result from the  
44 actions of the applicant;

45 b). That a request for relief from the littoral planting requirements include an  
46 alternative plan with a contribution to the Pollution Recovery Trust Fund of twice  
47 the amount calculated by the formula for a guarantee located in ~~4.D.8.D.5.c.~~  
48 **Article 4.B.10.B.7.d.5)c), Littoral Zones** and for review and approval by the  
49 Director of ERM. If the littoral zone had been depicted on the site or master plan,  
50 a modification of the plan shall be processed in order to delete the littoral zone  
51 from the plan; **[Ord. 2013-001]**

52 c). That appropriate technology and methods will be used to ensure consistency  
53 with the intent of the Code; or

54 d). The proposed administrative waiver will not be adverse to the general intent and  
55 purpose of this Section.

56 **2). Limitations**

57 No administrative waiver shall be approved for those separation items in Article  
58 ~~4.D.8.B~~ **4.B.10.B.7.b**, Construction Standards, unless the item specifically allows  
59 approval by ERM; nor for any mining or excavation operation location which will  
60 reduce hydraulic recharge distances to a public water supply well in excess of two  
61 percent; nor within 200 feet of a publicly-owned conservation area, environmentally  
62 sensitive land area, or publicly-owned preservation area. An administrative waiver  
63 may be granted for littoral areas within a lake supporting bona-fide agricultural  
64 operations. If the land use changes from bona-fide agricultural use, the littoral  
65 requirements for the new land use shall be required.

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3) Review Process

The request shall be included with the Notice of Intent to Construct, unless a Notice of Intent to Construct has been previously approved. An appropriate fee and drawings of sufficient detail shall be required in order to provide the information needed to determine if granting approval of the waiver is appropriate. The application and drawings, excluding littoral planting plans, shall be signed and sealed by a professional recognized and approved by the Florida Department of Professional Regulation for this type of project.

- a) Upon receipt of a request to deviate from the Construction Criteria, ERM shall have 30 days to request any additional information.
b) Within 30 days of receipt of the requested additional information, ERM may only request information needed to clarify the additional information supplied or to answer new questions raised by or directly related to the additional information.
c) If ERM does not ask for additional information within thirty 30 days of receipt of the request, the request shall be deemed complete upon date of receipt.
d) If an applicant fails to respond to a request for the fee or any additional information within 60 days, the request may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information. ERM action shall be approval or denial, and shall be included with the issued written approval of the Notice of Intent to Construct.

Table with 2 rows: Reason for amendments: [ERM/Zoning], 16. Provide authority to the Director of Code Enforcement to ensure compliance with the excavation regulations when referred by the Director of the Environmental Resource Management. 17. Delete reference to Florida Administrative Code (F.A.C.) 40E-20.302, Types of General Water Use Permits as it was repealed on July 14, 2014.

Bb. Violations, Enforcement, and Penalties

1) Violations

Violations not related to conditions imposed by the Notice of Intent to Construct excavation, may be referred to the Director of Code Enforcement as determined by the Director of ERM.

For each day or portion thereof, it shall be a violation of this Section to:

- a) fail to comply with a requirement of this Section, a condition of an approval or an authorized exemption granted hereunder;
b) fail to comply with the design specifications or littoral planting plan submitted with the Notice of Intent to Construct for which a written approval was issued by ERM;
c) alter or destroy the approved depths, slopes, contours, or cross-sections;
d) chemically, mechanically, or manually remove, damage, destroy, cut, or trim any plants in the littoral zones, except upon written approval by the Director of ERM;
e) dredge, excavate, or mine the lake or littoral zones without prior receipt of approval(s) from ERM and/or PZB;
f) cause water quality violations in excess of the standards contained in F.A.C. Chapter 62-302; or
g) dewater in Type 1(A), Type 1(B); and Agricultural excavations unless otherwise permitted by a State agency, Federal agency, or the SFWMD, or the dewatering operation is in compliance with the conditions of F.A.C. 40E-20.302(3). [Ord. 2005 - 002]

Cc. Enforcement

Violation of each subsection provision of this Section, any conditions of approval, or any of those violations listed in Art. Article 4.D.9.B 4.B.10.B.8.b, Violations, Enforcement and Penalties, above, shall be deemed a separate violation and may be subject to fines up to 1,000 dollars per day per violation. In order to enforce compliance with the provisions of this Section, ERM, PZB and the County Engineer may issue a cease and desist order or require that future DRO certifications be denied or a building permit or C.O. be withheld. Violations of the provisions of this Section shall be punishable by one or more of the following: [Ord. 2005 - 002]

- 1) Quadruple permit fees shall be assessed if permits were not obtained for violations involving activities which would otherwise have been permissible, as determined by ERM, PZB, or the Land Development Division.
2) This Section shall be enforced through the remedies as outlined in Article 10, Enforcement. However, PBC is not prevented from enforcing the provisions of this Section by any other measures allowable by law, including but not limited to, F.S. Chapters 125 and 162, as may be amended.

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3). If the applicant has violated the provisions of this Section, or a condition of approval, staff may place the subject Development Order back on a BCC agenda for re-consideration in accordance with the provisions of Article 2.E, Monitoring, and Article 10, Enforcement.

Dd. Restoration

Damage to upland reclamation areas, planted littoral shelves, littoral plants and/or streets may result in an order to restore to the approved conditions. Excavation operations that have occurred without approval and receipt of written approval from ERM, PZB or the County Engineer, as applicable may result in an order to restore the site or streets in the radius of impact to preexisting conditions.

Ee. Additional Remedies

In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions, to enforce the provisions of this Section.

Ff. Use of Collected Monies

All monies collected by ERM as civil penalties for violations of this Section shall be deposited in the PBC Pollution Recovery Trust Fund.

Reason for amendments: [Zoning].

18. Delete redundant appeals language to reference the specific sections of the Code that address appeals to decisions made by the Zoning Director, the County Engineer and the Director of ERM based on the authority granted in Article 1.B.1.A, Authority to interpret Excavation types

Gg. Appeals

An applicant may appeal a final determination made by: the appropriate authority that interprets Excavation Uses as contained in Art. 1.B.1.A, Authority, based on the appeal process in Art. 2.A.1.S, Appeal,

1. Director of ERM

Appeal shall be made to the Hearing Officer. The applicant shall comply with the following appeal procedures. [Ord. 2011-016]

a. Submittal

An appeal must be made within 20 days of the applicant's receipt of the final action.

b. Hearing

Each hearing shall be held within 60 days of submittal of all documents which the Hearing Officer deems necessary to evaluate the appeal. At the conclusion of the hearing, the Hearing Officer shall orally render its decision (order), based on the evidence entered into record, the decision shall be stated in a written order and mailed to the applicant not later than ten days after the hearing. Written order of the Hearing Officer shall be final. [Ord. 2011-016]

2. Director of Zoning or Director of Land Development

Appeal shall be made to the appropriate appeals board as provided in Article 2.G, DECISION-MAKING BODIES as applicable. [Ord. 2011-016]

3. Judicial Relief

An applicant or ERM may appeal a final written order of the Hearing Officer within 30 days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for PBC, Florida. [Ord. 2011-016]

C. Definitions and Supplementary Use Standards for Excavation Uses

Before commencement of any excavation, approval shall be obtained pursuant to the procedures and standards defined in this Section.

Reason for amendments: [Zoning].

1. Insert the definitions for Agricultural Excavation, Type 1A Excavation, Type 1B Excavation, and Type 2 Excavation as they were inadvertently removed from the Code via Ordinance 2003-067.

Section 5- Excavation Standards

A1. Agricultural Excavations

a. Definition

Excavation necessary to support bona fide agricultural production operations, including but not limited to the creation of ponds or lakes to construct accessory structures

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supporting the agricultural use, livestock ponds, canal laterals and roads, but excluding customary agricultural activities such as plowing and maintenance of canals and roads.

**4b. Separation and Setbacks**

In addition to the separation requirements in Article ~~4.D.5.A~~ 4.B.10.C.1, Agricultural Excavations, shall maintain a minimum setback of 100 feet, measured from the inside edge of the lake maintenance easement to any adjacent property line.

**2c. Maximum Depth**

Excavation activity shall not exceed 20 feet from OWL. This maximum depth may be exceeded if approved by ERM in accordance with Article ~~4.D.9~~ 4.B.10.B.8, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) either does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. in the excavated lake based on ground water sampling prior to construction, or the applicant may provide reasonable assurance that the ambient off-site chloride and TDS levels will not be degraded based upon background levels. Additional sampling may be required by ERM during and after construction. [Ord. 2008-037]

**3d. Sediment Sump**

A sediment sump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. A sump shall not exceed five percent of the mined lake area.

**4e. Reclamation, Maintenance and Monitoring**

Agricultural ~~e~~Excavations shall comply with the excavated area, and littoral zone reclamation requirements of Article ~~4.D.8.C~~ 4.B.10.B.7.c, Reclamation Standards, and Article ~~4.D.8.C.2~~ 4.B.10.B.7.c.2, Excavated Area Reclamation Standard, Article ~~4.D.8.C.3~~ 4.B.10.B.7.c.3, Littoral Planting Reclamation Standard, Article ~~4.D.8.C.5~~ 4.B.10.B.7.c.5, Area of Record, and ~~4.D.8.E~~ Article 4.B.10.B.7.e, the Maintenance and Monitoring requirements, and Article ~~4.D.9.E~~ 4.B.10.B.8.e, Additional Remedies, unless waived by ERM.

**5f. Use Approval and Procedures**

All applications for ~~a~~Agricultural ~~e~~Excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and satisfy the definition requirements of bona fide agriculture pursuant to Article 1.I, Definitions and Acronyms. The excavation shall be the minimum necessary to implement the proposed bona fide agricultural use. [Ord. 2008-037]

**a.1) Two Acres or Less - DRO**

Agricultural Excavation consisting of two acres or less in surface area, may be approved pursuant to Article 2.D.1, Development Review Officer. The DRO shall review for compliance with the standards of this Section and may approve the application with or without conditions. [Ord. 2016-016]

**b.2) Greater Than Two Acres - Conditional ~~or Requested~~ Use**

Off-site removal shall apply the appropriate compatibility standards of ~~Article 4.D.5.E,~~ 4.B.10.C.5, Type ~~III-3~~ Excavations. [Ord. 2016-016]

**~~c.3) Additional Review~~**

See ~~Section 5.F.6~~ Article 4.B.10.C.5.g.1 for Excavation Pre-application Checklist. [Ord. 2008-037]

**6g. Guarantee Requirements**

Agricultural ~~e~~Excavation shall comply with the Guarantee requirements pursuant to Article ~~4.D.8.D~~ 4.B.10.B.7.d, Performance Guarantee Requirements.

**7h. Notice of Intent to Construct**

In accordance with Article ~~4.D.7~~ 4.B.10.B.6, Notice of Intent to Construct, shall be required.

**8j. WCAA Excavations**

**a.1) Operational and Construction Standards**

An application for WCAA ~~e~~Excavation shall comply with the standards in Article ~~4.D.8.A~~ 4.B.10.B.7.a, Operational Standards and Requirements, and Article ~~4.D.9.B~~ 4.B.10.B.8.b, Violations, Enforcement, and Penalties, and except for hours of operation.

**b.2) Separations and Setbacks**

In addition to the separation requirements in Article ~~4.D.8.B.4~~ 4.B.10.B.7.b.1, Separation, a WCAA ~~e~~Excavation shall maintain a minimum setback of 50 feet measured from the inside edge of the lake maintenance easement to any adjacent property lines.

**~~c.3) Depth~~**

The maximum depth for the excavated lake or pond shall not exceed 15 feet from OWL due to chloride and TDS considerations. This maximum depth may be

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exceeded if approved by ERM in accordance with Article ~~4.D.9~~ 4.B.10.B.8, Administration and Enforcement, provided the applicant adequately ensures that chloride levels shall not exceed 250 parts per million (PPM) and Total Dissolved Solids (TDS) does not exceed 500 PPM or is in accordance with Chapter 62.520.420(2) F.A.C. within the excavated lake or pond based on ground water sampling prior to construction. Additional sampling may be required during and after construction. [Ord. 2008-037]

~~d.4~~ **Sediment Sump**

A sediment pump may be constructed at the excavated lake or pond inlet to a depth of 25 feet OWL. However, this sump shall not exceed five percent of the mined lake area.

~~e.5~~ **Approval and Procedures**

All applications for WCAA ~~e~~Excavation shall include a detailed explanation of the proposed bona fide agricultural use. This explanation shall demonstrate consistency with applicable industry standards and shall satisfy the definition requirements of bona fide agriculture pursuant to Art. 1.I, Definitions and Acronyms. Excavation shall be the minimum necessary to implement the bona fide agricultural use. [Ord. 2008-037]

~~4a~~) Additional Requirement. See ~~Section 5.F.6~~ Article 4.B.10.C.5.g.1), ~~for~~ Excavation Pre-application Checklist. [Ord. 2008-037]

~~f.6~~ **Notice of Intent to Construct**

In accordance with Article ~~4.D.7~~ 4.B.10.B.6, Notice of Intent to Construct, shall be required.

~~B.2~~ **Type ~~1~~A Excavation**

~~a.~~ **Definition**

Excavation necessary to obtain fill for the construction of a single family dwelling or an accessory structure to a single family dwelling on a lot.

~~4b.~~ **Lot Size**

A minimum of one acre.

~~2c.~~ **Excavated Surface Area**

The maximum surface area of all excavation on the premises shall be less than two-tenths acre or (8,712 square feet).

~~3d.~~ **Off-site Removal**

Off-site removal of extracted material is prohibited.

~~4e.~~ **Separation and Setbacks**

In addition to the separation requirements in Article ~~4.D.8.B.1~~ 4.B.10.B.7.b.1), Separation, Type ~~1~~A Excavation shall maintain the following minimum setbacks, measured from the inside edge of the lake maintenance easement.

~~a.1~~) 15 feet at the time of construction from any adjacent property line. The top of bank shall be a minimum of five feet.

~~b.2~~) 50 feet from any potable water well.

~~e.3~~) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

~~5f.~~ **Slope**

If a lake excavated prior to June 16, 1992, does not comply with the minimum slope requirements of Article ~~4.D.8.B.2~~ 4.B.10.B.7.b.2), Slopes, a minimum four foot high gated fence completely enclosing the excavated area may be substituted for the required slopes.

~~6g.~~ **Depth**

Excavation activity shall not exceed ten feet in depth below OWL.

~~7h.~~ **Reclamation**

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

~~a.1~~) Compliance with the slope and drainage and reclamation standards of Article ~~4.D.8.B~~ 4.B.10.B.7.b, Construction Standards, shall be required.

~~b.2~~) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the Building Division depicting:

~~1a~~) an as-built survey showing the location, size, and depth of the excavated area; and,

~~2b~~) in cases where no permanent water body is created, the site plan submitted with the building permit shall serve as the reclamation plan.

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8j. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single family dwelling. [Ord. 2008-037]

a.1) Application Requirements

The building permit plans shall be supplemented with the following information: [Ord. 2008-037]

4a) Site Plan

A general site plan complying with the standards of this Section;

2b) Statement

A statement estimating the amount of excavated material, in cubic yards; and,

3c) Notarized Authorization

Notarized authorization from the property owner to excavate.

b.2) Determination of Sufficiency, Review and Decision

A building permit shall be issued by PZB, with or without conditions of approval, after the application has been determined complete and in compliance with this Section.

C3. Type H1 B Excavation

a. Definition

Excavation necessary to obtain fill for the construction of a single family dwelling or an accessory structure to a single family dwelling on a lot.

4b. Lot Size

A minimum of two and one-half acres.

2c. Excavated Surface Area

The maximum surface area of all excavation on the premises shall be less than 25 percent of the gross lot area and shall not exceed two acres.

3d. Off-site Removal

Off-site removal of extracted material is prohibited.

4e. Separations and Setbacks

In addition to the separation requirements of Article 4-D-8-B 4.B.10.B.7.b, Construction Standards, Type H1 eExcavations shall maintain the following minimum setbacks:

a-1) 30 feet at the time of construction from any adjacent property line.

b-2) 50 feet from any potable water well.

c-3) 100 feet from any septic system pursuant to Article 15.A, ECR I Onsite Sewage Treatment and Disposal Systems.

5f. Maximum Depth

Excavation activity shall not exceed 15 feet in depth below OWL.

6g. Reclamation

The applicant shall comply with the following reclamation requirements prior to issuance of a CO.

a-1) Compliance with the slope angle, drainage, and reclamation standards Article 4-D-8-B 4.B.10.B.7.b, Construction Standards.

b-2) The property owner shall submit a Certificate of Compliance sealed by a registered Land Surveyor to the DRO depicting:

4a) An as-built survey showing the location, size, and depth of the excavation.

2b) In cases where no permanent water body is created, the building permit site plan shall serve as the reclamation plan.

7h. Use Approval and Procedures

The request shall be made concurrent with an application for a building permit. Approval shall be issued concurrent with receipt of a building permit for a single-family dwelling. [Ord. 2008-037]

a.1) DRO Approval

Pursuant to Article 2.D, Administrative Process: DRO Approval shall be required. The DRO shall review for compliance with this Section and may approve the application with or without conditions.

b.2) Duration

A Type H1B eExcavation permit shall expire 120 days from the date authorization is received to begin excavation activity. The DRO may grant one 90 day extension.

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D4. Type #2 Excavation

a. Definition

Excavation necessary to create a lake or lakes required to implement a Development Order for a final site development plan.

4b. Location

A Type #2 Excavation may be permitted to implement a site Development Order plan for a principal use as permitted allowed in the Use Regulation Schedule Table 4.A.3.A Use Matrix Art. 4.B10, Excavation Uses Classification, and to implement a Final Master Plan, Final Site Plan, or final Subdivision Plan approved by the DRO. [Ord. 2008-037]

2c. Standards

An application for a Type #2 Excavation shall comply with the following requirements:

- a.1) Article 4.D.8.A 4.B.10.B.7.a, Operational Standards and Requirements, and Article 4.D.8.B 4.B.10.B.7.b, Construction Standards;
b.2) Excavated area, Littoral zone and general upland reclamation requirements pursuant to Article 4.D.8.C 4.B.10.B.7.c, Reclamation Standards;
e.3) Article 4.D.8.D 4.B.10.B.7.d, Performance Guarantee Requirements;
d.4) Article 4.D.8.E 4.B.10.B.7.e, Maintenance and Monitoring; and
e.5) Article 4.D.7 4.B.10.B.6, Notice of Intent to Construct.

3d. Separations and Setbacks

In addition to the separation requirements in Article 4.D.8.B.1 4.B.10.B.7.b.1), Separation, Type #2 Excavation shall maintain a minimum setback of 30 feet, measured from the top of bank to the perimeter boundary of the Master Planned development Planned Development District, Subdivision, overall Final Site Plan, streets 80 feet in width or greater, and canal R-O-W. For the purpose of this Section separation and setbacks provision, the top of bank is considered the waterward edge of the lake maintenance easement.

4e. Depth

The maximum depth of a Type #2 Excavation shall be in accordance with Article 4.D.5.A.2 4.B.10.C.1.c, Maximum Depth.

Table with 1 column: Reason for amendments: [Zoning]
1. Delete redundant language that was intended to clarify regulations applicable to Type 2 Excavation since all regulations contained in the Excavation Uses of Art. 4, Use Regulations, should be considered prior to the operation of any excavation activity.
2. Allow County staff to decide if additional information may be needed, when applications do not sufficiently show that removal of Type 2 Excavation material in excess of ten percent, is not affecting internal streets of the development.
2. One of the objectives of the Use Regulations Project (URP) is to consolidate the Requested Use (Board of County Commissioners (BCC) approval process) with the Conditional Use approval process. Currently the Code indicates Requested Uses in the Planned Development District (PDD) and Traditional Development District (TDD) Use Matrices, while the standard zoning districts Use Matrix indicates Conditional Use. Due to this proposed consolidation, any references to Requested Uses will be replaced with Conditional Use approval.
3. Require completed developments looking to reconfigure lakes and relocate fill off site to submit for a Development Order Amendment (DOA) application for Class A Conditional Use or Requested Use. These processes require public hearings which will allow public participation.
4. Clarify that removal of fill resulting from the maintenance of lakes in Type 2 Excavation is not subject to the percentage removal contained in the Type 2 Excavation standards.

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5f. Use Approval and Procedures

a.1) DRO Approval

Prior to initiating Type #2 Excavation activities, DRO shall review the final site development plan for compliance with the standards of this Section and may approve with or without conditions. [Ord. 2016-016]

b.2) Off-site Removal of Excess Fill- DRO

DRO may approve removal of more than ten percent of the extracted material from the site if:

- 4a) The applicant demonstrates that the make up of the natural soil contains an excessive amount of silt, rock, or muck and construction of required drainage structures or construction of required structural foundations require removal of an excessive amount of silt, rock or muck; or
2b) The removal of the material is the minimum necessary to accommodate on-site drainage requirements or structural fill requirements; and

Notes:

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~~3c)~~ The impact of the excavated material will not cause adverse effects to internal property owners or internal streets. [Ord. 2016-016]

~~e.3)~~ **Off-site Removal of Excess Fill - Conditional ~~or Requested Use~~**

A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in ~~Art. 4.D.5.D.5.b~~, Article 4.B.10.C.4.f.2 Off-site Removal of Excess Fill - DRO, the application shall be subject to the following: [Ord. 2004-040] **[Relocated from next paragraph Removal of Excess Fill]**

**4a) Approval Process**

Apply for a Class A Conditional Use ~~or Requested Use~~ process, pursuant to the standards of Art. 2.B.2, Conditional Uses, ~~Requested Uses~~, Development Order Amendments, Unique Structures and Type ~~#2~~ Waivers. [Ord. 2016-016] **[Partially relocated to Off-site Removal standard above]**

**2b) Requirements**

The applicant shall comply with the following standards: [Ord. 2016-016]

- (1) ~~Art. 4.D.8.A~~ Article 4.B.10.B.7.a, Operational Standards and Requirements.
- (2) Littoral Planting Reclamation Standards in Art. 4.B.10.B.7.c.3.
- (3) Upland Reclamation Standards in ~~Art. 4.D.8.E~~ Article 4.B.10.B.7.ec.4, Maintenance and Monitoring.
- (4) Maintenance and Monitoring requirements for excavated areas, and littoral plantings in ~~Art. 4.D.8.E~~ Article 4.B.10.B.7.e, Maintenance and Monitoring.
- (5) Buffer requirements in Article ~~4.D.5.E~~ 4.B.10.C.5.i.2).b.(3), Type ~~#3A~~ Excavations.
- (6) Setbacks shall be provided pursuant to Type ~~#2~~ setback requirements in Article ~~4.D.5.D.3~~ 4.B.10.C.4.d, Separations and Setbacks. [Ord. 2004-040] [Ord. 2010-022]

**3c) Frontage**

The development shall have direct frontage on and access to a collector or arterial street depicted on the County's Thoroughfare Identification Map.

**4d) Location**

The following Type ~~#3A~~ standards shall apply, unless waived by the BCC after a finding of fact that waiver of these standards will not violate the compatibility standards, pursuant to ~~Art. 4.D.5.E.8~~, Article 4.B.10.C.5.i, Compatibility Standards. [Ord. 2004-040]

~~4) Removal of Fill After Development Acknowledgement of Completion~~

~~The off-site removal of fill resulting from reconfiguration of lakes after an acknowledgement of completion has been issued by Land Development, shall be subject to a Development Order Amendment for Class A Conditional Use or Requested Use; and, shall comply with the applicable standards contain herein.~~

~~d.54)~~ **Excavation, Performed by Public Agency, To Provide Drainage For A Public Street**

**4a)** Excavation activity located outside the street boundary, conducted solely to accommodate drainage for a public streets and performed or caused to be performed by contract with a public agency, as defined herein, shall comply with the standards below. The excavation activity shall:

- (1a) be on land owned by PBC, the State, or a Water Control District created by special act to operate under F.S. Chapter 298 (1996); or,
- (2b) be on land granted by easement to and accepted by PBC, the State, or a Water Control District; and,
- (3c) be the absolute minimum necessary to comply with the surface water drainage requirements for the public streets.

**2b)** For the purpose of ~~this Section~~ Art. 4.B.10.C.4, Type 2 Excavation, authorization by PBC, FDOT or a Water Control District to construct a public streets shall constitute a valid Development Order. The excavation activity shall comply with the standards below:

- (1a) Notice of Intent to Construct pursuant to Article ~~4.D.7~~ 4.B.10.B.6, Notice of Intent to Construct;
- (2b) Operational and Construction standards pursuant Article ~~4.D.8.A, 4.B.10.B.7.a~~ Operational Standards and Requirements, Article 4.D.8.B 4.B.10.B.7.b, Construction Standards, and Article ~~4.D.8.A.10 4.B.10.B.7.a.10~~, Hauling Standards;
- (3c) Littoral zone and general upland reclamation requirements pursuant to Article ~~4.D.8.C~~ 4.B.10.B.7.c, Reclamation Standards; and,

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~~(4e)~~ Maintenance and Monitoring requirements pursuant to Article ~~4.D.8.E~~  
~~4.B.10.B.7.e~~, Maintenance and Monitoring.

~~6) Lake Maintenance~~

~~Off-site removal of fill resulting from lake maintenance shall be permitted subject to DRO approval.~~

Reason for amendments: [Zoning/Land Development]

- 1. Introduce Type 3 Excavation definition to differentiate from other types of excavation by indicating it is generally intended for commercial purposes. This definition consolidates existing language from Type 3 Excavations A and B.

**E5. Type ~~##~~3 Excavations**

**a. Definition**

~~The extraction of minerals primarily for commercial purposes.~~

**4b. Classification of Types**

~~An excavation that meets the definition of mining is considered commercial operations.~~ Type ~~##~~2, or Agricultural ~~e~~Excavations that exceed established criteria, as defined in this Section, are to be considered a Type ~~##~~3 ~~e~~Excavation. Two classes of Type ~~##~~3 ~~e~~Excavations (Type ~~##~~3A and Type ~~##~~3B) are established to distinguish between the types of mining operations. [Ord. 2008-037] [Partially relocated above under definition]

**a-1) Type ~~##~~3A Excavation**

~~Mining~~ Excavation activity, ~~primarily for commercial purposes~~, that extracts materials from the earth and may require limited on-site processing by using temporary or portable crushers, sifters and conveyor systems. A Type ~~##~~3A ~~e~~Excavation activity may use dragline, dredging or earthmoving equipment to perform the mining operation provided the operation complies with the standards of this Section. The use of explosive devices or permanent structures or equipment used to crush or sift material shall be prohibited.

**b-2) Type ~~##~~3B Excavation**

~~Mining~~ Excavation activity, ~~primarily for commercial purposes~~, that extracts materials from the earth and may require extensive processing of the material on site. Type ~~##~~3B ~~e~~Excavations may use dragline, dredging, earthmoving equipment to perform the mining operation. The use of explosives and heavy industrial equipment to crush, sift and transport the material on site may be permitted subject to compliance with the standards of this Section. ~~2c.~~ Standards

An application for a Type ~~##~~3 ~~e~~Excavation shall comply with the following requirements: [Ord. 2008-037]

~~a-1)~~ Operational and construction standards pursuant to Article ~~4.D.8.A~~ ~~4.B.10.B.7.a~~, Operational Standards and Requirements, and Article ~~4.D.8.B~~ ~~4.B.10.B.7.b~~, Construction Standards.

~~b-2)~~ Excavated area, Littoral zone and upland reclamation requirements pursuant to Article ~~4.D.8.C~~ ~~4.B.10.B.7.c~~, Reclamation Standards.

~~e-3)~~ Article ~~4.D.8.D~~ ~~4.B.10.B.7.d~~, Performance Guarantee Requirements.

~~d-4)~~ Article ~~4.D.8.E~~ ~~4.B.10.B.7.e~~, Maintenance and Monitoring.

**3d. Location**

A Type ~~##~~3 ~~e~~Excavation may be ~~permitted~~ allowed in accordance with ~~Table 4.A.3.A~~ Art. 4.B.10.A, Excavation Uses Matrix. Mining may be ~~permitted~~ allowed with limitations in the districts identified below.

**a-1) AP District in the AP FLU Designation**

Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Mining shall demonstrate compliance with standards in Article ~~4.D.5.E.8~~ ~~4.B.10.C.5.i~~, Compatibility Standards. [Ord. 2005-041]

**4e. Depth**

The maximum depth of a Type ~~##~~3 ~~e~~Excavation shall be in accordance with Article ~~4.D.5.A.2~~ ~~4.B.10.C.1.c~~, Maximum Depth.

**5f. Accessory Use**

~~a~~ Asphalt ~~batch~~ or ~~e~~Concrete ~~p~~Plant shall be ~~permitted~~ allowed as an accessory use to a Type ~~##~~3B ~~e~~Excavation, subject to DRO approval and provided that:

~~a-1)~~ the site is a minimum of 500 acres;

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~~b.2)~~ the use is separated at least one-half mile from any residential use or district; and,  
~~e.3)~~ direct access to the plat is provided from an arterial street.

**6g. Use Approval and Procedures**

A Class A conditional use approval is required for a Type ~~III~~ **e**Excavation, in accordance with Article 2.B.2, Conditional ~~and Requested~~ Uses, and this Section. A Type ~~III~~ **e**Excavation shall require an additional level of review that exceeds the County's current scope of review to establish that the request will not have a significant adverse impact to water quality or the overall health of available water resources. [Ord. 2008-037]

**a.1) Excavation Pre-Application Checklist**

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall secure the information described on the excavation pre-application checklist and shall use this information as the basis for a pre-application meeting with DEP. This pre-application information and meeting is necessary to obtain a Preliminary Assessment Letter (PAL) from the DEP, Bureau of Mines and Minerals. The Pre-application Checklist is available from the Zoning Division, as amended periodically by the Executive Director of PZ&B. [Ord. 2008-037]

**4a) Preliminary Assessment Letter (PAL)**

The Applicant shall gather the information described on the checklist and conduct a pre-application meeting with the DEP. The County application shall not be determined to be sufficient without the PAL or its equivalent as stated in ~~Art. 4.D.6.a.2~~ Article 4.B.10.C.5.g.1)b), Alternative to the Preliminary Assessment Letter. Should the DEP identify certification issues regarding the application, these issues must be resolved prior to certification of the application for public hearing. [Ord. 2008-037]

**2b) Alternative to the Preliminary Assessment Letter**

In lieu of a Preliminary Assessment Letter, the applicant may submit one of the following to the County: [Ord. 2008-037]

~~1a)~~An Environmental Resource Permit; or [Ord. 2008-037]

~~2b)~~Request for Additional Information demonstrating no apparent concerns will be generated from the application. [Ord. 2008-037]

**3c) Conditions of Approval**

The DEP may recommend conditions of approval to the BCC to resolve issues related to its regulations. [Ord. 2008-037]

**b.2) Water Control or Management District**

Concurrent with submittal of an excavation application for the DRO certification for public hearing, the applicant shall submit a duplicate copy to the Zoning Division to be forwarded to the Water Control or Management District, whichever is applicable, that has jurisdiction to maintain roads and drainage in the area. The Water Control District may provide comments to the DRO to be included in the staff report for presentation to the BCC. [Ord. 2008-037]

**e.3) Final DRO Approval**

Prior to starting any activity associated with the excavation project, the applicant shall submit an excavation plan to the DRO for review and approval in accordance with Article 2.D, Administrative Process. [Ord. 2008-037]

**4a)** The applicant shall submit a phasing plan complying with the requirements of Article ~~4.D.6. 4.B.10.B.5,~~ Supplemental Application Requirements, and Article ~~4.D.7 4.B.10.B.6,~~ Notice of Intent to Construct.

**2b)** Once reclamation and rehabilitation of the preceding phase of excavation has commenced, a subsequent phase of excavation may begin after receipt of all guarantees, required by Article ~~4.D.8.E 4.B.10.B.7.e,~~ Maintenance and Monitoring, and written authorization by the DRO.

**3c)** Prior to final site approval by the DRO, ERM shall confirm that the applicant has provided all necessary state final approved permits. [Ord. 2008-037]

**d.4) Amendment to Development Order**

If amendments to the BCC approval are necessary to accommodate other State permitting requirements, and provided these changes are within boundaries of the existing BCC approval, these amendments shall be allowed at final plan approval by the DRO. [Ord. 2008-037]

**Reason for amendments:** [Land Development] Land Development is no longer issuing haul permits for several reasons, including that only rights of way maintained by Palm Beach County are eligible by ordinance to receive a right-of-way permit. Many of the roads utilized for haul routes are under State or Municipal control and the permittees cannot be held accountable for road damage due to lack of proof.

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~~e.5) Haul Permit Agreement~~

The BCC may require, as a condition of approval, for ~~a an executed agreement for the proposed haul permit for unpaved collector or arterial streets. If required, a haul permit application shall be submitted to and approved by the Land Development Division~~ in accordance with Article ~~4.D.8~~ 4.B.10.B.7, Technical Standards, prior to issuance of the Notice of Intent to Construct by ERM.

~~f.6) Notice of Intent to Construct~~

Notice of Intent to Construct shall be submitted to and receive approval from ERM in accordance with Article ~~4.D.7~~ 4.B.10.B.6, Notice of Intent to Construct, prior to initiating any on-site excavation activities.

~~g.7) Reclamation Plan Approval and Release of Performance Guarantees~~

Prior to the release of any performance guarantee. The DRO shall approve an "as built" reclamation plan. The plan shall include certified as-built drawings and written certification, bearing the seal of an engineer registered in the State of Florida, certifying compliance with Article ~~4.D.8~~ 4.B.10.B.7, Technical Standards, (excluding littoral and upland planting requirements), and that all construction related Development Order conditions and guarantees have been satisfied. Performance guarantees for planting areas shall be released in accordance with Article ~~4.D.8.E~~ 4.B.10.B.7.e, Maintenance and Monitoring.

~~7h. Annual Report~~

For the purpose of Type ~~III~~ Excavation, the owner shall submit an Annual Report to ~~the~~ Monitoring ~~Section~~ on the anniversary date of the BCC approval date. The Annual Report is necessary to monitor the intent of the conditional use approval and applicable BCC conditions. In addition, the report is to ensure compliance and update the Agency requirements as listed below: **[Ord. 2008-037]**

~~a.1) General:~~

- ~~4a) Acres mined to date; [Ord. 2008-037]~~
- ~~2b) Tonnage removed/sold including a copy of the resource extraction fee receipt to the County; [Ord. 2008-037]~~
- ~~3c) Status of each phase; [Ord. 2008-037]~~
- ~~4d) Updates to master /site plans; [Ord. 2008-037]~~
- ~~5e) Documentation that the intended use of the material complies with County requirements, such as, but not limited to, the quarry's status with FDOT and other usages for the mined aggregate; [Ord. 2008-037]~~
- ~~6f) Status of compliance with conditions contained within the approved Resolution(s); [Ord. 2008-037]~~
- ~~7g) Status of compliance with all required permits including the most recent compliance inspection from subject agencies, and status of any identified notice of noncompliance/violations; [Ord. 2008-037]~~
- ~~8h) Full stamped, executed or signed copies, including exhibits and plans, of required permits from all participating agencies including modifications or updates as they occur; and, [Ord. 2008-037]~~
- ~~9i) Certification and documentation that all seismograph instruments have been re-calibrated during the calendar year. [Ord. 2008-037]~~

~~b.2) Agencies~~

Address the following ~~the following~~ agency requirements: **[Ord. 2008-037]**

~~4a) Archaeological:~~

- ~~(1a) Status of found artifacts and their location(s); and, [Ord. 2008-037]~~
- ~~(2b) Copy of notification(s) to County and State Archaeologist and current status. [Ord. 2008-037]~~

~~2b) Engineering:~~

- ~~(1a) Status of potential road construction requirements, signalization and ROW acquisitions. [Ord. 2008-037]~~

~~3c) Environmental:~~

- ~~(1a) Status of Notice of Intent to Construct (NIC) conditions of approval and compliance with Administrative waivers; [Ord. 2008-037]~~
- ~~(2b) Status of extraction fee; and, [Ord. 2008-037]~~
- ~~(3e) Water quality data from designated sampling location from FDEP. [Ord. 2008-037]~~

~~4d) Health:~~

- ~~(1a) Status of compliance for any onsite sewage treatment and disposal systems; [Ord. 2008-037]~~
- ~~(2b) Status of compliance for any onsite drinking water systems; and, [Ord. 2008-037]~~

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(3e) Status of compliance with BMP's for mosquito control including the need for aerial spraying. [Ord. 2008-037]

5e) Planning:

(1a) Status of possibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter or any executed binding agreements from each corresponding agency discussing pertaining to the reclaimed mined areas future proposed uses. [Ord. 2008-037]

6f) Zoning:

(1a) Copy of the daily blasting log; [Ord. 2008-037]

(2b) Copy of the State Fire Marshall's blast permit; and, [Ord. 2008-037]

(3e) Status of the upland reclamation requirements. [Ord. 2008-037]

8j. Compatibility Standards

A Type ~~III~~ ~~e~~ Excavation shall be reviewed to assure the proposed excavation is compatible with surrounding land uses and complies with the applicable separation and setback standards and to ensure there are no negative impacts as defined herein. The BCC shall not approve the application if a finding is made that the use will be incompatible with surrounding land uses. For the purposes of this ~~Section requirement~~, incompatible means negative impacts caused to surrounding land uses because of proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including, but not limited to, the impacts of noise, vibration, dust, traffic, smoke, odors, toxic matter, radiation, and similar environmental conditions.

a-1) General

The following standards shall apply to both Type ~~III~~A and Type ~~III~~B mining activities.

1a) Location and Access

Local residential streets shall not be used for access or as a haul route. The site shall front on and have direct access to an arterial or collector street designated on the County's Future Thoroughfare Identification Map. In cases when the street on the Thoroughfare Identification Map is not paved, the BCC may allow an ~~Excavation~~ Type ~~III~~ Excavation to locate and have access to the street provided the BCC makes a finding of fact that the use of the street will not cause an incompatible affect on surrounding residential uses, and may condition the project to obtain a haul permit in accordance with Article ~~4.D.8.A.10~~ ~~4.B.10.B.7.a.10~~, Hauling Standards.

(a1) Restrictions in the RR FLU Designation

Commercial excavation shall be prohibited in neighborhoods which support developed single-family residences on 60 percent of the valid lots of record. For the purposes of this ~~Section requirement~~, neighborhoods shall be defined as an area contained within a platted subdivision, a rural unrecorded subdivision an approved affidavit of exemption, an area which has prepared a neighborhood plan in accordance with the Plan, or is in an area with lots of similar size. Commercial excavation located in an area with a rural residential land use designation that do not satisfy the definition of neighborhood above, shall have a minimum of 100 acres and 500 feet of frontage with direct access to an arterial or collector street as specified herein.

2b) Separation from Other Land Uses

Minimum separations from protected land uses are defined in Article ~~4.D.5.E.8~~ ~~4.B.10.C.5.i~~, Compatibility Standards. Unless otherwise specified, separation shall be measured from the outermost edge of the excavated area (top of bank), equipment, stockpiles, buildings, or structures, to the closest structure of a protected land use. The BCC may reduce the required separation distance based on the compatibility of the use with the adjacent area, and the remoteness or proximity of adjacent incompatible uses, provided the reduction complies with the intent of the compatibility standards in Article ~~4.D.5.E.8~~ ~~4.B.10.C.5.i~~, Compatibility Standards. The BCC shall state the basis for the reduced separation and make a finding of fact that the reduction should not negatively impact adjacent uses. If the separation is reduced, the BCC may require increased setbacks, buffering and other restrictions as necessary to protect surrounding land uses.

(a1) Residential Uses

For the purposes of this Section, existing residential uses shall be defined as a residential lot supporting a residence in a platted subdivision, a rural unrecorded subdivision, an approved affidavit of exemption, a plat waiver, or

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other recorded instrument and is not located within the boundary of the excavation project.

**3c) Setbacks**

Setbacks shall be measured from the outermost edge of the excavated area (top of bank), structure, building, equipment, or stockpile to the boundary of the excavation project.

**4d) Fence**

If mining activity is conducted within one-half mile of a residential use, the mining operation shall be completely enclosed by a minimum six foot high fence, wall, or natural barrier and shall have signage posted to prohibit trespassing.

**5e) Noise**

Airborne noise produced from the excavation activity shall comply with the noise provisions in Article 5.E, Performance Standards, as measured at the nearest inhabited structure. The sound level limits are allowed to increase for a limited duration. For this limited period, noise generated by excavation projects may increase up to ten DB more than permitted by Table 5.E.4.B, Maximum Sound Levels. In addition, the noise level may increase to a maximum of 120 dB once each weekday (Monday - Friday) for a maximum of ten seconds.

**b-2) Type IIIA Excavations**

**4a) Restrictions in the RR FLU Designation**

**(a1) Lot Size**

A minimum of 40 acres.

**(b2) Minimum Surface Area**

The maximum excavated surface area shall not exceed 30 percent of the gross area contained within the boundary of the excavation project.

**2b) General**

The following standards shall apply to a Type IIIA eExcavation:

**(a1) Minimum Separations and Setbacks**

In addition to the separation requirements in Article 4.D.8.B 4.B.10.B.7.b, Construction Standards, a Type IIIA eExcavation shall maintain the following separations and setbacks from adjacent uses as provided below.

**(4a) Separations from Residential Land Uses**

Separation from an existing residence shall be a minimum of one-quarter mile, measured from the property line of the excavation project to the inhabited structure.

**(2b) Setbacks**

Table 4.D-5.E 4.B.10.C - Setbacks

	Residential	Commercial	Industrial/ Agricultural	Streets
Excavated lake edge	100'	50'	50'	50'
Processing equipment	600'	200'	200'	200'
Stockpiles	300'	200'	100'	200'
Accessory buildings and structures	100'	100'	100'	100'

**(b2) Stockpile Height**

Stockpile height shall be limited to 30 feet.

**(e3) Buffer**

A buffer shall be preserved or installed along a property lines in accordance with the provisions below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, Perimeter Buffer Landscape Requirements, as applicable.

**(4a) Existing Vegetative Buffer**

If a substantial native or non-native, non-invasive vegetative buffer exists, then the vegetation shall be utilized as an incompatibility buffer and preserved along the entire perimeter of the site, except for an approved access area. To be considered substantial, the buffer shall provide an opaque screen and be a minimum depth of one 100 feet. If the 100 foot buffer is not opaque, then native vegetation complying with the standards of a Type 3 incompatibility buffer shall be required to be

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planted to supplement the existing vegetation and shall form a solid visual buffer within two years. All native vegetative buffers shall be protected during the duration of the excavation activity in accordance with the standards in Article 7.F, Perimeter Buffer Landscape Requirements, and in Article 14.C, Vegetation Preservation and Protection.

**(2b) Existing Prohibited Vegetative Buffer**

To provide an instant buffer the BCC, by condition of approval, may permit existing prohibited species to be maintained within the setbacks for a Type ~~III~~**3A** ~~e~~Excavation until completion of the excavation activity. In such cases the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

**(3c) No Existing Vegetative Buffer**

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility Buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years. The BCC may require the buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to:

- (1-) all streets;
- (2-) all residential zoning districts;
- (3-) lots supporting existing or proposed residential uses in the AR zoning district. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP, or SA zoning districts nor in the AR zoning district if the land is used solely for bona fide agricultural purposes; and
- (4-) commercial zoning districts.

~~e-3~~**3) Type III B Excavation**

**4a) Restrictions in the RR and SA FLU Designation [Ord. 2005 – 002]**

**(a1) Lot Size**

A minimum of 100 acres.

**(b2) Maximum Surface Area**

The maximum excavated surface area shall be determined by the BCC.

**2b) General**

A Type ~~III~~**3B** ~~e~~Excavation shall comply with the following criteria:

**(a1) Minimum Separations and Setbacks**

In addition to the separation requirements in Article ~~4.D.8.B~~ ~~4.B.10.B.7.b~~, Construction Standards, a Type ~~III~~**3B** Excavation, except those that lie in the area defined as the WCAA, shall comply with the separation and setback regulations below. Excavation projects in the WCAA shall be evaluated on a case by case basis in accordance with the compatibility criteria Article ~~4.D.5.E.8~~ ~~4.B.10.C.5.i~~, Compatibility Standards, and shall have separation requirements set by the BCC.

**(4a) Separation from Residential Uses**

Separations from residential uses, shall be a minimum of one-eighth of a mile, in all directions measured in accordance with ~~Art. 4.D.5.E.8.a.2)~~ ~~Article 4.B.10.C.5.i.1)b)~~, Separation from Other Land Uses, above. [Ord. 2005-002]

**(2b) Setbacks**

Minimum setbacks shall be provided based on separations from uses as indicated below. [Ord. 2005-002]

**(3c) Separation from Commercial and Industrial Uses**

Commercial: 1/2 mile  
Industrial: 1/8 mile  
[Ord. 2005-002]

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**EXCAVATION USES  
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(Updated 10/25/16)**

**Table ~~4.D.5.E~~ 4.B.10.C- Setbacks Based On Separation From Residential Uses**

Uses	Separations			
	1 mile	2 mile	1/4 mile	1/8 mile
<b>Mined lake edge</b>	50'	100'	500'	1200'
<b>Processing equipment</b>	100'	300'	800'	1400'
<b>Stockpiles</b>	100'	300'	700'	1300'
<b>Accessory buildings &amp; structures</b>	100'	100'	100'	100'

**(b2) Mining Impact Study**

A Mining Impact Study shall be submitted for a Type ~~III~~ B e Excavation in the WCAA and for projects which the applicant requests a reduction in the required separations. The study shall detail all methods and procedures for material extraction, processing, storage and hauling operations. At a minimum the study shall include the time of day blasting will occur, the maximum number of holes to be shot each occurrence, including the type of explosive agent, maximum pounds per delay, method of packing and type of initiation device to be used for each hole. The study shall include a blasting schedule and establish noise and vibration standards complying with Article ~~4.D.5.E.8~~ 4.B.10.C.5.i, Compatibility Standards. The study shall also demonstrate how these operations will impact surrounding land uses.

~~(4a)~~ Prior to certification of an application for inclusion on a public hearing agenda, the DRO may retain a technical consultant to advise the PBC of the adequacy of the standards established in conjunction with the Mining Impact Study. The cost of PBCs consultant shall be borne by the applicant.

**e3 Noise and Vibration Monitoring Report**

The applicant shall monitor all blasting and other mining activities and record resultant noise and vibrations. PZB may, at any time, require the property owner to submit monthly monitoring reports, indicating the number, time, peak over pressure (noise) and vibration caused by each activity. If requested, the property owner shall provide the noise and vibration monitoring report within two working days from the date of the request.

**d4 Buffer**

A buffer shall be installed along all property lines as specified below. The buffer shall be planted and maintained in accordance with the standards of Article 7.F, Perimeter Buffer Landscape Requirements.

**(1a) Existing Native Vegetative Buffer**

Existing native vegetation within 100 feet of the property line shall be preserved along the entire perimeter of the site, except for an approved access area.

**(2b) Existing Prohibited Vegetative Buffer**

To provide an instant buffer along the entire perimeter of the site, the BCC, by condition of approval, may permit existing prohibited species to be maintained in the setbacks until completion of the excavation activity. In such cases, the prohibited species shall be removed prior to DRO approval of the as-built drawings for the final phase of excavation, provided the last phase is a minimum of 25 acres. A landscape buffer as required by Article 7.F, Perimeter Buffer Landscape Requirements, shall be installed in conjunction with subsequent development.

**(3c) Type 3 Incompatibility Buffer**

Sites within a one-quarter mile of a public or private streets, which does not support an existing opaque native or non-native, non-invasive vegetative buffer shall install a Type 3 incompatibility buffer. The buffer shall be supplemented with a planted berm, a solid landscape barrier, or combination thereof.

**(4d) No Existing Vegetative Buffer**

If a buffer does not exist along the areas defined below, then an opaque native buffer shall be installed complying with the standards of a Type 3 incompatibility buffer. The buffer shall be supplemented with a berm, a solid landscape barrier, or combination thereof to reach a height of eight feet in two years from the date of installation. The BCC may require the

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

buffer to be planted to simulate natural conditions. This buffer shall be installed adjacent to: [Ord. 2008-037]

- (a) All residential zoning districts and;
(b) Lots supporting existing or proposed residential uses in the AR Zoning District. Unless otherwise determined by the BCC, a buffer shall not be required adjacent to land in agricultural production in the AP or AR district if the land is used solely for bona-fide agricultural purposes.

3c) Hours of Operation

Excavation and hauling activity shall occur only between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday, unless otherwise determined by the BCC. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.

4d) Notice of Intent to Construct

Compliance with Article 4.D.7 4.B.10.B.6, Notice of Intent to Construct.

9j. Extraction Fee for Impacts

To offset the impacts of mining, a natural resource extraction fee is to be provided yearly for this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at \$.05 per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of \$.05 per ton provided by February 15. The funds will be used for environmental enhancement and compliance and monitoring activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount. [Ord. 2008-037]



Part 9. Art. 9.A, Archaeological Resources Protection, (Page 3, 4 and 5 of 17), is hereby amended as follows:

Table with 2 columns: Reason for amendments: [Zoning], 1. Update Excavation type reference to reflect use of Arabic numbers instead of Roman numbers for consistency with proposed changes in the Excavation Uses chapter of Art. 4, Use Regulations. 2. Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

CHAPTER A ARCHAEOLOGICAL RESOURCES PROTECTION

Section 1 General

B. Applicability

- 3. All applications for Type III Excavation, pursuant to Article 4.D, EXCAVATION 4.B.10, Excavation Uses. [Ord. 2005-002]
....

Section 2 Development Subject to Archaeological Review

A. Development Subject to Archaeological Review

Development shall be subject to this Article as follows:

1. Parcels on Identified Sites

Parcels on the Map of Known Archaeological Sites and Archaeological Conservation Areas and proposals for Type III Excavation. Owners of parcels located on the Map of Known Archaeological Sites and Archaeological Conservation Areas or owners of parcels requesting approval for Type III Excavation must receive a Certificate to Dig prior to issuance of a development order. [Ord. 2005 - 002]

....

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EXHIBIT O

EXCAVATION USES
SUMMARY OF AMENDMENTS
(Updated 10/25/16)

Section 3 Procedures

C. Certificate to Dig

1. Application

Owner of parcels required by Art. 9.A.1, General, and Art. 9.A.2, Development Subject to Archaeological Review, Parcels on the Map of Known Archaeological Sites, Archaeological Conservation Areas and proposals for Type H3 Excavation, and Previously Unknown Archaeological Sites discovered during development, to make application for a Certificate to Dig to the PZB for review shall make such application prior to the issuance of a development order. The application for the Certificate to Dig shall be made on a form available from the PZB. Only one Certificate to Dig shall be required to develop a site unless additional resources not addressed in the initial Certificate to Dig are found during site development. The department shall determine whether the application is a standard or special Certificate to Dig. A special Certificate to Dig will be required for any application that will potentially alter or destroy more than ten percent of any known or previously recorded archeological site. All special Certificates to Dig will be forwarded by the department to the Palm Beach County Historic Resources Review Board (HRRB) for review. All standard Certificates to Dig will be reviewed by the department staff and the County Archaeologist. [Ord. 2005 - 002] [2008-037]

....

Part 10. Art. 10, Enforcement, (page 6 and 11 of 12), is hereby amended as follows:

Reason for amendments: [Zoning] Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

....

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Article 14, Environmental Standards, or Article 4.D, EXCAVATION 4.B.10, Excavation Uses, of this Code to the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the following standards and procedures.

....

CHAPTER E REMEDIES

Section 1 Administrative Remedies for Art. 14 , and Art. 4.D, Excavation

In order to provide an expeditious settlement that would be beneficial to the enforcement of the provisions of Article 14, Environmental Standards and Article 4.D, EXCAVATION 4.B.10, Excavation Uses, and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written agreement between the Director of ERM on behalf of PBC and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office.

....

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EXHIBIT O

EXCAVATION USES  
SUMMARY OF AMENDMENTS  
(Updated 10/25/16)

1 Part 11. Art. 11, Subdivision, Platting and Required Improvements, (page 23 and 42 of 46), is  
2 hereby amended as follows:  
3

**Reason for amendments:** [Zoning] Update Excavation Uses reference to reflect updated article numbers resulting from the reorganized excavation language as part of the Use Regulations Project.

4 ....

5 CHAPTER B SUBDIVISION REQUIREMENTS

6 Section 6 Supplemental Procedures

7 A. Construction and Landscaping in Lake Maintenance Easements and Water Management  
8 Tracts

9 3. Application Requirements for Bulkheads, Docks, or Piers

10 Persons desiring to construct bulkheads, docks, or piers over or along a water body  
11 contained within a water management tract shall apply to the Director of ERM in accordance  
12 with the applicable provisions of Article 4.D, EXCAVATION 4.B.10, Excavation Uses.

13 ....

14 CHAPTER E REQUIRED IMPROVEMENTS

15 Section 4 Stormwater Management

16 F. Secondary Stormwater System Design and Performance

17 ....

18 4. Except where bulk heading is approved in accordance with Article 4.D, EXCAVATION 4.B.10,  
19 Excavation Uses each wet detention/retention facility designed for storage of stormwater  
20 runoff in an open impoundment shall have:

21 ....

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