

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
DECEMBER 14, 2016 MEETING**

**AMENDMENTS TO THE AGENDA
(Updated 12/14/16)**

#1	Exhibit C, Overlays and Zoning Districts – Amend Art. 3.E.3, Multiple Use Planned Development, Part 11, Page 38 of 293, (line 34)
	Clarify applicability of provisions for freestanding buildings.

Section 3 Multiple Use Planned Development (MUPD)

....

a. Freestanding Buildings

The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings. For the purpose of this Section, circulation shall mean either of the following:

- 1) any portion of a driveway, drive aisle, or other means of vehicular access located within 50 feet of a building, excluding one-way drive through lanes, dedicated bypass lanes, and one primary building; or,
- 2) vehicular access ways for uses including but not limited to Self Service Storage Facility, Data and Information Processing, Manufacturing and Processing, or Warehouses, when limited to access to individual storage units or warehouse bays, or facilities not open to the public and under the control of one business. This exception shall not apply to other vehicular circulation, or access ways providing ingress/egress to other uses or tenants within a Development.

....

#2	Exhibit D – Amend Art. 5.E.5.A, Proximity to Residential, Part 11, Page 55 of 293, (lines 7-10)
	Relocate footnote #2 from the Hours of Operation table to the introductory sentence that dictates separation from Residential Uses. The relocated language removes glitch that listed non-residential uses within the provisions that clarify mixed uses are not to be considered residential when located in certain subareas of the WCRAO or mixed use zoning districts for the purpose of hours of operation.

A. Proximity to Residential

Any non-residential use shall be subject to the hours of operations indicated below in Table 5.E. Hours of Operation, when adjacent located within 250 feet of a Residential FLU designation, Zoning District or use, unless stated otherwise. No stocking or deliveries outside of the permitted time when located within 250 feet of residential. Mixed uses located in the following Zoning Districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXP, LCC, and TMD. [

Table 5.BE - Hours of Operation

<u>FLU/Zoning District/ Nonresidential Use Classification (2)</u>	<u>Hours (1)</u>
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	6:00 a.m. to 11:00 p.m.
Institutional, Public and Civic	6:00 a.m. to 11:00 p.m.
Industrial with outdoor activities	7:00 a.m. to 7:00 p.m. (Monday – Saturday)
Industrial without outdoor activities	7:00 a.m. to 11:00 p.m. 7:00 a.m. to 11:00 p.m. (Monday – Saturday)
Transportation	7:00 a.m. to 11:00 p.m.
Excavation	
Temporary	6:00 a.m. to 11:00 p.m.
Accessory Nonresidential Uses to Residential Uses	7:00 a.m. to 7:00 p.m.
[Ord. 1	
Notes:	
1 <u>Stocking activities or deliveries outside of the permitted hours of operation are prohibited for nonresidential uses located within 250 feet of residential.</u>	
2 <u>Mixed or non-residential uses located in the following districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXP, LCC, and TMD.</u>	

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
DECEMBER 14, 2016 MEETING**

**AMENDMENTS TO THE AGENDA
(Updated 12/14/16)**

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#3	Exhibit J – Amend Art. 4.B.2.C.6, Cocktail Lounge, Part 1, Page 137 of 293, (lines 15-18)
	Correct glitch by adding Approval Process Supplementary Use Standard to reconcile with revisions made to the Use Matrix that shows most restrictive approval process in CG Zoning District and PDDs or TDDs with CH FLU designation. The standard clarifies a streamlined approval process if separation distance is met for the use to be Permitted by Right instead of Class A Conditional Use or prohibited.

a. Definition

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.~~ **[Relocated to Standard b., Typical Uses, below]** ~~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.~~ **[Relocated to new Standard f., Restaurant, below]**

b. Approval Process – CG and TDD or PDD with CH FLU and

A Cocktail Lounge located in the CG Zoning District, or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.

bc. Typical Uses

A Cocktail Lounge may include but is not be limited to: taverns, bars, nightclubs, and similar uses. **[Relocated from Standard a., Definition, above]**

....

ed. Zoning Districts – CN District

~~b.1) CN District~~

A Cocktail Lounge Sshall not exceed ~~1,500~~ 3,000 square feet of GFA.

e. CHO District

~~Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.~~

~~d.2) CG District and PDDs~~

~~Shall meet the sSeparation criteria above Requirements below, unless approved as a requested or Class A cConditional uUse.~~

[Renumber accordingly]

#5	Exhibit J, Commercial Uses – Amend Art. 4.B.2.C.17.c.2)d), Frontage and Access [Related to Collocated Hotel in PO District], Part 1, Page 152 of 293, (lines 4-7)
	Allow for exceptions to prohibition on access from a Residential Street as part of BCC approval. The Collocated Hotel in the Public Ownership (PO) Zoning District was originally developed in anticipation of a future hotel to be developed at Morikami Park or other similar Regional Parks. At the time, the accessway within the development was cited as the intended access for the hotel, and since these large parks may have multiple access points, staff sought to protect residential communities from commercial traffic that would normally be mitigated through limits on location for Commercial properties. However, recent discussions with County Facilities and Development Operations (FDO) staff have clarified that access is desired from the more aptly named Morikami Park Road. Staff concurs with a FDO request to establish an exception as part of the Conditional Use approval, which will allow for subsequent Variance or Waiver relief from any applicable Engineering standards. Note, such Deviations have previously been utilized on Morikami Park Road, to accommodate a PBC School.

d) Frontage and Access

The Regional Park in which a hotel is located shall have frontage on and access from an Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from any ~~local~~ residential street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel. **[Ord. 2015-006]**

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
 LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
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#5	Exhibit J – Amend Art. 4.B.2.C.24, Microbrewery, Part 1, Page 162 of 293, (lines 10-11)
	Correct glitch by adding Approval Process Supplementary Use Standard to reconcile with revisions made to the Use Matrix that shows most restrictive approval process in CG Zoning District and PDDs or TDDs with CH FLU designation. The standard clarifies a streamlined approval process if separation distance is met for the use to be Permitted by Right instead of Class A Conditional Use or prohibited.

b. Approval Process

- 1) A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial and Mixed Use Zoning Districts, may be Permitted by Right; or,
- 2) A Microbrewery located in the CG Zoning District or in a TDD or PDD with a CH FLU designation, may be Permitted by Right when in compliance with the separation distance below.

....

#6	Exhibit J – Amend Art. 4.B.2.C.32, Type 1 Restaurant, Part 1, Page 173 of 293, (lines 31 & 34)
	Delete the IL reference in the Supplementary Use Standard to be consistent with the Use Matrix. The Use Matrix prohibits the use in the IL Zoning District. Additionally, delete the reference to district specific requirements as the provision does not apply to other restaurant types.

b. Approval Process

....

2) Permitted by Right

- A Type 1 ~~R~~restaurant without a drive-through or located in an out parcel, may be ~~P~~permitted by ~~R~~right in any PDD or TDD with a commercial or institutional FLU designation, or Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; ~~or the IL and all commercial Zoning districts, provided ~~[Ord. 2006-004] the~~~~*
- a) GFA including outdoor dining areas does not exceed 1,500 square feet; and [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]*
- ~~b) All district specific requirements are addressed; [Ord. 2006-004]~~*

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#7	Exhibit J – Amend Art. 4.B.2.C.34, Retail Sales, Part 1, Page 180 of 293, (line 1-26)
	Revise language based on continued discussions regarding potential applicability of the use to both freestanding and in-line types of Unmanned Retail Structures.

-
4. Allow the use when accessory to specific uses in the Industrial Zoning Districts, when the Unmanned Retail Structure may reasonably support, and is ~~compatible with~~ incidental to, the specified uses even when industrial districts.
 5. Clarify which ~~Art. 5.C, Design Standards~~ specifically apply to freestanding Unmanned Retail Structures, as they apply to both freestanding and in-line structures ~~and when an Unmanned Retail Structure may be exempt~~, in order to make it clear for applicants and staff how and when architecturally compatible design elements must be integrated.
 -
 8. Distinguish that Unmanned Retail Structures, when located within ~~ten~~15 feet of a principal structure, shall have different limitations on signage than freestanding structures that are limited through Art. 8, Signage, and specify the particular standards that apply to those structures.
 9. Clarify that total sign face area shall not exceed eight square feet, regardless of Wall Sign limitations in Art. 8, Signage, in order to limit total signage, based on the maximum total area of 100 square feet for each structure.

f. Unmanned Retail Structure

An unmanned structure which stores or dispenses items for sale, ~~or rent, or customer pick up. limited to general retail and convenience products, such as ice and water; or, for the temporary storage of packages that are in the shipping process, for customer pick up.~~

[Partially relocated from Art. 4.B.2.C.75, Kiosk]

1) Definition and Typical Uses

a) Freestanding

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- 1 Includes Unmanned Retail Structures that are not attached to a building and
2 located further than 15 feet from the nearest principal structure.
3 **b) In-Line**
4 Includes Unmanned Retail Structures that are adjacent to, attached to, or located
5 within 15 feet of a principal structure, and not separated by vehicular access
6 drives.
7 **2) Accessory Use - Industrial Zoning Districts**
8 May be allowed as an accessory use to Data and Information Processing, Research
9 and Development ~~Laboratory~~, Government Services, or General Wholesaling.
10 **2) Location**
11 Shall not obstruct more than 20 percent of the windows or architectural glazing on an
12 adjacent structure.
13 **3) Size and Number**
14 Shall not exceed a footprint or GFA of 100 square feet. ~~Shall be limited to one~~
15 ~~freestanding structure per development; or one per storefront when collocated with a~~
16 ~~building in accordance with Design Standards below.~~ [Partially relocated from Art.
17 **4.B.2.C.75, Kiosk]**
18 **4) Number**
19 Shall not exceed one per development. [Partially relocated from Art. 4.B.2.C.75,
20 **Kiosk]**
21 **5) Design Standards**
22 Shall not encroach any required site design elements, including but not limited to:
23 drive aisles, easements, landscaping, parking spaces, and ADA paths.
24 Shall comply with Art. 5.C.1.H, Guidelines for Nonresidential Design Elements,
25 except where in compliance with the following:
26 a) Structures or storage lockers less than six feet in height; and,
27 b) When located within ten feet of a principal structure; and,
28 c) When painted to match the wall color of the adjacent structure.
29 **a) Freestanding**
30 Shall achieve architectural compatibility with the other structures in the
31 development, including texture, paint and similar building materials.
32 **b) In-Line**
33 (1) Shall be painted to match the wall color of the closest façade; and,
34 (2) Shall not exceed six feet in height; and,
35 (3) Shall not obstruct more than 20 percent of the windows or architectural
36 glazing of an adjacent structure.
37 **6) Signage Limitations**
38 **a) Freestanding**
39 Wall signs may be allowed for buildings that meet the requirements for Art.
40 5.C.1.H, Guidelines for Nonresidential Design Elements.
41 **b) In-Line**
42 Shall be limited to a maximum of 20 percent of each side's facade of the
43 structure, or a maximum of four square feet, per side, whichever is less.
44 Wall signage may be allowed for buildings that meet the requirements for 5.C.1.H,
45 Guidelines for Nonresidential Design Elements. All other signage shall be limited to a
46 maximum of 20 percent, or four square feet, per side, whichever is less.

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
DECEMBER 14, 2016 MEETING**

**AMENDMENTS TO THE AGENDA
(Updated 12/14/16)**

1

#8	<p>Art. 4.C.4, Equestrian Waste Management Facility</p> <p>Reason for Amendment: As noted at the November 30, 2016 LDRAB/LDRC meeting, staff anticipated additional minor revisions to the newly proposed Equestrian Waste Management Facility, pending additional discussion with Planning Division staff as relates to the concurrent Comprehensive Plan text amendment, which will allow for this use in the Specialized Agricultural (SA) district, in the Glades Tier. Additional revisions include the following:</p> <ul style="list-style-type: none"> ▪ Incorporate expansion of use proposed by the Planning Division to allow for greater Manufacturing activities, commensurate with additional clarification to be added to the staff report for concurrent Comprehensive Plan amendments. ▪ Clarification of Transshipment function by use of simpler terminology (i.e. “transfer”), and deletion of prohibition of transfer activities in the AP District consistent with initial Zoning staff recommendations. ▪ Deletion of added provision related to Comprehensive Plan language allowing for alternative frontage. As previously noted, the Development identified as a Pilot Project in the AP Zoning district meets the minimum frontage requirement. ▪ Simplification of Accessory Use limits on Manufacturing to reflect expansion of use in the Comprehensive Plan to allow for Manufacturing.
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4. Equestrian Waste Management Facility

a. Definition

~~An establishment used for the recovery, recycling or transfer transshipment of equestrian waste, provided used bedding is limited to organic materials, such as wood shavings, chips or sawdust, straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles or sand. Recovery may include collection, separation or sorting, or limited processing necessary to reduce volume, render materials safe for transport, storage or disposal, or the cleaning and packaging of materials for reuse. The facility may include manufacturing of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer, pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from smaller vehicles used for collection to larger vehicles for shipment to another destination.~~

b. Typical Uses

~~Typical uses include the recycling of organic bedding materials for reuse, and facilities used to accommodate the transfer of equestrian manure or bedding from smaller vehicles used for collection to larger vehicles for transshipment.~~

be. Approval Process - AP Zoning District with SA FLU Designation

~~An Equestrian Waste Management Facility, excluding transshipment uses, may be allowed in the AP Zoning district with an SA FLU designation, subject to BCC approval as a Class A Conditional Use.~~

cd. Location

~~Shall have frontage and access from an Arterial or Collector street, excluding a parcel with a FLUA amendment to allow for an Equestrian Waste Recycling Facility in the Glades Tier within the Special Agriculture FLU designation. Access from Residential Streets shall be prohibited.~~

de. Landscaping Adjacent to Residential

....

ef. Accessory Use

~~Limited manufacturing Manufacturing and Processing shall be may be allowed as an accessory use to an Equestrian Waste Management Facility, where limited to a maximum of 30 percent new material for supplementing recycling horse bedding with a maximum of 30 percent new material, or for the production of other useful products comprised of Equestrian Waste.~~

g. Storage or Waste Processing Areas

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h. Application Requirements – Operation Functions

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December 8, 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



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Board of County
Commissioners**

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Melissa McKinlay, Vice Mayor

Hal R. Valeche
Dave Kerner
Steven L. Abrams
Mary Lou Berger
Mack Bernard

County Administrator

Verdenia C. Baker

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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: December 14, 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, December 14, 2016.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: December 14, 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

PALM BEACH COUNTY

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

DECEMBER 14, 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, DECEMBER 14, 2016 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of Nov. 30, 2016 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B – Western Community Residential Overlay (WCRO)

C. USE REGULATIONS PROJECT (URP) AMENDMENTS

1. Amendments Not Previously Presented
 - a) Exhibit C – Article 3, Overlays and Zoning Districts
 - b) Exhibit D – Article 5, Supplementary Standards
 - c) Exhibit E – Article 7, Landscaping
 - d) Exhibit F – Article 15, Health Regulations
 - e) Exhibit G – Article 4.A, Use Classification
2. Modifications to Exhibits Previously Presented to LDRAB
 - a) Exhibit H – Institutional, Public and Civic Uses
 - b) Exhibit I – Temporary Uses
 - c) Exhibit J – Commercial Uses
 - d) Exhibit K – Residential Uses
 - e) Exhibit L – Recreation Uses
 - f) Exhibit M – Utility Uses

D. ADJOURN AS LDRAB AND CONVENE AS LDRC

E. CONVENE AS LDRC

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

F. ADJOURN AS LDRC AND RECONVENE AS LDRAB

G. PUBLIC COMMENTS

H. STAFF COMMENTS

I. ADJOURN

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**
(Updated 11/30/16)

Minutes of November 30, 2016 LDRAB Meeting

On Wednesday, November 30, 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

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)
Henry Studstill (District 7)
Terrence Bailey (Florida Eng. Society)
James M. McKay (AIA)
Tommy Strowd (Environmental Organization)
Joni Brinkman (Palm Bch. League of Cities)
Frank Gulisano (PBC Board of Realtors)

Vacancies: 2

District 6
(Assoc. General Contractors of America)

County Staff Present: 7

Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Erin Fitzhugh Sita, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

Members Absent: 4

Daniel J. Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mppng. Soc.)
James Brake (Member at Large, Alt.)
Leo Plevy (Member at Large, Alt.)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet. He also noted a letter from Gunster related to their client's Commercial Communication Tower Phase II Privately Initiated Amendment (PIA, (Exhibit D), requesting continuance of the LDRAB/LDRC Hearing to January 25, 2017. He requested a motion to approve the Agenda with the incorporation of the add/delete items and the removal of Exhibit D for continuance.

3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete, and to remove Exhibit D from the Agenda, by Ms. Katz, seconded by Mr. Carpenter. Motion passed (12 - 0).

4. Adoption of November 16, 2016 Minutes (Exhibit A)

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

B. ULDC Amendments

1. Exhibit B – Art. 3.D.1.D.1, Base Building Line

Mr. Cross explained that the text being deleted implies that temporary auto display areas may be permitted within the base building line. The amendment clarifies that this is not the case and it also clarifies that required parking and landscaping is prohibited between the base building line and the ROW or easement.

Ms. Brinkman expressed concern that the amendments will restrict development of narrow properties, rendering them financially unfeasible to be developed, and she cited the case of a property owner who could not take advantage of the Waiver process. Mr. Cross expressed the opinion that while the amendment may restrict development for the most intense or desirable use, it does not take away the potential for development as there are few lots that are very narrow.

Mr. Gulisano questioned: If there is land in front of an enclosed building that some day may be condemned, once that property is condemned, isn't the value diminished because the Ordinance prohibits development?

Mr. Berger replied that a County Engineer's waiver is possible, and it really comes down to the particular parcel.

Motion to adopt by Mr. Gulisano, seconded by Mr. Carpenter. Ms. Brinkman voted nay. The motion passed (11 – 1).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 11/30/16)

Minutes of November 30, 2016 LDRAB Meeting

2. Exhibit C – Regulating Plans

Mr. Cross explained that in response to Industry trends, a similar Exhibit was presented to the Board in Round 2016-01. Zoning undertook to review the need for requiring Regulating Plans, which is being addressed below:

- Regulating Plans are no longer a submittal requirement as design details and technical elements are shown on other types of specific plans, however the applicant has the option to submit them to strengthen the application if they choose to, or if recommended by staff.
- The requirements for Regulating Plans as they relate to the Public Hearing and Administrative Approval Processes are being deleted, as the requirements are specified in The Zoning Technical Manual.

Motion to approve by Mr. Bailey, seconded by Mr. Carpenter. Motion passed (12 – 0).

3. Exhibit D – FPL Commercial Communication Towers Privately Initiated Amendment (PIA) (The Chair noted this also includes Exhibit X, the applicant’s back-up material).

Removed from the Agenda - for continuance at the January 25, 2017 meeting

C. USE REGULATIONS PROJECT (URP) AMENDMENTS

1. Clerical Amendments Not Previously Presented

a) Exhibit E – Article 1, General Provisions

Ms. Cantor summarized Exhibit E by indicating that the exhibit deletes duplicated definitions and renames uses for consistency with updates to uses in Article 4.

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

b) Exhibit F – Article 2, Development Review Process

Ms. Cantor noted that the main changes are to replace references to “Requested Use” with “Conditional Use A or B.”

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

c) Exhibit G – Article 6, Parking

Mr. Rodriguez explained that there are minor changes, mainly to rename uses and to add new uses. He called the Board’s attention to:

- Item #1 on the add/delete sheet which restores relocated text that was inadvertently stricken on page 74, related to Marina use, Parking and Loading.
- Page 75 - Establishes new Parking and Loading standards for Prison, Jail or Correctional Facility which is new, and was split off from Government Services use. Similar Parking and Loading standards are being used.
- Page 77 – Distribution Facility is a new use and there are similar Parking and Loading standards.
- Transportation Facility has been relocated to Transportation Uses and split into two separate uses utilizing the same standards.

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

d) Exhibit H – Article 7, Landscaping

Ms. Cantor briefly outlined the amendments and indicated that they were likely to be changes to Table 7.F.9.A which would necessitate the Exhibit being brought back to the Board. It was agreed that discussion should be deferred to the next meeting.

Motion to approve deferral of Exhibit H to the next meeting on December 14, 2016, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 – 0).

e) Exhibit I – Article 8, Signage

The reference to “Requested Use” is being replaced with “Conditional Use A or B.”

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

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
(Updated 11/30/16)**

Minutes of November 30, 2016 LDRAB Meeting

- f) Exhibit J – Article 12, Traffic Performance Standards
The reference to “Requested Use” is being replaced with “Conditional Use A or B.”
Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (12 – 0).

2. Modification to Exhibits Previously Presented to LDRAB

Ms. Cantor affirmed to the Chair that Exhibits K through O were already presented to LDRAB.

The Chair advised that as Ms. Brinkman had conflicts of interest with Item.2.a, Exhibit K and Item 2.c, Exhibit M, she would refrain from voting and had submitted Form 8B.

a) Exhibit K – Industrial Uses

Mr. Rodriguez explained that Item #2 on the add/delete sheet deletes lines 6 –8 on page 81. The language is redundant as the footnote in the Use Matrix indicates the importance of the user reviewing the Supplementary Standards related to the uses. He added that there were no substantial changes to the Matrix, the Exhibit contains minor changes such as scrivener’s errors, updates of use names, relocations from other categories, and the addition of Equestrian Waste Management Facility Use.

Mr. Cross and Mr. Rodriguez identified those Uses with more substantially changes as follows:

Mr. Rodriguez:

- Contractors Storage Yard, page 85 – In response to request by Westgate CRA, staff proposes a more restrictive approval process and property development regulations in some areas, to be more in line with CRA objectives.

Mr. Cross:

- Pages 85 – 86 - Zoning is being asked to allow additional vehicles for employees of Home Occupation uses on larger lots in the Rural Tier. Some allowances have been made in the past for start-up landscape home businesses to employ more than one person, have a larger vehicle, and some equipment, not currently allowed by the code. The standards are being codified to allow additional employees if certain acreage and screening requirements are met, and to allow more equipment on the property, provided storage and parking requirements are met. As the operation grows, excess equipment shall be stored at a Contractors Storage Yard.
- Equestrian Waste Management Facility, pages 89 – 90. In the Agricultural Production area of the Glades Tier, concurrent amendments to the Comprehensive Plan allow for this use. The amendments establish the approval process concurrent with the Plan, to allow for an Equestrian Waste Recycling Pilot Project. There is also follow-up correspondence from Planning and any additional changes will be presented to the LDRAB on December 14.
- Mr. Rodriguez identified the items in the add delete related to Gas & Fuel Wholesale, Multi-Media Production, Recycling Center, Chipping and Mulching and Research and Development as well as an updated reference to WCRAO to indicate the applicable provisions for Accessory Office.

Ms. Vinikoor pointed out a spelling error on page 90, line 17, the word “waster” should be “waste”.

Motion to approve with scrivener’s error to be corrected, by Ms. Katz, seconded by Mr. Strowd. Motion passed (12 – 0).

b) Exhibit L – Agricultural Uses

Mr. Rodriguez explained that the amendments were previously presented to the Board on October 14, 2016, but text was inadvertently omitted from the LDRC Exhibit and was not placed on the add/delete sheet. He requested that the missing text which should have been on Page 114, at the end of line 15, be read into the record as stated below and to be deleted from the proposed language:

“or identified in Policy and Procedures Manual (PPM) # Multiple Department (MD)-RI-002, Processing Building Permit and Zoning Applications for Farms, available upon request at Planning, Zoning and Building Department.”

Mr. Rodriguez continued that “Farm” use is being changed back to “Bona-Fide Agriculture and there are a few minor changes due to consolidation and relocation for consistency with the Article 4.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
(Updated 11/30/16)**

Minutes of November 30, 2016 LDRAB Meeting

Motion to approve with scrivener's error that was read into the record, by Mr. Gulisano, seconded by Mr. Peragine.

c) Exhibit M – Transportation Uses

Mr. Rodriguez summarized the minor changes related to clarification of Supplementary Use Standards and noted the changes for Heliport including the add/delete to address pending discussions related to Government Facilities.

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

d) Exhibit N– Commercial Communication Towers

Ms. Cantor explained that the Exhibit was presented on May 25 and the changes on page 152 were presented on the add/delete sheet of May 25. The approval process for Stealth and Guyed Towers were among the items presented on May 25. She highlighted some of the minor changes include reference to the FAA to be deleted; text to be retained that requires compliance with Article 16, Airport Regulations; and, noted pending changes to be discussed with Facilities Division related to Government-owned towers.

Mr. Vinikoor raised the question of aesthetics regarding Camouflage Towers and wondered if there is anything that can be done to improve their appearance.

Ms. Cantor advised that the topic was only partially revised and as more public input was needed, Commercial Communication Towers will be revisited later with Industry and public input, and a subcommittee will be convened.

Mr. Knight remarked on old poles which are probably obsolete, are not being utilized, and are eye sores all over the County and inquired if there is regulation for them to be taken down. Mr. Berger replied that companies that own poles post a security and the costs to take them down can be recovered if they do not do it themselves.

In response to Mr. Blackman's inquiry as to when they are determined to be abandoned and if they are individually licensed, Mr. Berger indicated that the definition is, if it is not used for 90 days, which is in the current code. He further explained that it depends on their location, e.g. there are different regulations for those that are in a Right-of-Way. Those on private property need Zoning's approval, are not required to re-register, but have to post some kind of surety. Most of the towers are an asset unless the company is totally defunct and it is unusual that they don't take them down themselves. They either use it or lease it.

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

e) Exhibit O – Excavation Uses

Ms. Cantor explained that the Exhibit was presented to the Board on June 24, 2015. She pointed out minor changes related to a reference to the Executive Agreement and deletion of proposed lake maintenance language. She also clarified that the entire packet replaces the word "permitted" with "allowed" in cases where it is not applicable to the use process, to avoid confusion with "permitted by right".

Motion to approve as amended, by Mr. Knight, seconded by Mr. Gulisano.

Discussion: Ms. Vinikoor inquired if the double strike-out of Type 1B excavation in AGR in the matrix indicated that it was not allowed before, and Ms. Cantor explained the Exhibit was presented to LDRAB on June 24, 2015, was part of the amendments in Round 2015-02, and formed part of Ordinance 2016-06. It is being shown double-stricken as it is being presented as existing language.

Motion passed (12 - 0).

D. CONVENE AS LDRC

1. Proof of Publication

Motion to approve Proof of Publication by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 – 0).

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, Joni Brinkman, hereby disclose that on November 10, 20 16:

(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 Urban Design Kilday Studios, 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:

Item C.2.a/Exhibit K - Equestrian Waste Mtg Facility -

My firm (UDKS) was retained by Northwest Distributors in regard to these code revisions.

Item C.2.c/Exhibit M-Transportation Uses - My firm provided services to the Dept. of Airports under our current contract in monitoring these code revisions.

11-30-16

Date Filed

Joni Brinkman
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

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

(Updated 12/9/16)

1

General Reason for amendments: The following Phase 2 Privately Initiated Application (PIA) to amend the Unified Land Development Code (ULDC) has been submitted by GL Homes concurrent with related privately initiated text and map series amendments to the Comprehensive Plan. These amendments include establishing the new Western Communities Residential (WCR) future land use (FLU) designation and related Policies, which will be implemented as the WCR Planned Unit Development (PUD). These new provisions further allow for concurrent applications to amend the future land use atlas (FLUA) and Rezoning for a project known as the Indian Trails Grove (ITG) PUD.

The following website provides additional details on the aforementioned applications and tentative dates for public meetings and hearings: http://www.pbcgov.com/pzb/indian_trails/index.htm. Additional backup and history related to the proposed amendments can be found in the Planning staff report presented to the Planning Commission on February 12, 2016, and at the Board of County Commissioners Transmittal Hearing on April 12, 2016, as follows:

- Planning Commission Hearing: <http://www.pbcgov.com/pzb/planning/luab/2016/feb/ITG-LPA.pdf>
- BCC Transmittal Hearing: <http://www.pbcgov.com/pzb/planning/bccagenda/2016/april12/3-A-1-ITG-Rpt-Complete2.pdf>

In evaluating the newly proposed WCR FLU designation requirements, Zoning staff have concluded that since the preponderance of additional requirements result in de minimis calibrations to existing PUD regulations, preference is to locate the substantive provisions of the Overlay within the PUD regulations as its own new type of PUD. A placeholder will also be established within Art. 3.B, Overlays, referencing the new WCR PUD.

2

3

4

Part 1. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 119 of 119), is hereby amended as follows:

5

6

Reason for amendments: [GL Homes PIA] Recognize definition and related acronyms associated with proposed Comprehensive Plan Future Land Use Element (FLUE) Objective 4.5, Western Communities Residential (WCR).

[Planning FLUE text amendment Staff assessment] *"This definition is proposed to identify the new proposed form of development, its composition and intent, and with further meaningful and predictable standards detailed in a new objective and policies."*

7

8

ARTICLE 1, GENERAL PROVISIONS

9

CHAPTER I DEFINITIONS & ACRONYMS

10

11

Section 3 Abbreviations and Acronyms

12

....
WCR Western Communities Residential
WCRO Western Communities Residential Overlay
....

13

14

15

Part 2. ULDC Art. 3.A.1.B.1, Overlays (page 15 of 232), is hereby amended as follows:

16

Reason for amendments: [GL Homes Phase 2 PIA] See General and Part 1 Reasons for Amendments above.

17

18

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

19

CHAPTER A GENERAL

20

Section 1 Districts

21

B. Overlays and Zoning Districts

22

1. Overlays

23

AGEO, Agricultural Enclave Overlay [Ord. 2011-016]

Notes:

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EXHIBIT B

**WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO)
SUMMARY OF AMENDMENTS**

(Updated 12/9/16)

- 1 AZO, Airport Zone Overlay
- 2 COZ, Conditional Overlay Zone
- 3 GAO, Glades Area Overlay
- 4 IOZ, Indiantown Road Overlay
- 5 IRO, Infill Redevelopment Overlay **[Ord. 2011-016]**
- 6 LOSTO, Lake Okeechobee Scenic Trail Overlay
- 7 NBOZ, Northlake Boulevard Overlay Zone
- 8 NEO, Native Ecosystem Overlay
- 9 PBIAO, Palm Beach International Airport Overlay
- 10 RTO, Research and Technology Overlay
- 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay **[Ord. 2004-040]**
- 12 SR-80, Non-residential Overlay
- 13 TAPO, Turnpike Aquifer Protection Overlay
- 14 URAO, Urban Redevelopment Area Overlay **[Ord. 2011-016]**
- 15 WCRAO, Westgate Community Redevelopment Agency Overlay
- 16 BRPO, Bioscience Research Protection Overlay **[Ord. 2016-042]**
- 17 LCSO, Lion Country Safari Overlay **[Ord. 2016-042]**
- 18 WCRO, Western Communities Residential Overlay

Part 3. ULDC Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts (page 18 of 232), is hereby amended as follows:

Reason for amendments: Implements revised FLUE Table III.C, Future Land Use Designation by Tier, which recognizes that the WCR FLU is consistent with the Planned Unit Development District (PUD).

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

	AGR (2)	RR	<u>WCR</u>	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU
PUD	√	√	√	√	√	√	√	√	√	√	√	√
MHPD		√			√	√	√	√	√	√	√	
MXPD										(3)	(3)	

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

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

Notes:

1. Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. **[Ord. 2008-037]**
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. **[Ord. 2006-004]**
3. MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation. **[Ord. 2010-005]**

Part 4. ULDC Art. 3.B, Overlays (118 of 232), is hereby amended as follows:

Reason for amendments: [GL Homes Phase 2 PIA] See General Reasons for Amendments above.

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER B OVERLAYS

....

Section 21 Western Communities Residential Overlay (WCRO)

A. General
See ULDC Art. 3.E.2.H, WCR PUD.

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Notes:

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EXHIBIT B

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO)
SUMMARY OF AMENDMENTS

(Updated 12/9/16)

Part 5. New ULDC Art. 3.E.2.H, Western Communities Residential Development Overlay (WCRDO) PUD, is hereby adopted as follows:

Reason for amendments: [GL Homes Phase 2 PIA] See General Reasons for Amendments above.

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

H. WCR PUD

1. Purpose and Intent

To enable the appropriate transition between rural, suburban, and other uses including existing and future conservation areas, specifically the J.W. Corbett Wildlife Management Area and Everglades restoration programs and projects. It achieves compatibility with the existing residential development pattern in the surrounding area while furthering remediation of the historic land use imbalance in that area through additional non-residential uses, and residential support for other nonresidential projects. This is accomplished through use of the Planned Unit Development (PUD) Zoning district, a site specific WCR FLUA amendment Conceptual Plan, hereinafter referred to as "FLUA Conceptual Plan", and the following additional standards.

2. Applicability

The provisions of the WCRO shall apply properties within a Planning Conceptual Plan for a WCR FLU designation.

3. Development Review Procedures

Any application for a Development Order shall be consistent with the FLUA Conceptual Plan.

Reason for amendments: Reinforces FLUE Table 2.2.1-j.1, which establishes that the WCR FLU designation is only consistent with the PUD Zoning district, and Policy 4.5-e, which restates the same while establishing that "commercial nodes..." (aka Commercial Pods) "...shall be designed consistent with the form of the Traditional Marketplace provisions in the ... Plan." The referenced TMD provisions are implemented through ULDC Art. 3.F, Traditional Development District, and Art. 3.F.4, Traditional Marketplace Development, and the Use Regulations and related Supplemental Use Standards for a TMD (which will be relocated to Art. 4, Use Regulations, as part of the Use Regulations Project).

[Additional Planning FLUE text amendment Staff assessment] "This is generally in keeping with the concepts included in the Sector Plan Remedial Amendment in 2007. It also provides additional specificity on the density and intensity being consistent with that of the adopted conceptual plan."

a. Rezoning

All land areas included within the FLUA Conceptual Plan shall be rezoned to a single PUD.

Reason for amendments: Implements new Policy 4.5-a requirements for a site specific WCR FLUA amendment Conceptual Plan (aka FLUA Conceptual Plan), with additional standards established in FLUE Policy 4.5-d and other policies of FLUE Objective 4.5.

[Additional Planning FLUE text amendment Staff assessment] "As indicated in the above analysis for the Objective, this policy requires any amendment to the WCR FLU designation include a Conceptual Plan that is a binding graphic depicting the locations and general configurations of a development; however, this is further clarified in New Policy 4.5-d. It is comparable to the old Development of Regional Impact (DRI) Map H. Policy also provides that the Conceptual Plan can only be amended after adoption through a subsequent FLUA amendment."

b. FLUA Conceptual Plan Interpretation

Any interpretation of the FLUA Conceptual Plan shall be made by the Planning Director, or by the Zoning Director in consultation with the Planning Director.

c. Commercial Pod(s) – BCC Preliminary Site Plan Approval

The BCC shall approve a Preliminary Site Plan for each Commercial Pod within a WCR PUD, with Commercial Pods developed in accordance with the standards for a Traditional Marketplace Development (TMD).

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EXHIBIT B

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

(Updated 12/9/16)

~~Reason for amendments: [GL Homes Phase 2 PIA] The applicant is proposing a new system of labeling groups of Pods, to improve identification of larger Parcel areas within the overall development (e.g. Parcel A, Pod A1, Pod A2, etc.).~~

~~d. Parcel Designation~~

~~In addition to the designation of PUD Pods, the additional designation of PUD Parcels may be permitted to identify larger areas within the development.~~

Reason for amendments: PUD exceptions are required to recognize a number of deviations from standard PUD requirements established within FLUE Objective 4.5, namely Policies 4.5-d, 4.5-e, 4.5-f.1-7, as may be amended, including but not limited to:

- A minimum of 33.3% of the gross site acreage shall be set-aside in one large contiguous open space land area (aka open space set-aside);
- The project shall provide a minimum of 66.7% of the gross site acreage in open space uses [aka "Required Open Space"], with an additional requirement that 50% of the gross site acreage be in the form of "Exterior Open Space". The latter would primarily be comprised of the required "open space set-aside" with the remaining portions typically comprised of larger water, landscape or similar open space features located near the periphery of the development areas, or other similar features within the development;
- A minimum of 900 acres to qualify for a WCR FLUA amendment, which equates to the minimum acreage required for a WCR PUD;
- Increased area for Commercial Pods [AKA "Neighborhood Serving Commercial Nodes"], "intended to keep with the concepts included in the Sector Plan remedial amendment in 2007."
- Provisions to allow for interim and future agricultural use; and
- Maximum density of 0.80 du/acre, requirements for a range of housing types, a range of density with higher and medium density development in closer proximity to Commercial Pods, and a 10% minimum Workforce Housing Requirement.

Rather than duplicate the FLUE Policies above in the ULDC, which are also required to be included in a site specific WCR FLUA amendment Conceptual Plan (aka FLUA Conceptual Plan), Zoning is recommending a lighter approach, which:

- 1) Identifies any known inconsistencies with existing PUD standards as necessary to allow for a Planning Conceptual Plan to be implemented; and,
- 2) Recognizes the potential for further refinement if future WCRD eligible applicants submit additional privately initiated Comprehensive Plan amendments.

4. Planned Unit Development (PUD) Exceptions

a. Contiguity

For the purposes of contiguity, any land area included within the FLUA Conceptual Plan, shall be considered contiguous in accordance with FLUE Policy 1.12-d.

b. Minimum Acreage

As indicated on the FLUA Conceptual Plan.

c. PUD Land Use Mix

The following deviations shall be permitted from Table 3.E.2.C, PUD Land Mix, where specified otherwise on the FLUA Conceptual Plan.

1) Minimum Residential

The minimum required residential may be reduced.

2) Maximum Commercial

The maximum required commercial may be increased.

3) Open Space

Minimum or maximum required open space area shall be in accordance with the FLUA Conceptual Plan.

d. TMD Requirements for Commercial Pods

Commercial Pods shall be located in accordance with the FLUA Conceptual Plan, developed in accordance with the standards for a TMD as specified in Art. 3.F, Traditional Development Districts, and exempt from the PUD Commercial Pod requirements for Use Regulations, Location, Design, and PDRs.

e. Standards for Open Space

If designated on the FLUA Conceptual Plan, additional required open space set-aside areas not located within the development area of the WCR PUD shall be further limited to preservation, conservation, passive recreation, perimeter landscape buffers, rural

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EXHIBIT B

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

(Updated 12/9/16)

1 parkways, pedestrian/equestrian pathways and greenways, wetlands, agricultural uses in
2 accordance with f. below, regional water management, and fallow land uses.
3

Reason for amendments: [Zoning] New FLUE Policy 4.5-c allows for the continuation or expansion of existing agricultural uses. It also may allow for a WCR FLUA Conceptual Plan to identify open space areas where existing or new agricultural uses may continue concurrent with other approved development. However, due to the construction of the ULDC, additional clarification is required to ensure that any future agricultural uses are truly farming uses compatible with the intended use of open space areas likely to be identified on a FLUA Conceptual Plan, as opposed to Commercial or Industrial agricultural support uses. This is accomplished by expanding previously established Agricultural Enclave Overlay (AGEO) provisions related to this subject, which in turn relies upon collaboration with the Property Appraiser, which undertakes a more in depth evaluation and monitoring of agricultural uses in accordance with F.S. 193.461.

[Planning FLUE text amendment Staff assessment] *"This new policy would prevent any existing agricultural operations from being rendered non-conforming by allowing them to continue until such time as they develop. It also enables continued agricultural operations within open space areas as designated on the adopted conceptual plan."*

4 **f. Agricultural Uses**

5 Agricultural uses shall be permitted within a WCR PUD development area as an interim
6 use, or where otherwise designated on the FLUA Conceptual Plan, provided that existing
7 or new agricultural uses have or are eligible to be agriculturally classified by the Property
8 Appraiser. Unless stated otherwise on the FLUA Conceptual Plan, agricultural uses shall
9 be permitted in accordance with the standards for the AR or AP Zoning districts,
10 whichever is applicable based on the prior Zoning for the subject area.
11
12

Reason for Amendment: [GL Homes Phase 2 PIA, as amended November 23, 2016] Subsequent to
the original PIA submittal, GL Homes submitted an addendum in accordance with ongoing discussions
with County staff regarding applicability of Landscape Buffer requirements within the WCRO. Additional
refinements were incorporated with input from UDKS, representing the applicants for the Delray Linton
Groves WCR PUD. The revisions seek to clarify the applicability of certain types of Landscape Buffers
between certain uses within the boundaries of a WCR PUD, or in scenarios where additional open space
is provided along a number of easements existing within the WCRO.

As pertains to easements, Art. 5.F.2, Easements, establishes standards to recognize allowances for
minor encroachments, provided that "No construction shall be permitted within any easement where such
construction is incompatible with the use for which the easement was established." County staff,
including PZB Administration, Planning Division, Zoning Division, Land Development Division, and
County Attorney's Office, have evaluated the requested revisions and determined that they are generally
consistent with the aforementioned regulations for easements.

13 **g. Landscape Buffer Exceptions Buffers**

14 The following exceptions to Landscape Buffer requirements may be allowed:

15 **1) Rural Parkways**

16 Perimeter or R-O-W Landscape Buffers shall not be required adjacent to Rural
17 Parkways around the perimeter of a WCR PUD if an alternative buffer is approved as
18 part of the FLUA Conceptual Plan, and the Planning Division shall establish
19 establishes Conditions of Approval on the Rezoning for all planting and pathway
20 requirements.
21

22 **2) Contiguous Open Space**

23 Landscape Buffers shall not be required around the boundary of the required large
24 contiguous Open Space land area (33.33% of the overall site) approved on the FLUA
25 Conceptual Plan.

26 **3) Optional Agriculture Use Compatibility Buffer**

27 Landscape Buffers required between Residential and Agricultural uses located within
28 a WCR PUD, shall only be required to be a minimum five-foot wide Compatibility
29 Buffer, provided the residential lots and Agricultural use(s) are separated by a
30 minimum of 50 feet of dedicated open space.

31 **4) Section Line Easements within the WCRO**

32 Within the WCRO, WCR PUDs may be encumbered by ingress, egress,
33 maintenance, drainage and irrigation easements. Collectively, when specified in the
34 Development Order for a WCR PUD Rezoning, these easements are hereinafter
35 referred to as "Section Line Easements". The following may apply to Section Line

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EXHIBIT B

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

(Updated 12/9/16)

1 Easements, except where encumbered by any other easements, including those
2 dedicated to Palm Beach County, the Indian Trail Improvement District, a POA, or
3 other similar:

4 (a) When road right of way dedication to Palm Beach County is required, Palm
5 Beach County will accept these rights of way encumbered with only ingress,
6 egress and drainage easements. Other types of easements shall be released
7 prior to dedication of rights of way to Palm Beach County. The limit of the right of
8 way conveyance shall establish the WCR PUD Base Building Line.

9 (b) Overlap or encroachment of Landscape Buffer Easements or Tracts shall be
10 prohibited in the Section Line Easements;

11 (c) A minimum five foot wide Compatibility Buffer may be allowed in lieu of a R-O-W
12 Buffer, where adjacent to a Section Line Easement for ingress or egress, subject
13 to the following:

14 (1) The Section Lines Easement is not used for ingress or egress purposes, and
15 there are no proposed streets;

16 (2) There is a minimum 50 foot wide dedicated open space between the
17 development area and adjacent uses.

18 (3) Adjacent uses within the development area of the WCR PUD are designated
19 for agriculture, water management, residential or conservation uses, or
20 external parcels support residential, agricultural or conservation uses, or
21 have a residential or conservation FLU designation.

22 (d) Required Landscape Buffer material may be relocated into the Section Line
23 Easements;

24 (e) Improvements such as, but not limited to landscaping, undulating berms,
25 pedestrian pathways, equestrian trails, signage, drainage, utilities, and irrigation
26 may be allowed within Section Line Easements; and,

27 (f) The WCR PUD property line shall establish the Base Building Line.
28

Reason for amendments: TMD exceptions are required to recognize a number of deviations from standard TMD requirements not explicitly outlined within the Plan, but generally consistent with the purpose and intent behind new FLUE Policies 4.5-e and 4.5-f.4.

29
30 **5. Traditional Marketplace Development (TMD) Exceptions**

31 **a. Minimum Square Footage**

32 As designated on the FLUA Conceptual Plan.

33 **b. Permitted Locations**

34 As designated on the FLUA Conceptual Plan.
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EXHIBIT C

**ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)**

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Part 1. ULDC Art. 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (pages 16 – 18 of 134), is hereby amended, as follows:

Reason for Amendment: [Zoning] Establish that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) future land use (FLU) designation for the purposes of accommodating development required for certain types of publically held or privately operated utilities that do not fit criteria for the Public Ownership (PO) Zoning district:

- Whereas, FLUE Policy 2.2.9-c indicates that *“Transportation and Utility uses may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC.”*;
- Whereas, a number of utility uses may be allowed in the most Zoning districts;
- Whereas, the ULDC has historically and currently limits the U/T FLU designation to the Public Ownership (PO) Zoning district;
- Whereas, the PO district is defined in a way that suggests ownership or operation by governmental entities;
- Whereas, certain publically held utilities, or those that may be privately owned or operated, do not necessarily afford the same level of public input or accountability expected from governmental entities anticipated within the scope of the PO district;
- Whereas, the Institutional and Public Facilities (IPF) Zoning district is defined to include *“...regional or community uses that are either publically or privately operated.”*

Note: See also Part 10, related to new Art. 3.D.3.A.6, Institutional and Public Facilities District (IPF) with UT FLU Designation.

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ARTICLE 3 OVERLAYS & ZONING DISTRICTS
CHAPTER A GENERAL
Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

B. Standard Districts

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

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

FLU Designation	Zoning District					
.....						
Institutional/ Public and Civic						
INST	IPF					
PARK	IPF					
U/T	PO	IPF (4)				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042]						
Notes:						
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1. **Standard District Exceptions and Limitations**
The following **list of exceptions shall be permitted:**

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

Part 2. ULDC Table.3.B.2.B, Airport Use Regulations (Continued) (page 21-23 of 234), is hereby amended as follows:

Reason for amendments: [Zoning] Rename, relocate and expand uses where applicable for consistency with revisions to Art. 4, Use Regulations.

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Notes:
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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

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

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Security or Caretaker Quarter	S	S	CG or IG	119	All
Commercial Uses					
Auction, Enclosed Indoor		D	CG	16-2	All
Auction, Outdoor		A	CG	16-2	All
Broadcast Studio {Consolidated with Multimedia Production – Industrial Use}		D	CG or IL	21	All
Building Supplies [Concept consolidated with Retail Sales (Commercial Use) and Wholesaling (Industrial Use)]		D	CG or IL	22	All
Car Wash		D	CG or IL	25-4	All
Catering Service	P	D	CG or IL	26-5	All
Contractor Storage Yard [Relocated to Industrial Uses]		D	IG	35	All
Cocktail Lounge [Relocated from Lounge Cocktail, below]	P	A	CG	79-6	All
Convenience Store		D	CG	36-7	All
Convenience Store with Gas Sales		A	CG	37	All
Dispatching Office Service	P	D	CG	42-8	All
Dog Daycare	P	D	CG	43-9	All
Financial Institution	P	D P	CG	55-10	All
Financial Institution with Drive Thru Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
Gas and Fuel Sales, Retail		A	CG	1815	All
Hotel, or Motel, SRO, Rooming and Boarding	P	D	CG	72-17	All
Kenel, Type 2 (Commercial) [Relocated from Agricultural Uses]	P	D	CG or IG	74-1-18	All
Kenel, Type 3 (Commercial Enclosed) [Relocated from Agricultural Uses]	P	D	CG or IG	74-2-19	All
Landscape Service		D	CG or IL	77-20	All
Laundry Service		D	CG or IL	78-21	All
Lounge, Cocktail [Relocated above as Cocktail Lounge]	P	A	CG	79	All
Medical or Dental Office	P	D	CG	83-23	All
Office, Business or Professional	P	D	CG	91-25	All
Parking Garage, Commercial	P	D	CG or IL	95	All
Parking Lot, Commercial	P	D	CG or IL	96-26	All
Pawnshop		A	CG	97-27	All
Personal Services	P	D	CG	98-28	All
Printing and Copying Service [Use consolidated with Retail Sales]	P	D	CG or IL	100	All
Repair and Maintenance, Heavy General	P	A	CG or IG	107-29	All
Repair and Maintenance, Light	P	D	CG or IG	30	All
Repair Services, Limited	P	D	CG or IG	108-31	All
Restaurant, Type #1	P	A	CG	109-32	All
Restaurant, Type #2	P	D	CG	110-33	All
Retail Sales, General	P	D	CG	114-34	All
Retail Sales, Mobile or Temporary		S	CG or IG	115-3	All
Self-Service Storage, Limited Access		D	CG or IG	120-36	All
Self-Service Storage, Multi Access		D	CG or IG	36	All
Single Room Occupancy (SRO)	P	A	CG	72-37	All
Vehicle Equipment Sales and Rental, Heavy		A	CG or IL	39	All
Vehicle Sales and Rental, Light	P	B	CG or IL	135-40	All
Veterinary Clinic	P	D	CG or IL	136-41	All
Vocational School Institution	P	D	CG or IG	137-42	All
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016]					

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Table 3.B.2.B - Airport Use Regulations (Continued)

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public and Civic Uses					
Airport [Relocated to Transportation Uses]	<i>P</i>		<i>PO</i>	<i>10</i>	<i>All</i>
Nonprofit Assembly, Nonprofit Institutional	D	D	CG	<i>1410</i>	All
Nonprofit Assembly, Nonprofit Membership	D	D	CG or IL	<i>15-11</i>	All
Place of Worship		D	CG	<i>29-13</i>	All
Government Services	P	P	CG or IL	<i>63-7</i>	All
Helipad [Relocated to Transportation Uses]	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>10</i>	<i>All</i>
Hospital or Medical Center		A	CG	<i>71-9</i>	All
Landing Strip [Relocated to Transportation Uses]	<i>P</i>		<i>CRE or IG</i>	<i>10</i>	<i>All</i>
Entertainment, Indoor	P	D	CG or IL	<i>45-3</i>	All
Entertainment, Outdoor	P		PO	<i>46-4</i>	All
Fitness Center	P	D	CG or IL	<i>56-5</i>	All
Golf Course		D	CG or IL	<i>62-6</i>	All
Park Public		P	CG or IG	<i>94-9</i>	All
Park, Neighborhood		P	CG or IG	<i>92-7</i>	All
Prison, Jail or Correctional Facilities	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>14</i>	<i>All</i>
Special Event [Relocated to Temporary Uses]	<i>P</i>	<i>S</i>	<i>CG or IL</i>	<i>124</i>	<i>All</i>
Recreation Uses					
Arena, Auditorium or Stadium or Amphitheater	P	A	CG	<i>12-1</i>	PBIA
Park, Passive	P	P	CG or IL	<i>93-8</i>	All
Agricultural Uses					
Agriculture, Bona Fide		P	IL	<i>3-1</i>	2
Agriculture, Light Manufacturing		P	IL	<i>4-2</i>	2
Agriculture, Packing Plant		P	IL	<i>5-3</i>	2
Agriculture, Research/Development		P	IL	<i>3-1-4</i>	2
Agriculture, Sales and Service		P	IL	<i>6-6</i>	2
Agriculture, Storage		P	IL	<i>7-7</i>	2
Community Vegetable Garden		P	CG or IL	<i>3210</i>	2
Kennel, Commercial-Type II [Relocated to Commercial Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	<i>74-1</i>	<i>All</i>
Kennel, Commercial-Type III [Relocated to Commercial Uses]	<i>P</i>	<i>D</i>	<i>CG or IG</i>	<i>74-2</i>	<i>All</i>
Nursery, Retail		D	CG	<i>88-13</i>	All
Shadehouse		P	IL	<i>121-17</i>	2
Utilities & / Excavation Uses / Commercial Communication Towers					
Air Curtain Incinerator		D	CG or IG	<i>9</i>	All
Chipping and Mulching		D	IG	<i>28-1</i>	All
Communication Cell Sites on Wheels (COW) Tower, Mobile [Relocated to Temporary Uses]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31</i>	<i>All</i>
Communication Panels, or Antennas, Commercial [Standards relocated to Art. 5]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31</i>	<i>All</i>
Commercial Communication Towers, Commercial	P	D	CG or IG	<i>31</i>	All
Composting Facility		D	IG	<i>33-2</i>	All
Excavation, Type #2	P	P	CG or IG	<i>49-4</i>	All
Recycling Center	D	D	CG or IG	<i>103-11</i>	All
Recycling Drop-Off Bin [Relocated to Temporary Uses]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>104</i>	<i>All</i>
Recycling Plant [Relocated to Industrial Uses]	<i>P</i>	<i>D</i>	<i>IG</i>	<i>105</i>	<i>All</i>
Minor Utility, Minor	P	D	CG or IG	<i>134-7</i>	All
Transportation Uses					
Airport [Relocated from Public and Civic Uses]	<i>P</i>		<i>PO</i>	<i>10-1</i>	<i>All</i>
Helipad [FKA Helipad]	<i>P</i>	<i>A</i>	<i>CG or IL</i>	<i>10-2</i>	<i>All</i>
Transportation Facility [Relocated from Industrial Uses]	<i>B</i>	<i>B</i>	<i>CG or IG</i>	<i>133-5</i>	<i>All</i>
Temporary Uses					
Communication Cell Sites on Wheels (COW) Tower, Mobile [Relocated from Utility Uses]	<i>P</i>	<i>P</i>	<i>CG or IG</i>	<i>31-7-1</i>	<i>All</i>
Recycling Drop-Off Bin [Relocated from Utility Uses]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>104-5</i>	<i>All</i>
Special Event [Relocated from Public and Civic Uses]	<i>P</i>	<i>S</i>	<i>CG or IL</i>	<i>124-6</i>	<i>All</i>
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001]					

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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Table 3.B.2.B - Airport Use Regulations (Continued)

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Industrial Uses					
Asphalt or Concrete Plant	P	D	IG	13	All
Contractor Storage Yard [Relocated from Commercial Uses]		<i>D</i>	<i>IG</i>	35-1	<i>All</i>
Data and Information Processing	P	D	CG or IG	38-2	All
Distribution Facility	<i>B</i>	<i>B</i>	<i>CG or IG</i>	133-3	<i>All</i>
Film Multi-Media Production Studio		D	CG or IG	54-10	All
Gas and Fuel, wholesale	P	D	IG	64-5	All
Laboratory, Industrial Research and Development		D	IG	76-13	All
Manufacturing and Processing	P	D	IG	84-8	All
Medical or Dental Laboratory		D	CG or IL	84-9	All
Recycling Plant [Relocated from Utility Uses]	<i>P</i>	<i>D</i>	<i>IG</i>	105-12	<i>All</i>
Transportation Facility [Relocated to Transportation Uses]	<i>B</i>	<i>B</i>	<i>CG or IG</i>	133	<i>All</i>
Warehouse	P	D	IG	138-17	All
Wholesaling, General	P	D	IG	140-18	All
[Ord. 2006-036] [Ord. 2010-022]					
Notes:					
.....					
(2) Reference Art.4, <u>Use Regulations B, Supplementary Use Standards</u> for additional <u>requirements, Supplementary Use Standards.</u>					
Key:					
.....					

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Part 3. ULDC Art. 3.B.9.D.5.a, Permitted Uses [Related to PBIA], (pages 35, of 234), is hereby amended as follows:

Reason for amendments: [Zoning] Delete redundant reference, which does not apply to Non-conforming Uses.

7 CHAPTER B OVERLAYS

8 Section 9 PBIAO, Palm Beach International Airport Overlay

9 D. Uses

10 5. Nonconforming Uses

11 a. ~~Permitted Uses~~

12 All applications for a permitted use in the PBIAO shall be reviewed in accordance with
13 Table 4.A.3.A, Use Matri, and Article 16, AIRPORT REGULATIONS. ~~[Ord. 2004-051]~~
14 [Renumber accordingly.]

17 Part 4. ULDC Art. 3.B.10.C.1, Prohibited Noise Sensitive Uses [Related to RTO, Research and
18 Technology Overlay] (page 38 of 234), is hereby amended as follow
19

Reason for amendments: [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

20 ARTICLE 3

21 CHAPTER B OVERLAYS

22 Section 10 RTO, Research and Technology Overlay

23 C. Use Regulations

24 1. Prohibited Noise Sensitive Uses:

25
26 d. Hospitals, ~~medical centers.~~

29 Part 5. ULDC Art. 3.B.11.C, Use Regulations [Related to CGCFO, Sugar Cane Growers
30 Cooperative of Florida Protection Area Overlay] (page 38-39 of 234), is hereby
31 amended as follows:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Reason for amendments: [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

CHAPTER B OVERLAYS

Section 11 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay

C. Use Regulations

The following uses shall may be permitted in the SCGCFO, subject to Article 4, Use Regulations, and the following: 4.A, USE CLASSIFICATION: [Ord. 2004-040]

Table with 2 columns: Permitted Uses Permitted by Right and DRO Uses. Rows include Minor Utility, Minor Vocational school Institution, Water or Wastewater Treatment Plant, Class A Conditional Uses, Special Permit, Electric Power Facility Plant, Security/Caretaker's Quarters, and [Ord. 2013-001].

Part 6. ULDC Art. 3.B.13, TAPO Turnpike Aquifer Protection Overlay (pages 39-40 of 234), is hereby amended as follows:

Reason for amendments: [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

CHAPTER B OVERLAYS

Section 13 TAPO, Turnpike Aquifer Protection Overlay

C. Exemption

All development and uses which existed within the revised TAPO boundaries, as described in Article 3.B.14.D, Boundaries around Water or Wastewater Treatment Plant (WTP)

D. Boundaries

The TAPO boundaries shall generally be described as two areas around Water or Wastewater Treatment Plant (WTP) 3 and 8.

2.

The specific boundaries are depicted on maps and legal descriptions incorporated herein and made a part of this Code. See Appendix 1, Legal Description Water or Wastewater Treatment Plant No. 3, and Appendix 2, Legal Description Water or Wastewater Treatment Plant No. 8.

Part 7. ULDC Art. 3.B.14, WCRAO, Westgate Community Redevelopment Area Overlay (pages 41-53 of 234), is hereby amended as follows:

Reason for amendments: [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.

CHAPTER B OVERLAYS

Section 14 WCRAO, Westgate Community Redevelopment Area Overlay

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

.... Single-family dwellings shall only be required to comply with the Minimum Lot Depth and Accessory Dwelling Quarters requirements of Sub-area PDRs. [Ord. 2006-004] [Ord. 2008-003]

Notes:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
.....							
Maximum Height (7)							
.....							
Accessory Dwelling Quarters Max. Height/Stories	2 stories and 25'			-	-	-	-
Other							
.....							
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031]							
Key							
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Notes:							
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Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
.....							
Accessory Dwelling Quarters	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
.....							
Location of Accessory Dwelling Quarters and Garages:							
.....							
.....							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031]							
Notes:							
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G. Supplementary Standards

1. Accessory and Prohibited Uses

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b. Accessory **Dwelling Quarters** and Garages

Accessory **dwelling Quarters** and garages shall meet the requirements of Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area and Figure 3.F.3.E, TND Garages. [Ord. 2006-004]

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Part 8. ULDC Art. 3.B.15, Infill Redevelopment Overlay (IRO) (pages 78-88, of 234), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of Infill Redevelopment Overlay (IRO) Use Schedule to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Rename uses for consistency with revisions to Art. 4, Use Regulations.

CHAPTER B OVERLAYS

Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

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7. Use Standards

The standards of the IRO allow only those uses that have been indicated on a DRO approved FSP or FSBP to be eligible to apply for building permits or a business tax receipt (BTR). Where permitted, uses may also be further restricted by TZ, building type and number or floor location. [Ord. 2010-005]

a. Permitted Uses

See Article 4, Use Regulations, ~~Table 3.B.16.F, IRO Permitted Use Schedule identifies the permitted and requested uses allowed for an IRO project.~~ [Ord. 2010-005]

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Table 3.B.15.F – IRO Permitted Use Schedule

Use Type	Land Use				N O T E	Use Type	Land Use				N O T E
	C L	C H	C L	C H			C L	C H	C L	C H	
Residential Uses						Commercial Uses (continued)					
Townhouse	D	D	D	D	132	Green Market	D	D	L	L	64
Multi-family	D	D	D	D	87	Hotel, Motel, SRO, Rooming And Boarding	A	D			72
Accessory Dwelling	D	D	D	D	1	Kennel, Type III (Enclosed)	D	D			74-2
CLF, Type I	D	D	D	D	34	Kiosk	D	D	D	D	75
CLF, Type II	D	D	D	D	34	Laundry Services	D	D			78
CLF, Type III	A	D	A	D	34	Lounge, Cocktail	A	A			79
Garage Sale	D	D	D	D	60	Office, Medical or Dental	D	D	D	D	83
Guest Cottage	D	D	D	D	66	Office, Business or Professional	D	D	D	D	94
Home Occupation	D	D	D	D	70	Parking Garage, Commercial	D	D			95
Nursing Facility	D	D	D	D	90	Parking Lot, Commercial	D	D			96
Security or caretakers Quarters	D	D	D	D	119	Pawnshop	A	D			97
Commercial Uses						Commercial Uses (continued)					
Auction, Enclosed		D			16	Personal Services	D	D			98
Auto Paint or Body Shop		A			17	Printing and Copying	D	D	D	D	100
Broadcast Studio	D	D	D	D	21	Repair and Maintenance, General	A	A			107
Building Supplies	D	D			22	Repair Services, Limited	D	D			108
Car Wash	A	A			25	Restaurant, Type I	A	A			109
Catering Service	D	D			26	Restaurant, Type II	D	D			111
Convenience Store	D	D			36	Retail Sales, Auto Accessories and Parts	D	D			113
Convenience Store with Gas Sales	A	A			37	Retail Sales, General	D	D			114
Day Labor and Employment Service		A			41	Retail Sales, Mobile or Temporary	D	D			115
Dispatching Office		D			42	Self Service Storage	D	D			120
Dog Daycare	D	D	L	L	43	Theater, Indoor	D	D			128
Financial Institution	A	A	A	D	55	Vehicle Sales and Rental	A	A			135
Flea Market, Enclosed		D			57	Veterinary Clinic	D	D			136
Funeral Home or Crematory		A			59	Vocational School	D	D	D	D	137
Gas and Fuel, Retail	A	A			18	Work/Live Space	D	D	D	D	141-1
						Live/Work Unit	D	D			141-2

[Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016]
Key:
P Permitted by right.
D Permitted subject to DRO approval.
L Permitted only where accessory to a permitted use.
S Permitted subject to Special Permit approval.
A Permitted subject to Board of County Commission Approval.

Table 3.B.15.F – IRO Permitted Use Schedule (continued)

Use Type	Land Use				N O T E	Use Type	Land Use				N O T E
	C L	C H	C L	C H			C L	C H	C L	C H	
Public and Civic Uses						Utilities and Excavation					
College or University	D	D			30	Air Stripper, Remedial	D	D	D	D	11
Day Camp	D	D			39	Communication Cell Sites on Wheels (COW) Tower, Mobile	S	S	S	S	34
Day Care, General	A	A			40	Communication Panels or Antennas, Commercial	D	D	D	D	31
School, Elementary or Secondary	D	D	D	D	118	Communication Tower, Commercial	A	A	A	A	31
Day Care, Limited	A	D			40	Electric Transmission Facility	A	A	A	A	44-2
Government Services	D	D	D	D	63	Excavation, Type II	A	A	A	A	49
Helipad	A	A	A	A	10	Recycling Drop-Off Bin	D	D			105
Hospital or Medical Center	D	D		D	71	Utility, Minor	D	D	D	D	134
Recreation Uses						Industrial Uses					
Entertainment, Indoor	D	D			45						
Fitness Center	D	D			56						
Gun Club, Enclosed		D			67-1						

Notes:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Marine Facility	D	D			82	Data Information Processing	D	D	D	D	38
Park, Passive	D	D	D	D	93	Film Production Studio		D		D	54
Park, Public	D	D	D	D	94	Laboratory, Industrial Research	A	D	A	D	76
Park, Neighborhood	D	D	D	D	92	Medical or Dental Laboratory		D		D	84
Special Event	S	S	S	S	124						
Agricultural Uses											
Agriculture, Sales/Service	D	D			6						
Farmers Market	D	D			52						
[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]											
Key:											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted by right, subject to accessory use limitations.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											

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Table 3.B.15.F. - Townhouse Lot and Building Configuration PDRs

....
[Ord. 2010-005]
Notes:
....
3. Townhouse, including wings, garages or Accessory Dwelling Quarters shall comply with
....

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Table 3.B.15.G - Type I Waivers

Requirements	Maximum Waiver	Minimum Justification Criteria of Review
Internal Street Standards		
....		
Interconnectivity Standards		
Art. 3.B.15.F.4, Interconnectivity Standards	No interconnectivity requirement.	Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or Wastewater Treatment Plant, jails, or other similar facilities.
....		

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Part 9. ULDC Art. 3.B.16.E, PRA Use Matrix (pages 90 of 229), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <ol style="list-style-type: none"> Provide link to relocated Use Matrices, due to relocation of PRA Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification. Delete scrivener's error reference to Use Matrices for other Zoning Districts and Overlays. Rename uses for consistency with revisions to Art. 4, Use Regulations.

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. **Additional PRA Use Regulations Matrix**

The list of uses permitted within the URAO shall be in accordance with Art. 4, Use Regulations, and with the following. [Ord. 2011-016]

~~1. Standard Districts, PDD's, TDDs or Other Overlays~~

~~Uses permitted in standard Zoning districts, PDDs or other Zoning Overlays shall be in accordance with Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, TDD Permitted Use Schedule, or any applicable Art. 3.B, Overlays use matrices or similar provisions. [Ord. 2011-016]~~

~~12. Right to Continue or Change Uses UC or UI Districts~~

~~The list of permitted land uses for parcels with UC or UI Zoning shall be in accordance with Table 3.B.16.E, PRA Permitted Use Schedule, and the following: [Ord. 2011-016]~~

~~a. Right To Continue or Change Uses~~

~~Those uses that were legally established prior to the adoption of~~

Notes:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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~~a.1) Listed in Table 3.B.16.E, PRA Use Matrix the use matrices contained in Article 4, Use Regulations; [Ord. 2011-016]~~

~~b.2)....~~

~~c.3)....~~

~~d.4)....~~

~~**b. New Uses in Compliance PRA Requirements**~~

~~New Uses for Development Orders for new construction of buildings, structures or outdoor uses that complies with all PRA requirements, including any approved Waivers, shall be permitted in accordance with Table 3.B.16.E, PRA Use Matrix for the applicable Zoning District and Transect Zone. Variances or Waivers from the requirements of Table 3.B.16.E, PRA Use Matrix shall be prohibited. [Ord. 2011-016]~~

23. Residential Uses

....

b. Single Family ~~Dwelling Units and Type 1 CLF~~ shall not be permitted to front ~~on~~ Slip Street or Primary ~~Street~~ Frontages. [Ord. 2011-016]

34. Outdoor Uses

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
Residential Uses						
Single Family	P	P	P	P	P	122
Zero-Lot-Line	D	D	D	D	D	142
Townhouse	D	D	D	D	D	132
Multi-family	D	D	D	D	D	82
Accessory Dwelling	D	D	D	D	D	1
Congregate Living Facility, Type 1	D	D	D	D	D	34
Congregate Living Facility, Type 2	D	D	D	D	D	34
Congregate Living Facility, Type 3	D	D	D	D	D	34
Estate Kitchen	D	D	D	D	D	48
Garage Sale	P	P	P	P	P	60
Guest Cottage	D	D	D	D	D	66
Home Occupation	P	P	P	P	P	70
Kennel, Type I (Private)	D	D	D	D	D	73
Nursing Convalescent Facility	D	D	D	D	D	90
Security or Caretaker Quarters	D	D	D	D	D	119
Commercial Uses						
Adult Entertainment	S	S		S		2
Auction, Enclosed (4)	D	D	D	D	D	16
Auto Paint or Body Shop	A	A	A	A	A	17
Gas and Fuel Retail	A	A	A	A	A	18
Bed and Breakfast	D	D	D	D	D	20
Broadcast Studio	D	D	D	D	D	21
Car Wash	D	D	D	D	D	25
Catering Services	D	D	D	D	D	26
Convenience Store	D	D	D	D	D	36
Convenience Store with Gas Sales	D	D	D	D	D	37
Crematory	A	A	A	A	A	59-2
Day Labor Employment Service	A	A	A	A	A	41
Dispatching Office	D	D	D	D	D	42
Dog Daycare	D	D	D	D	D	43
Financial Institution	D	D	D	D	D	55
Flea Market, Open	A	A	A	A	A	58
Flea Market, Enclosed	D	D	D	D	D	57
Funeral Home	D	D	D	D	D	59-1
Green Market	D	D	D	D	D	64
Hotel, Motel, SRO, Rooming and Boarding	D	D	D	D	D	72
Kennel, Type III (Commercial Enclosed)	D	D	D	D	D	74-2
Kennel, Type IV (Animal Shelter)	A	A	A	A	A	74-3
Kiosk	D	D	D	D	D	75
Laundry Services (4)	D	D	D	D	D	78
Lounge, Cocktail	D	D	A	D	A	79
Medical or Dental Office (4)	D	D	D	D	D	83
Monument Sales, Retail	D	D	D	D	D	86
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

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Notes:

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EXHIBIT C

**ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)**

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC-1	UC-2	UC-3	UI-1	UI-2	
Commercial Uses						
Office, Business or Professional (4)	D	D	D	D	D	94
Parking Garage, Commercial	D	D	D	D	D	95
Parking Lot, Commercial	A	A	A	A	A	96
Pawnshop	A	A	A	A	A	97
Personal Services (4)	D	D	D	D	D	98
Printing and Copying Services (4)	D	D	D	D	D	100
Real Estate Sales Model						102
Repair and Maintenance, General	D	D	D	D	D	107
Repair Services, Limited (4)	D	D	D	D	D	108
Restaurant, Type I	D	D	D	D	D	109
Restaurant, Type II	D	D	D	D	D	111
Retail Sales, Auto Accessories and Parts (4)	D	D	D	D	D	113
Retail Sales, General (4)	D	D	D	D	D	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	115
Self-Service Storage	D	D	D	D	D	120
Theater, Indoor	D	D	A	D	A	129
Vehicle Sales and Rental	D	D	D	D	D	135
Veterinary Clinic	D	D	D	D	D	136
Vocational School (4)	D	D	D	D	D	137
Work/Live Space	D	D	D	D	D	141-1
Live/Work	D	D	D	D	D	141-2
Public and Civic Uses						
Assembly, Nonprofit Institutional	D	D	D	D	D	14
Assembly, Nonprofit Membership	D	D	D	D	D	15
College or University ³	D	D	D	D	D	30
Day Camp	D	D	D	D	D	39
Day Care, General	D	D	D	D	D	40
Day Care, Limited	D	D	D	D	D	40
Government Services	D	D	D	D	D	63
Helipad	A	A		A		10
Hospital or Medical Center	D	D	D	D	D	74
Homeless Resource Center	A	A	A	A	A	70-1
Place of Worship	D	D	D	D	D	29
School, Elementary or Secondary	D	D	D	D	D	118
Recreational Uses						
Entertainment, Indoor	D	D	D	D	D	45
Entertainment, Outdoor	A	A	A	A	A	46
Fitness Center	D	D	D	D	D	56
Gun Club, Enclosed	A	A	A	A	A	67
Park, Passive	D	D	D	D	D	93
Park, Public	D	D	D	D	D	94
Park, Neighborhood	D	D	D	D	D	92
Special Event	S	S	S	S	S	124
[Ord. 2011-016] [Ord. 2012-007]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Table 3.B.16.E – PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
Agricultural Uses						
Community Vegetable Garden (4)	D	D	D	D	D	32
Farmers Market (4)	D	D	D	D	D	52
Nursery, Retail	D	D	D	D	D	88
Produce Stand	S	S	S	S	S	101
Utilities and Excavation						
Air Stripper, Remedial	A	A	A	A	A	11
Communication Cell Sites on Wheels (COWS)	S	S	S	S	S	31
Communication Panels, or Antennas, Commercial	A	A	A	A	A	31
Communication Tower, Commercial	A	A	A	A	A	31
Electrical Transmission Facility	A	A	A	A	A	44-2
Recycling Drop-Off Bin	D	D	D	D	D	104
Utility, Minor	D	D	D	D	D	134
Water or Treatment Plant	A	A	A	A	A	139
Industrial Uses						
Data Information Processing	D	D	D	D	D	38
Film Production Studio	D	D	D	D	D	54
Laboratory, Industrial Research	D	D	A	D	A	76
Medical or Dental Laboratory (4)	D	D	D	D	D	84
Transportation Facility	A			A		133
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
1. Deviations from this table shall be prohibited.						
2. Any outdoor uses shall comply with Art. 3.B.16.E.4.a, Residential Setbacks						
3. Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
4. The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

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Table 3.B.16.F - PRA Townhouse Lot and Building Configuration PDRs

....
[Ord. 2010-022] [Ord. 2011-016]
Notes:
5. Townhouse, including wings, garages or accessory dwelling , <u>Accessory Quarters</u> shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL. [Ord. 2010-022] [Ord. 2011-016]

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Table 3.B.16.G - Type I and II URAO Waivers (1)

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
....		
Interconnectivity Standards		
Art. 3.B.16.F.5, Interconnectivity Standards	No interconnectivity required for the following: > Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as Water or <u>Wastewater</u> Treatment Plant, jails or other similar uses.	No Waiver
....		

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Notes:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1
2 Part 10. ULDC Art. 3.D.3.A District Specific Regulations (pages 140-141 of 234), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning]
1. Rename uses for consistency with changes done in Article 4, Use Regulations.

5 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

6 Section 3 District Specific Regulations

7 A. District Specific Regulations

8 3. CN District

9 a. Enclosed Uses

10 All uses shall be operated entirely within enclosed buildings, with the following
11 exceptions: [Ord. 2005 – 002]

- 12 1) Air Curtain incinerator, temporary [Ord. 2005 – 002]
13 2) Commercial Communication tTower, commercial [Ord. 2005 - 002]
14 3) Electric Power Facility-Plant [Ord. 2005 - 002]
15 4) Passive Park, passive [Ord. 2005 - 002]
16 5) Recycling Drop-Off Bin [Ord. 2005 - 002] [Ord. 2013-001]
17 6) Minor Utility, Minor [Ord. 2005 - 002]
18 7) Water or Wastewater Treatment Plant. [Ord. 2005 – 002]

19 4. CLO District

20 a. Enclosed Uses

21 All uses shall be operated entirely within enclosed buildings, with the following
22 exceptions:

- 23 1) Air curtain incinerator, temporary;
24 2) Commercial Communication tTower, commercial;
25 3) Electric Power Facility-Plant;
26 4) Passive Park, passive;
27 5) Recreation facility, accessory;
28 6) Recycling Drop-Off Bin; [Ord. 2013-001]
29 7) Solid wWaste tTransfer sStation;
30 8) Minor Utility, Minor; and,
31 9) Water or wWastewater Treatment pPlant.

32

2. [Zoning] Establish that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) future land use (FLU) designation for the purposes of accommodating development required for certain types of publically held or privately operated utilities that do not fit criteria for the Public Ownership (PO) Zoning district:
- Whereas, FLUE Policy 2.2.9-c indicates that "Transportation and Utility uses may be allowed in all future land use designations, provided the uses are consistent with the Comprehensive Plan and the ULDC.";
- Whereas, a number of utility uses may be allowed in the most Zoning districts;
- Whereas, the ULDC has historically and currently limits the U/T FLU designation to the Public Ownership (PO) Zoning district;
- Whereas, the PO district is defined in a way that suggests ownership or operation by governmental entities;
- Whereas, certain publically held utilities, or those that may be privately owned or operated, do not necessarily afford the same level of public input or accountability expected from governmental entities anticipated within the scope of the PO district;
- Whereas, the Institutional and Public Facilities (IPF) Zoning district is defined to include "...regional or community uses that are either publically or privately operated."
Note: See also Part 1, related to Art. 3.A.3.B, Standard Districts.

34
35 6. IPF, Institutional and Public Facilities District with UT FLU Designation
36 Use of the IPF District with a UT FLU Designation, shall only be permitted for privately
37 operated utility uses and related collocated or accessory uses.
38 a. Accessory Uses
39 Heavy Equipment Repair and Maintenance and Light Repair and Maintenance may be
40 allowed as an accessory use to a privately operated utility use, subject to the approval
41 process for the applicable Utility use.

Notes:
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Stricken indicates text to be deleted.
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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

b. Collocated Uses

Data and Information Processing or Warehouse uses may be allowed as a collocated use, subject to the approval process for the applicable Utility use. Additional uses to allow for emergency management staging or operations may be permitted subject to Class A Conditional Use approval.

Part 11. ULDC Art. 3.E, Planned Development Districts (PDDs) (pages 141-195 of 234), are hereby amended as follows:

Reason for amendments: [Zoning]

1. Provide link to relocated Use Matrices, due to relocation of PDD Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Delete redundant explanations of types of approval processes, which is already outlined in Art. 4, Use Regulations.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

....
B. FAR, Density, and Use Standards

3. Uses Allowed

Uses allowed in a PDD shall be pursuant to ~~Table 3.E.1.B-22, PDD Use Matrix~~ Article 4, Use Regulations. Previously approved planned developments shall be governed by the FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval. **[Ord. 2005-041]**

4. Use Regulations

a. Requested Uses -Location

Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.

a. Use Designations

~~Uses permitted in a PDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.E.1.B-22, PDD Use.~~

~~**1) Permitted Uses (P)**~~

~~These uses are allowed by right and are identified by a P in the matrix.~~

~~**2) Special Uses (S)**~~

~~These uses require approval of a special permit and are identified by a S in the matrix.~~

~~**3) DRO Uses (D)**~~

~~These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix.~~

~~**4) Requested Uses (R)**~~

~~These uses require approval by the BCC in accordance with the standards and procedures in Article 2.B, PUBLIC HEARING PROCEDURES, and are identified by a R in the matrix.~~

~~**a) Location**~~

~~*Requested uses shall be shown on the master plan or site plan approved by the BCC and shall remain in the location shown.*~~

b. Supplementary Use Standards

~~A number in the "Note" column of Table 3.E.1.B, PDD Use Matrix, refers to supplementary land use standards in Article 4.B, SUPPLEMENTARY USE STANDARDS, which are applicable to the use.~~

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Table 3.E.1.B – PDD Use Matrix

Use Type	PUD					MUPD							MXPD		PIPD					LCC		N O T E					
	Pods					FLU							FLU		Use Zone					FLU							
	R E S	C O M	R E C	C I V	A G V / P	C L	C H	C L	C H	C O	C O	I R	E N	I D	I N	C H	C H	I N	C O	I M	I D		M H	R V	C L	C H	
Residential Uses																											
Single Family	P																										122
Zero Lot Line Home	P														P	P											142
Townhouse	P														P	P								P	P		132
Multi-Family	P														P	P								P	P		87
Mobile Home Dwelling					S																P						85
Accessory Dwelling	S				S																						4
Congregate Living Facility, Type 1	P																										34
Congregate Living Facility, Type 2	R			S																				D	D		34
Congregate Living Facility, Type 3	R	R		R		R	R	R	R					R	R	R								R	R		34
Estate Kitchen	P																										48
Farm Residence																											50
Farm Worker Quarters					P																						51
Garage Sale	P				P									P	P	P					P						60
Guest Cottage	P																										66
Home Occupation	P				P										P	P					P		P	P			70
Kennel Type I (Private)	P																										73
Nursing Or Convalescent Facility		R		R		R	R							D	R												90
Security Or Caretaker Quarters		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					119
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																											
Notes:																											
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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC			N O T E				
	Pods					FLU					FLU		Use Zone			FLU							
	R E S	C O M	R E C V	C I V /	A G R /	C L	C H	C L O	C H R O	C R O	I N D C T	E N D C T	I N S T	C H O	C H O	I N D L	C O M D L	C O M D G		M H D	R V D	C L H	C L H
Commercial Uses																							
Adult Entertainment																S	S					2	
Auction, Enclosed	R					P			P	D						P					P	P	16
Auction, Outdoor						R			R	R						P	P	P					16
Auto Paint Or Body Shop	R					R				R						P	P	P					17
Bed And Breakfast	D	D				S	S	S	S	S				S	S		S						20
Broadcast Studio	R					R	P	R	P	P	P	P		R	R	P	P				R	R	21
Building Supplies	R					R								R		P					R	R	22
Butcher Shop, Wholesale						R				P				R		P	P	P					23
Car Wash	R					R				P				R		P	P	P			R	R	25
Catering Service																D							26
Contractor Storage Yard										P	D					P	P						35
Convenience Store	P					P	P						P	P		P		P	P	P	P	P	36
Convenience Store With Gas Sales						R	R			R				R		R	P				R		37
Crematory						R	R			R		R	R			R							59-2
Day Labor Employment Service	R					R				R						P							41
Dispatching Office						R								R		P	P	P					42
Dog Day Care						R								R		P	R				R	R	43
Financial Institution	R					R	P	R	P					P	P	P					R	R	55
Flea Market, Enclosed	P					R								R		P					R		57
Flea Market, Open						R										R							58
Funeral Home	P					R	R			D		R	R			P							59-1
Gas and Fuel, Retail	R					R	R							R		P	R	P			R	R	18
Green Market																					D	D	64
Hotel, Motel, SRO, Rooming And Boarding						R		R	R					R	R	P					R		72
Kennel, Type II (Commercial)	R					R								R									74-1
Kennel, Type III (Commercial - Enclosed)	R					R	R							R							R	R	74-2
Kiosk						P	P	P	P	P				P	P	P	P	P			P	P	75
Landscape Service	R					R				P	D			R		P	P	P					77
Laundry Services	R					P	P	P	P					P	P	P	P	P	P	P	P	P	78
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]																							
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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC		N O T E				
	Pods					FLU					FLU		Use-Zone			FLU						
	R E S	C O M	R E C V	C I V I L	A G R I C U L T U R A L	C L O S E D	C O M M E R C I A L	C O M M E R C I A L	C O M M E R C I A L	C O M M E R C I A L	I N D U S T R I A L	E D U C A T I O N A L	I N D U S T R I A L	C O M M E R C I A L	C O M M E R C I A L	I N D U S T R I A L	I N D U S T R I A L		I N D U S T R I A L	M U L T I P U S E	R E S I D E N T I A L	C O M M E R C I A L
Commercial Uses																						
Lounge, Cocktail	R					R	R	R	R				R	R	R					R	R	79
Medical Or Dental Office	P					P	P	P	P				P	P	P					P	P	83
Monument Sales, Retail						P	P						P		P							86
Office, Business Or Professional	P					P	P	P	P				P	P	P					P	P	91
Parking Garage, Commercial	P						R	R	R						P							95
Parking Lot, Commercial	R						R	R	P													96
Pawnshop							R															97
Personal Services	P					P	P	P					P	P	P			P		P	P	98
Printing And Copying Services	P					P	P	P	P				P	P	P					P	P	100
Repair And Maintenance, General	R						R			P	D				P	P	P					107
Repair Services, Limited	P					P	P	P	P				P	P	P					P	P	108
Restaurant, Type I	R					R	R	R					R	R	R					R	R	109
Restaurant, Type II	R					R	D	R	R				D	R	R					D	D	111
Retail Sales, Auto Accessories and Parts	P					P	P						P	P	P					P	P	113
Retail Sales, General	P					P	P						P	P	P					P	P	114
Retail Sales, Mobile Or Temporary	S												S		S							115
Self-Service Storage						R	R			P	D				P	R	P					120
Theater, Drive-In							R		R						R							128
Theater, Indoor	R						R		P				R								R	129
Towing Service And Storage										P					P							130
Vehicle Sales And Rental	R					R	R						R		R					R	R	135
Veterinary Clinic	R					R	P	R	P				R	R	P					R	R	136
Vocational School	R					R	P		P	P	R	D	R	R	R	P	R			R	P	137
Work/Live Space	P					P	P	P	P				P	P	P					P	P	141-1
Live/Work													D	D						D	D	141-2
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2014-025]																						
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ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE									
	Pods					FLU					FLU		Use Zone			FLU											
	R E S	C O M	R E C	C I V I P	A G / P	C L	C H	C L	C H	C R	I N D	E D C	I N S T	C H	C H	O	I N D		C I M	C I M	C I M	M H P D	R V P D	C L	C H		
Public and Civic Uses																											
Airport, Helipad & Landing Strip	-									R	R	R				R	R										10
Assembly, Nonprofit Institutional	-	R		R		R	R			R			R	R	R		R							R	R		14
Assembly, Nonprofit Membership	-			R		R	R	R	R	R			R	R	R		R							R	R		15
Cemetery	-			R																							27
Place Of Worship	-	R		R		R	R	R	R	R			R	R	R		R				R			R	R		29
College Or University	-			R		R	R	R	R	R			R	R			R							R	R		30
Day Camp	-		P	P			R			P			P	R										R	R		39
Day Care, General	-	R		R		R	R	R	R	R			R	R	R		R	R	R	R	R	R	R	R	R	R	40
Day Care, Limited	-	D		D		D	D	D	D	D			D	D	D		D	D	D	D	D	D	D	D	D	D	40
Government Services	-	P		P		P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center	-						R		R				R				R							R	R		70-1
Hospital Or Medical Center	-	R				R	R		R				R	R	R		R							R	R		71
Kennel, Type IV (Animal Shelter)	-					R	R						R	R													74-3
School, Elementary Or Secondary	-			R		R	R	R	R				D	R	R		R							R			118
Recreation Uses																											
Arena, Auditorium Or Stadium	-	R					R			R				R													12
Campground	-									P													P				24
Entertainment, Indoor	-	R				R	R			P				R			P						R	R			45
Entertainment, Outdoor	-	R				R	R			P	D			R			P										46
Fitness Center	-	R	P	R		R	R			R	P			P	P		R	P					R	P			56
Golf Course	-		R			R	R	R	R	R	R			R	R		P		P	P	R						62
Gun Club, Enclosed	-						R			R	R						P	R	P								67-1
Marine Facility	-	R	R			R		R	R				R	R			P										82
Park, Passive	P	P	P	P	R	P	P	P	P	P			P	P	P		P	P	P	P	P	P	P	P	P	P	93
Park, Public	-		P	P		R	P			P	P			P	P		P				R	R	P	P			94
Shooting Range, Outdoor	-									R																	67-2
Special Event	-	S	S	S		S	S			S	S	S	S	S			S	S					S	S			124
Zoo	-						R			R																	143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]																											
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ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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Table 3.E.1.B – PDD Use Matrix Continued

Use-Type	PUD					MUPD							MXPD		PIPD			LCC			N O T E				
	Pods					FLU							FLU		Use-Zone			FLU							
	R E S	C O M	R E C	C I V	A G / P	C L	C H	C L	C H	C O	I R	E N D	I N S T	C H	C H	O	I N	C O	I M	C O		C O	C O	C O	C O
Agricultural Uses																									
Agriculture, Bona Fide					P																				3
Agriculture, Light Manufacturing																									4
Agriculture, Packing Plant					R																				5
Agriculture, Research/Development						P	P	P	P	P	P	P	P				P	P							3.1
Agriculture, Sales And Service							P										P								6
Agriculture, Storage																									7
Agriculture, Transshipment													P	P			P	P							8
Aviculture, Hobby Breeder					P																				19
Community Vegetable Garden			D																						32
Equestrian Arena, Commercial					R							P													47
Farmers Market							P				P				P		P	P	P						52
Farrier																									53
Groom's Quarters					P																				65
Nursery, Retail					P		P								P		P								88
Nursery, Wholesale					P												P	P							89
Potting Soil Manufacturing																									99
Produce Stand																									104
Shadehouse					P																				124
Stable, Commercial					P						P														125
Stable, Private					P																				126
Sugar Mill Or Refinery																			P						127
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]																									
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ART. 3 – OVERLAYS AND ZONING DISTRICTS
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Table 3.E.1.B – PDD Use Matrix Continued

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	Pods					FLU							FLU		Use Zone			FLU						
	R E S	C O M	R E C	C O M	A G R I C U L T U R E	C O M	C O M	C O M	C O M	C O M	I N D	E N V	I N D	C O M	C O M	I N D	C O M	I N D	M U L T I P L E		R E S	C O M	C O M	
Utilities and Excavation Uses																								
Air Curtain Incinerator																							9	
Air Stripper, Remedial																							11	
Chipping and Mulching											P						P	P					28	
Communication Cell Sites On Wheels (COW) Tower, Mobile	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	31	
Communication Panels, Or Antennas, Commercial	B	D	D	D		D	D	D	D	D	P	P	D	D	D	P	P	P			D	D	31	
Communication Tower, Commercial							R				R	R	R	R			R	R	R			R	31	
Composting Facility											P						P	P					33	
Electric Power Facility		R					R		R	R	R						R	R	R				44-1	
Electric Transmission Facility		R					R		R	R	R	R					R	R	R				44-2	
Excavation, Agricultural					R																		49	
Excavation, Type I																							49	
Excavation, Type II	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	49	
Excavation, Type III A																			R				49	
Excavation, Type III B																			R				49	
Recycling Center							A				P	D					P	A	P				103	
Recycling Drop-Off Bin		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D			D	D	104
Recycling Plant											P						P	P					105	
Renewable Energy Facility, Solar		D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	B	B		106-1	
Renewable Energy Facility, Wind						R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		106-2	
Sanitary Landfill Or Incinerator																							117	
Solid Waste Transfer Station							R		R	R	R		R				P	R	P				123	
Utility, Minor	P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	134	
Water Or Treatment				R			R		R	R	R				R	R	P		P	R	R		139	
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025] [Ord. 2016-016]																								
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SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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Table 3.E.1.B – PDD Use Matrix Continued

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	Pods					FLU					FLU		Use-Zone			FLU									
	R E S	C M	R C	C V	A I G / P	C L	C H	C L	C H	C R	I R	E N D	I D C S T	C H	C H	I N	C O		I M	I D	M D P	R V P	C L	C H	
Industrial Uses																									
Asphalt Or Concrete Plant											R														13
Data Information Processing						P	P		P		P	P		P	P	P	P	P					P	P	38
Film Production Studio							P		P	R	P	P				P	P	P						P	54
Gas And Fuel, Wholesale											R							P							61
Heavy Industry											R						R	P							69
Laboratory, Research						R	R	R	R	R	P	P	R	R		P	R	P					R	R	76
Machine Or Welding Shop											P					P	P								80
Manufacturing And Processing						R	R	R	R	R	P	R				P	P								81
Medical Or Dental Laboratory		P				P	P	P	P			P				P									84
Salvage Or Junk Yard											R							R							116
Transportation Facility												P				P	P								133
Truck Stop											R					R	R								131
Warehouse						R					P	P				P	P								138
Wholesaling, General											P	P				P	P								140
[Ord. 2005-002] [Ord. 2004-040] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																									
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D. Application Requirements

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2. Master Plan, Site Plan, or Subdivision Plan

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....
b. Pods

All land within the boundaries of a Master Plan master plan shall be designated as one of the use Pod types indicated for the applicable PDD, or the FLU designation, whichever is applicable in Table 3.E.1.B, PDD Use Matrix. [Ord. 2009-040]

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I. Unified Control

4. Architectural Guidelines

All buildings and signage shall maintain architectural consistency between all building, signage and project identification. Consistency shall include, a minimum, on overall unified image and character created by the use of common elements such as building and roofing materials, rooflines, muted colors, fenestration, architectural features, and architectural elements. Infrastructure, such as Minor uUtility, minor, wWater and wWastewater treatment plants which are approved for construction in a PDD prior to the approval of other buildings will not be used to set the architectural standards for a PDD. [Ord. 2007-013]

21 Section 2 Planned Unit Development (PUD)

22

....
E. Pods

24

....
2. Commercial Pod

A commercial pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. A commercial pod shall be designated on the master plan as follows:

28

Notes:

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

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

Uses shall be permitted in accordance with the provisions for a PUD Residential Pod, indicated under Table 3.E.1.B, PDD Use Matrix; except for a SR-7 EDO; and Article 4.B.1.A, Supplementary Standards. [Ord. 2004-040] [Ord. 2008-003] [Ord. 2010-022]

4. Recreation Pod

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Recreation Pod, indicated under Table 3.E.1.B, PDD Use Matrix; Art. 4, Use Regulations. [Ord. 2004-040] [Ord. 2008-003]

5. Civic Pod

a. Use Regulations

Uses shall be permitted in accordance with the provisions for a PUD Civic Pod, indicated under Table 3.E.1.B, PDD Use Matrix; Art. 4, Use Regulations. [Ord. 2004-040] [Ord. 2008-003]

Part 12. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (pages 195-233, of 234), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Provide link to relocated Use Matrices, due to relocation of TDD Use Matrix to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.
2. Delete redundant explanations of types of approval processes, which is already outlined in Art. 4, Use Regulations.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

F. Use Regulations

Uses permitted in a TDD shall be according to the land use zone designation on the Master Plan master plan approved by the DRO, or the land use designation of the TDD, whichever is applicable, and Article 4, Use Regulations. Uses may be further limited by the Development Order development order, concurrency reservation, or other applicable requirement. [Ord. 2005 - 002].

1. Conditional Uses

The location, or alternative locations for each requested use must be approved by the BCC, and the requested use must be located in only one of the locations approved the BCC. [Ord. 2005 - 002] [Ord. 2005-041] [Relocated from below]

1. Use Designations

Uses permitted in a TDD are classified as: permitted, special, DRO, or requested, as indicated in Table 3.F.1.F, TDD Use Matrix. [Ord. 2005 - 002]

a. Permitted Uses (P)

These uses are allowed by right and are identified by a P in the matrix. [Ord. 2005 - 002]

b. Special Uses (S)

These uses require approval of a special permit and are identified by a S in the matrix. [Ord. 2005 - 002]

c. DRO Uses (D)

These uses require approval by the Development Review Officer (DRO) and are identified by a D in the matrix. [Ord. 2005 - 002]

d. Requested Uses (R)

These uses require approval by the BCC in accordance with the standards and procedures in Art. 2.B, Public Hearing Procedures, and are identified by an R in the matrix. Requested uses shall be shown on the master plan or site plan approved by the BCC. The location, or alternative locations for each requested use must be approved by the BCC, and the requested use must be located in only one of the locations approved the BCC. [Ord. 2005 - 002] [Ord. 2005-041] [Partially relocated above]

1) Supplementary Use Standards

A number in the 'Note' column of Table 3.F.1.F, Traditional Development Permitted Use Schedule, refers to supplementary land use standards in Art. 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2005-002]

Notes:

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Table 3.F.1.F – Traditional Development Permitted Use Schedule

District Tier Land Use Pod	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve	
Residential Uses											
Single family	P	-	-	P	-	-	-	-	-	-	122
Zero lot line	P	-	-	R	-	-	-	-	-	-	142
Town house	P	-	-	R	-	-	P	P	P	-	132
Multi-family	P	-	-	P	P	-	P	P	P	-	87
Accessory dwelling	P	-	-	P	-	-	-	-	-	-	4
Congregate living facility, Type 1	P	-	-	P	-	-	P	P	P	-	34
Congregate living facility, Type 2	P	D	-	R	-	-	P	R	R	-	34
Congregate living facility, Type 3	R	R	-	R	R	-	R	-	-	-	34
Farm residence	-	-	-	-	-	-	-	-	-	-	50
Farm workers quarters										P	51
Home occupation	P	-	-	P	P	-	P	P	P	-	70
Kennel, Type I (Private)	P			P							73
Security or caretaker quarters		S	-		S	-	S	S	S		119
Agricultural Uses											
Agriculture, bona fide	-	-	-	-	-	-	-	-	-	P	3
Agriculture sales and service	-	-	-	-	-	-	-	-	P	-	6
Community vegetable garden	-	-	P	-	-	P	-	-	-	P	32
Grooms Quarters										S	65
Nursery, retail	-	P	-	-	P	-	P	P	P	-	88
Nursery, wholesale	-	-	-	-	-	-	-	-	-	S	89
Produce stand		P			P		S	S	S	S	101
Stable, commercial										D	125
Stable, private	P	-	-	P	-	-	-	-	-	P	126
Public and Civic Uses											
Assembly, nonprofit institutional		R			R		R	R	R		14
Assembly, nonprofit membership		R			R		R	R	R		15
Place of worship		R			R		R	R	R		29
Day care center, general		R			R		R	R	R		40
Day care center, limited		D			D		D	D	D		40
Government services		P			P		P	P	P	P	63
Homeless Resource Center											70-1
Hospital or medical center							R	R			71
Kennel, Type IV (Animal Shelter)							R	R	R		74-3
School, elementary or secondary		R			R		R	R	R	R	118
Recreation Uses											
Amusements, temporary or special event		S			S		S	S	S		12
Entertainment, indoor		R			R		R	R	R		45
Fitness center		P			P		P	P	P		56
Park, passive			P			P	P	P	P	P	93
Park, public			P			P	P	P	P	P	94
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2012-007] [Ord. 2012-027]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Table 3.F.1.F – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Pod	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Commercial Uses											
Auction, enclosed							P				16
Automotive service station							R	R	R		18
Bed and breakfast	S			S			S	S	S		20
Convenience store		P			P		P	D	D		36
Convenience store with gas sales							R	R	R		37
Dog Daycare		R			R		R	R	R		43
Financial institution		R			R		R	R	R		55
Flea market, enclosed							R	R	R		57
Green market		P			P		P	P	P		64
Hotel							R				72
Kennel, Type III (Commercial-Enclosed)							R	R	R		74-2
Kiosk		P			P		P	P	P		75
Laundry services		P			P		P	P	P		78
Live/Work		D			D		D	D	D		141-2
Lounge, cocktail							R	R			79
Medical or dental office or clinic		P			P		P	P	P		83
Medical or dental laboratory							P	P	P		84
Office, business or professional		P			P		P	P	P		91
Personal services		P			P		P	P	P		98
Printing and copying services		P					P	P	P		100
Repair services, limited		P			P		P	P	P		108
Restaurant, Type I							R	R	R		109
Restaurant, Type II		R			R		D	D	D		110
Retail sales, general		P			P		P	P	P		114
Retail sales, mobile or temporary		S			S		S	S	S		115
Theater, indoor							P	P	P		129
Veterinary clinic		P			P		P	P	P		136
Work/live space		P			R		P	R	P		141-1
Utilities and Excavation											
Communication panel, antennas, commercial	S						D	D	D		31
Communication tower, commercial							D	D	D		31
Communication cell sites on wheels (COW)							S				31
Recycling Drop-Off Bin		D			D		D	D	D		104
Renewable Energy Facility, Solar											106-1
Renewable Energy Facility, Wind											106-2
Utility, minor	P	P	P	P	P	P	P	P	P		134
Type II Excavation	R	R	R	R	R	R	R	R	R		49
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-031] [Ord. 2016-016]											
Notes:											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

- 2
- 3
- 4
- 5
- 6 This space intentionally left blank.

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EXHIBIT C

ART. 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1 Section 3 Traditional Neighborhood Development (TND)

2
3 B. Uses
4 Uses allowed in a TND district are listed in Table 3.F.1.F, Traditional Development Permitted Use
5 Schedule.

6 [Renumber accordingly]

8 DE. Land Use Zones

10 5. Residential Uses

12 d. Accessory Buildings

13 Accessory buildings shall not exceed 25 feet in height and may be used as a garage or
14 accessory dwelling Accessory Quarters.

15 1) Calculation of Density

16 Accessory dwelling Quarters are not considered "dwelling units" for the purposes of
17 calculating the maximum allowable density in a TND.

18 2) Maximum Number

19 Up to one accessory dwelling Accessory Quarters unit per principal dwelling unit is
20 permitted.

21 3) Required Parking

22 One additional parking space per accessory dwelling Accessory Quarters is required.
23

24 Section 4 Traditional Marketplace Development (TMD)

26 C. Uses Allowed

27 Uses allowed in a TMD district are listed in Table 3.F.1.F, Traditional Development Permitted Use
28 Schedule. [Ord. 2005 – 002]

29 [Renumber accordingly]

31 DE. Standards Applicable to AGR Tier

32 8. Preserve Area and Open Space Requirements

34 c. Preserve Areas

35 An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3, Preservation
36 Area; Table 3.F.1.F, Traditional Development Permitted Use Schedule; Article 4.B.,
37 Supplementary Use Standards and Article 4, Use Regulations; all other development
38 regulations that are applicable to the AGR Tier and proposed use(s); and policies under
39 Objective 1.5 of the FLUE of the Plan. Nothing herein shall be misconstrued as requiring
40 a Preserve Area to conform to Article 3.F.4.D, Development Standards for all TMDs.
41 [Ord. 2005 – 002] [Ord. 2006-004] [Ord. 2007-013]
42
43

Reason for amendments: [Zoning] Clarify approval process applicable to civic uses allocated in
Traditional Town Development (TTD). The Use Matrix does not include approval processes for uses in
TTDs as this development may be formed by Traditional Neighborhoods Development (TND), Traditional
Marketplace Development (TMD), PUD, and MUPD, which are Zoning Districts identified in the Use
Matrix. As contained in Art. 3, TTD may also include Civic / Institutional areas that need identification of
specific uses and approval process. This amendment creates a cross reference to utilize the list of uses
and approval processes of civic uses currently allowed in the civic pod of a Planned Unit Development
(PUD) to be applied to TTD Civic / Institutional areas. The civic uses are intended to serve local residents
needs in both zoning districts.

44 Section 5 Traditional Town Development (TTD)

46 C. Uses

47 Uses allowed in a TTD district are listed in Table 3.F.1.F, Traditional Development Permitted Use
48 Schedule, of this Article.

49 [Renumber accordingly]

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1
2 **Part 1. ULDC Art. 1.I, Definitions & Acronyms (page 82 of 119), is hereby amended as follows:**
3

Reason for amendments: [Zoning] To clarify that screening requirements for outdoor activities are not intended to apply to common business operations such as outdoor storage or loading bays and related activities. See also relocation and consolidation of standards for screening outdoor activities with Art. 5, Supplementary Use Standards for outdoor storage.

4
5 **CHAPTER I DEFINITIONS & ACRONYMS**

6 **Section 2 Definitions**

7
8 **....**
9 **O. Terms defined herein or referenced Article shall have the following meanings:**

10 **....**
11 **23. Outdoor Activity - for the purposes of Art. 5, Supplemental Use Standards, any functional**
12 **operation associated with a use listed in Art. 4, Use Regulations, that takes place outside of**
13 **an enclosed building. The term excludes Outdoor Storage and the loading or unloading of**
14 **trucks at loading bays or docks.**

15 **[Renumber Accordingly]**

16
17 **Part 2. ULDC Art. 3, Overlays and Zoning Districts [Related to Hours of Operation] (pages 27,**
18 **140, 141, 164 and 179 of 234), is hereby amended as follows:**
19

Reason for amendments: [Zoning] Relocate and consolidate hours of operation in new Article 5.E.5, Hours of Operation [Related to Performance Standards].

20 **CHAPTER B OVERLAYS**

21 **....**

22 **Section 4 GAO, Glades Area Overlay**

23 **....**
24 **F. Planned Industrial Park Development (PIPD)**
25 **1. Development Standard Exceptions**

26 **....**
27 **g. Hours of Operation**

28 ~~Any non-residential use located within 250 feet of a residential FLU designation or zoning~~
29 ~~district as measured by drawing a straight line from the closest point on the perimeter of~~
30 ~~the exterior wall, structure or bay or the limits of any outdoor storage to the residential~~
31 ~~property line, shall be subject to the following hours of operation: [Ord. 2014-025]~~

32 ~~1) Industrial Uses 7:00 a.m. to 7:00 p.m.; [Ord. 2014-025]~~

33 ~~2) Industrial Uses without Outdoor Activities 6:00 a.m. to 11:00 p.m.; and, [Ord. 2014-~~
34 ~~025]~~

35 ~~3) Commercial Uses and all Loading Activities 6:00 a.m. to 11:00 p.m. [Ord. 2014-~~
36 ~~025]~~
37 **....**

38 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

39 **....**

40 **Section 3 District Specific Regulations**

41 **A. District Specific Regulations**

42 Additional PDRs shall apply in certain districts as follows:

43 **....**
44 **2. All Commercial, Public and Civic Uses**

45 **a. Hours of Operation**

46 ~~Commercial, Public and Civic uses located within 250 feet of a residential district shall not~~
47 ~~commence business activities, including deliveries and stocking, prior to 6:00 AM nor~~
48 ~~continue business activities later than 11:00 PM daily. Measurement shall be taken by~~

~~drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-040] [Partially relocated in new Art. 5.E.5, Hours of Operation]~~

~~1) Existing Uses~~

~~Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent development order. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

~~2) Exemptions~~

~~Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

[ReNUMBER Accordingly]

3. CN District

....

~~b. Hours of Operation~~

~~Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.~~

5. CC District

~~a. Hours of Operation~~

~~Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.~~

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

....

Section 2 Planned Unit Development (PUD)

....

E. Pods

2. Commercial Pod

....

~~f. Hours of Operation~~

~~Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.~~

[ReNUMBER Accordingly]

Section 4 Mixed Use Planned Development (MXPDP)

....

E. Use Regulations

2. Commercial Uses

~~a. Hours of Operation~~

~~Non-residential uses shall not commence business activities, including delivery and stocking operations prior to 6:00 a.m. nor continue activities later than 11:00 p.m. within 300 feet of a dwelling unit.~~

[ReNUMBER Accordingly]

Part 43. ULDC Art. 3.D.3.A.6, IL and IG Districts (page 141 of 229), is hereby amended as follows:

Reason for amendments: [Zoning] Relocate and consolidate redundant screening requirements applicable to "outdoor activities" in Light and General Industrial Zoning Districts, since Art. 5.B.1.A.3, Outdoor Storage already contains similar provisions.

~~6. IL and IG Districts~~

~~a. Outdoor Activities~~

1 ~~All outdoor activities, including outdoor storage and outdoor operations, shall be~~
2 ~~completely screened from view from all property lines to a height of six feet.~~

3
4 **Part 4. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 8, 10, 13-15, 16 and 32 of 100), is**
5 **hereby amended as follows:**
6

<p>Reason for amendments: [Zoning] To evaluate standards in Industrial Uses of Article 4, Use Regulation to relocate or amend in Article 5.B.1, Supplementary Regulations to:</p> <ul style="list-style-type: none">• Consolidate redundant standards in Art. 4.B, Supplementary Use Standards and relocate with similar supplementary regulations that already exist in Art. 5.B, Accessory and Temporary Uses; and,• The Code does not allow variance relief for provisions in Article 4, Use Regulations. This change provides additional flexibility by allowing for variance relief where standards are relocated to Article 5.B.1, Supplementary Regulations.

7 **CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES**

8 **Section 1 Supplementary Regulations**

9 **A. Accessory Uses and Structures**

10 **1. General**

11 The following ~~standards~~ provisions in this Section shall apply to all development in
12 ~~S~~standard, PDD or TDD Zoning Districts, unless otherwise stated. **[2007-001]**
13

Reason for amendments: [Zoning]	
1.	<u>Clarify that for any use to be accessory to another use, it should include some level of approval in the zoning district where the use is intended to be located as indicated in the use Matrix or clearly stated in the Supplementary Use Standards. The approval is indicated by Special Permit, DRO, Class A or B Conditional Use. When a blank is noted in the Use Matrix for a use in any given zoning districts, it means that the use is not allowed to be accessory in that zoning district unless the Supplementary Use Standards in that use indicate otherwise.</u>
2.	Delete the term "building" from Art. 5.B.1.A.b, Location related to Accessory Uses and Structures, since the provision already has the term "structure" which also means building.
3.	<u>Delete reference to off-site parking to be excluded from accessory uses and structures location requirement. Off-site parking is not a use, it is a site element part of the Parking provisions applicable to any site regardless the uses it contains.</u>
4.	<u>Due to the nature of accessory uses to be incidental to a principal use, this amendment prohibits the construction and occupancy of an accessory use without the principal use being constructed or occupied on the site.</u>
5.	<u>Above-ground utilities connected to a network, other than electric generation and transmission facilities, are typically located in open areas, mainly mechanical equipment necessary to provide services. This amendment clarifies that Minor Utilities are not subject to the 30 percent of square footage or business receipt limitation due to the nature of the use.</u>

14 **a. Standards**

15 Uses indicated in the Use Matrix as blank in a zoning district shall not be allowed as
16 accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or
17 structure shall be subject to the same regulations that apply to the principal use or
18 structure, except as otherwise stated.

19 **b. Location**

- 20
- 21 1) All accessory uses, ~~buildings~~ and structures except for approved off-site parking,
22 shall be located on the same lot as the principal use. ~~No a~~ Accessory structure shall
23 be located in the ~~front or side street~~ site or rear yard only.
- 24 2) Accessory uses or structures shall not be constructed or occupied on any lot prior to
25 the completion of the principal use or structure to which it is accessory.

26 **c. Floor Area**

27 **1) Nonresidential Districts**

28 Where allowed, a Accessory uses and structures shall not exceed 30 percent of the
29 GFA ~~and~~ or business receipts of the principal use or uses, whichever is more
30 restrictive. Minor Utility Use is not subject to this provision.

31 **2) Residential Districts**

32 Accessory uses and structures in the U/S Tier shall not exceed the square footage of
33 the principal use.

34
35

Reason for amendments: [Zoning]

- 6. Indicate that the square footage dedicated for the administrative operation of a principal use shall be considered accessory office and it is Permitted by Right. Accessory office shall not be the same as Office, Business or Professional use which is clarified under the Supplementary Use Standards of this use. Staff is also clarifying the parking provisions that apply to accessory office by using one parking space for every 200 square feet. These parking provisions are not entered in Art. 6, Parking, as the article addresses parking and loading standards for principal uses.
- 7. Uses indicated blank in the Use Matrix are not allowed to be accessory to any other use unless specifically indicated in the Supplementary Use Standards, limited to 30 percent of the Gross Floor Area (GFA) in most cases. Same percentage is contained in the Flex Space provisions in Art. 5, where retail can be located in Industrial Future Land Use (FLU) designation for specific industrial uses. This amendment clarifies that sales of products incidental to a principal Commercial, Industrial or Institutional, Public and Civic use is Permitted by Right, limited to ten percent of the GFA. Additional provisions such as parking standards requiring for one space for every 200 feet of GFA, no outdoor display of products or signage are part of the limitations for incidental sales.

e. Specific Accessory Uses

1) Office

- a) Areas of a building dedicated to the administrative operation and incidental to a principal use or uses listed in the Use Matrix may be Permitted by Right.
- b) One parking space shall be provided for every 200 square feet of accessory office.

2) Incidental Sales

Sales of products incidental to a principal use may be Permitted by Right in Commercial, Industrial, or Institutional, Public and Civic use classifications subject to the following, unless stated otherwise:

- a) Maximum ten percent of the GFA;
- b) One parking space for every 200 square feet of accessory sales;
- c) Merchandise is not stored outside or visible from any street; and,
- d) Signage is only to advertise the principal use.

Reason for amendments: [Zoning]

- 1. Consolidate standards for Barbed Wire from uses in Art. 4.B, Supplementary Use Standards and Art. 4.C.4, Commercial Communication Towers with Art. 5.B.1.A.2.c standards of dangerous materials;
- 2. Relocate to Article 5 to be consistent with the formatting of the recently adopted Electrified Fence – Exceptions and Regulations; and,
- 3. Relocate parts of the introductory language to be in specific sub-topics for easy understanding of the Barbed Wire provisions.
- 1. Clarify height exception on School fence height to be eight feet as established in the interlocal agreement between the School Board, Palm Beach County and Municipalities of Palm Beach County, Resolution 2015-1864.

2. Fences, Walls and Hedges

b. Height and Related Standards

4) General Exceptions

- e) Schools may increase the fence height to eight feet along the perimeter of the site.

he. Dangerous Materials

Fences or walls in any zoning district shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

~~1) Barbed Wire Exceptions~~

~~The use of barbed wire is prohibited. However, the County recognizes that barbed wire may be necessary to secure certain uses such as public utilities, prisons, bona-fide agriculture, and public-owned natural areas, commercial or industrial uses that have outdoor storage areas. Therefore, the County allows the installation of barbed wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. [Partially relocated below to Art. 5.B.1.A.2.e.1] The barbed wire shall not exceed 20 percent~~

1 of the overall permitted height of the fence or wall. ~~[Relocated below to Art.~~
2 ~~5.B.1.A.2.e.1)b)(1), Height, below]~~ ~~Bonafide agricultural uses, prisons, and other~~
3 ~~uses as authorized by the Zoning Director pursuant to provisions, Art.~~
4 ~~5.B.1.A.2.c.2).c) below, shall be permitted to exceed the 20 percent provision. The~~
5 ~~calculation of the overall height of a fence or wall is inclusive of any barbed wire:~~
6 ~~[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-004]~~ [Relocated below to Art.
7 5.B.1.A.2.g.1)a)/e)/d)b)(2), Height Exemptions, below]

8 **1) Barbed Wire Exceptions and Regulations**

9 The use of Barbed Wire is prohibited except in instances as detailed below. The
10 County recognizes that Barbed Wire may be necessary to secure certain non-
11 residential uses or structures. Therefore, the County allows the installation of Barbed
12 Wire on top of the fence or wall, subject to the following: [Partially relocated from
13 Art. 5.B.1.A.2.c.2). and Art. 5.B.1.A.2.c.1).] ~~[Ord. 2005-002] [Ord. 2010-005] [Ord.~~
14 ~~2011-004]~~

15 **a) Allowable Uses for Barbed Wire**

16 (1) Commercial Communication Towers

17 ~~(2)~~ Electric Power Facilities;

18 ~~(3)~~ Electric Transmission Facility;

19 ~~(4)~~ Minor Utility;

20 ~~(5)~~ Prisons;

21 ~~(6)~~ Solid Waste Transfer Stations;

22 ~~(7)~~ Water or Wastewater Treatment Plant; and,

23 ~~(8)~~ Zoo.

24 [Partially relocated from Art. 4.B.1.A.44-1, 44-2, 63.b, 123, 134, 139, and 143]

25 ~~(9)~~ Except when located adjacent to a parcel having a Residential FLU
26 designation, Residential Zoning District or residential use, Barbed Wire that
27 is not visible from any public street, may be installed with the following uses:
28 [Partially relocated from Art. 5.B.1.A.2.c.1) and Articles 4.B.1.A.35, 116,
29 120, 127, and 130]

30 (a) Contractor Storage Yard;

31 (b) Salvage or Junk Yard;

32 (c) Self Service Storage;

33 (d) Sugar Mill or Refinery; and,

34 (e) Towing Service Storage.

35 ~~(10)~~ Bona Fide Agriculture use located in AGR, AP, and AR Zoning Districts;
36 and AGR-PDD Preserve Parcels. When Bona Fide Agriculture is located in
37 the AR Zoning District other than nurseries, Barbed Wire shall be setback a
38 minimum of 25 feet from any property line. ~~[Ord. 2005-002] [Ord. 2010-005]~~
39 ~~[Ord. 2011-004]~~ [Partially relocated from Art. 4.B.1.A.3.k.)]

40 ~~(11a)~~ Properties with a Conservation FLU designation, for the purposes of
41 protecting publicly owned natural areas; [Ord. 2005-002] [Ord. 2010-005]
42 [Ord. 2011-001]

43 ~~(12b)~~ Properties where the owner can document a valid Development Permit for
44 the use of Barbed Wire; and, [Ord. 2010-005] [Ord. 2011-001]

45 ~~(13e)~~ The Zoning Director shall have the authority to allow the installation of
46 barbed wire for any uses pursuant to Art. 4.B, Supplementary Use Standards
47 Use Classification, when the applicant demonstrates a need to comply with
48 Federal, State or Local Government regulations. In support of the barbed
49 wire installation, the Zoning Director may require the applicant to perform
50 mitigation in order to address compatibility with adjacent properties or
51 visibility from adjacent street right-of-way. [Ord. 2010-005] [Ord. 2011-001]

52 **Reason for amendments:** [Zoning] Include requirement for an agreement for Barbed Wire removal prior
to building permit if the parcel changes the use to one not listed in this section of the Code.

53
54 ~~(14)~~ A removal agreement shall be executed to remove the Barbed Wire, prior to
55 issuance of a Building Permit. This agreement shall require the removal of
56 the Barbed Wire in the event the use changes to another use not allowed in
57 the list above.

58 **b) Standards**

59 **(1) Height**

60 The Barbed Wire shall not exceed 20 percent of the overall permitted height
61 of the fence or wall or two feet whichever is less. ~~[Ord. 2005-002] [Ord.~~
62 ~~2010-005] [Ord. 2011-004]~~ [Partially relocated from Art. 5.B.1.A.2.c.2).]

63 **(2) Height Exemption**

Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions in Article 5.B.1.A.2.h.1.a)(6), shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any Barbed Wire. [Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001] [Partially relocated from Art. 5.B.1.A.2.c.1).]

2) Electrified Fences - Exceptions and Regulations

a) Allowable Uses for Electrified Fences

Electrified fences shall only be allowed for the following uses: [Ord. 2013-018]

- (1) Commercial uses, as follows: [Ord. 2013-018]
 - (a) Auction, Outdoor; [Ord. 2013-018]
 - ~~(b) Auto Paint or Body Shop; [Ord. 2013-018]~~
 - ~~(c) Building Supplies; [Ord. 2013-018]~~
 - (d) Contractor Storage Yard; [Ord. 2013-018]
 - (e) Flea Market, ~~Open Outdoor~~; [Ord. 2013-018]
 - (f) Landscape Service; [Ord. 2013-018]
 - (g) Laundry Services; [Ord. 2013-018]
 - ~~(h) Marina;~~
 - ~~(i) Parking Lot, Commercial; [Ord. 2013-018]~~
 - (j) Repair and Maintenance, ~~General Heavy~~; [Ord. 2013-018]
 - ~~(k) Self-Service Storage Limited Access; [Ord. 2013-018]~~
 - ~~(l) Self Service Storage Multi Access;~~
 - ~~(m) Towing Service and Storage; and, [Ord. 2013-018]~~
 - ~~(n) Vehicle Sales and Rental, Light; and, [Ord. 2013-018]~~
 - ~~(o) Vehicle or Equipment Sales and Rental, Heavy.~~
- (2) ~~Institutional~~, Public and Civic uses, as follows: [Ord. 2013-018]
 -
 - (3) Recreation uses, as follows: [Ord. 2013-018]
 - (a) Zoo; ~~and, [Ord. 2013-018]~~
 - ~~(b) Marine Facility. [Ord. 2013-018]~~
 - (4) All uses listed as Agricultural Uses in ~~Table 4.A.3.A Art. 4.B.6.A, Agricultural Use Matrix. [Ord. 2013-018]~~
 - (5) All uses listed ~~as under the Utilities Use Classification & Excavation uses in Table 4.A.3.A Art. 4.B.7.A, Utilities Use Matrix [Ord. 2013-018].~~
 - ~~(6) All uses listed under the Excavation Use Classification in Art. 4.B.10.A, Excavation Use Matrix~~
 - ~~(6) All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix. [Ord. 2013-018]~~

[Renumber Accordingly]

Reason for amendments: [Zoning]
1. Relocate and consolidate standards for Outdoor Activities with Outdoor Storage and expand provisions to non residential uses located in Residential Zoning Districts <u>all uses with the exception of those that are clearly noted as being excluded either in the regulations contained in Art. 5, Supplementary Standards or in Art. 4, Use Regulations. This will be excluding industrial uses of an outdoor nature as specific provisions have been established for them.</u>
2. Delete 12 feet screening height provision that was applicable only to Outdoor Storage in industrial districts. The language was not limiting the height of the stored material but was limiting the height of the screening to 12 feet even when the stored material was higher. Proposed screening requirement applies to all sites except when the Outdoor Storage area is located in an Industrial Zoning District or FLU designation that has a common property line with an Industrial FLU designation or Zoning District parcel.
3. Introduce height limitation of the storage material to be 15 feet for consistency with the PBC Fire Code provision 31.3.6.3.2.4 which is applicable to processed or unprocessed materials. <u>Include provision that may require the pile height to be less than 15 feet as F.A.C 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, indicates the maximum height of piles is 12 feet for facilities that store vegetative material.</u>
4. Avoid visibility of storage material by requesting equal screening and storage material height up to 15 feet.
5. Exempt from the screening requirements any industrial site that has the Outdoor Storage or Outdoor Activity areas next to another site with Industrial FLU designation or Zoning District and not visible from any street.
6. Include provision that to minimize the visual impacts caused by Outdoor Activities in industrial sites

when adjacent to residential, civic, commercial, recreation, or conservation by requiring a 25 foot wide Type III incompatibility buffer.

7. Allow chipping, crushing, grinding, manufacturing or processing to be outdoor only when an industrial use is located in intense industrial districts such as General Industrial and IND/G pod of PIPD. Less intense Industrial Zoning Districts looking to have such outdoor activities are requested to be permitted through public hearing through Class A Conditional Use. This amendment limits the location of intense uses in close proximity of low intense uses.

3. **Outdoor Storage and Activities**

Outdoor storage of merchandise, inventory, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all ~~nonresidential zoning districts or non-residential uses located in Residential Zoning Districts~~ shall be subject to the following standards, unless stated otherwise:

a. **General**

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

b. **Location**

Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

c. **Height**

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by the F.A.C 62-709, as amended.

d. **Nonresidential Districts, Except Industrial Screening**

Outdoor ~~S~~storage and Activity areas shall be completely screened from view all property lines by landscaping, fences, walls, or buildings.

~~e.~~ **Industrial FLU Designation, Zoning Districts or Uses**

~~1) Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet. All Outdoor Storage and Activity areas located on Industrial FLU designation or Zoning District shall be completely screened from view from all property lines. [Partially relocated from Art. 3.D.3.A.6, II and IG Districts]~~

21) Outdoor Storage and Activity areas adjacent to parcels of land with Industrial FLU designation or zoning district use and not visible from any street shall be exempted from the screening requirements.

32) Outdoor Activity areas in industrial uses shall have a Type 3 incompatibility buffer along property lines adjacent to parcels with a Civic, Conservation, Commercial, Recreational or residential FLU designation, Zoning District or use, or where visible from a public R-O-W. The incompatibility buffer shall be a minimum of 25 feet in width.

43) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing shall be restricted to uses in the IG Zoning District and Industrial General pod of PIPD unless approved as a Class A Conditional Use.

~~Reason for amendments: [Zoning] Clarify that the requirements in this section are established to protect adjacent uses from nuisance, prevent deterioration of neighbors by visual contamination, and protect surface and underground water regardless the nature of the use.~~

~~ef.~~ **Exceptions**

The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Temporary Storage storage of material used for road construction on a lot directly adjacent to the roadway under construction.
- ~~3) Uses which allow outdoor storage by definition or in another Section.~~

....

Part. 5 New ULDC Art. 5.B.1.A.24, Air Curtain Incinerator, (page 32 of 100) is hereby established as follows:

Reason for amendments: [Zoning]
1. Relocate use from Article 4, Use Regulations and relocate standards under new Article 5.B.1.A.25, Air Curtain Incinerator, since the use shall only be allowed as accessory to a principal use.

1 CHAPTER B ACCESSORY AND TEMPORARY USES

2 Section 1 Supplementary Regulations

3 A. Accessory Uses and Structures

4 **24. Air Curtain Incinerator**

5 *A combustion device used to burn trees and brush. [Relocated from ULDC Supplemental*

6 *20, Art. 4.B.1.A.9, Air Curtain Incinerator]*

7 **a. Standards**

8 **1) Exemptions**

9 *The following temporary air curtain incinerators are exempt from the requirements of*

10 *this Section: Incinerators operating under written approval from the PBC Health*

11 *Department in accordance with the PBC Open Burning Ord. 2005-020; and*

12 *incinerators used for the emergency burning of storm generated debris by a local*

13 *government. [Ord. 2006-004] [Relocated from ULDC Supplemental 20, Art.*

14 *4.B.1.A.9.a.1), Exemptions]*

15 **2) Storage**

16 *Except in the AP district, on site outdoor storage of unprocessed material shall be*

17 *limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be*

18 *setback a minimum of 25 feet from any property line or 50 feet from any property line*

19 *adjacent to a residential district or use. Storage areas shall be screened from view*

20 *pursuant to Art. 5.B, Accessory and Temporary Uses. [Ord. 2006-004] [Relocated*

21 *from ULDC Supplemental 20, Art. 4.B.1.A.9.a.2), Storage]*

22 **3) Hours of Operation**

23 *Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The*

24 *incinerator shall not be charged before 9:00 a.m. and shall be completely*

25 *extinguished one hour before sunset. [Ord. 2006-004] [Relocated from ULDC*

26 *Supplemental 20, Art. 4.B.1.A.9.a.3), Hours of Operation]*

27 **4) No Burn Days**

28 *The incinerator shall not operate on "no burn days" as designated by the PBC Fire-*

29 *Rescue Department. [Ord. 2006-004] [Relocated from ULDC Supplemental 20,*

30 *Art. 4.B.1.A.9.a.4), No Burn Days]*

31 **5) Setback**

32 *The incinerator shall be set back a minimum of 1,200 feet from any property line*

33 *abutting a residential district or use. [Ord. 2006-004] [Relocated from ULDC*

34 *Supplemental 20, Art. 4.B.1.A.9.a.5), Setback]*

35 **b. Supplemental Application Requirements**

36 **1) Site Plan**

37 *A site plan illustrating how the operation functions, circulation routes, square footage,*

38 *height and location of buildings, incinerator and storage piles. [Relocated from*

39 *ULDC Supplemental 20, Art. 4.B.1.A.9.b.1), Site Plan]*

40 **2) Waste**

41 *An explanation of the quantity of waste to be received expressed in cubic yards per*

42 *day or tons per day. [Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.2),*

43 *Waste]*

44 **3) Dust Control**

45 *A plan which addresses dust control in traffic, storage and processing areas. Dust*

46 *control measures may include: additional setbacks, full or partial enclosure of air*

47 *curtain incinerator and watering or enclosing storage piles. If facility with an air*

48 *curtain incinerator also includes chipping, mulching or composting, adherence to the*

49 *supplementary use standards applicable to such use shall also be required.*

50 *[Relocated from ULDC Supplemental 20, Art. 4.B.1.A.9.b.3), Dust Control]*

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55 Part 6. ULDC Art. 5.B.1.B, Temporary Structures (page 32 of 100), is hereby amended as follows:

56

<p>Reason for amendments: [Zoning] Article 4, Use Regulations includes a specific use classification of uses of Temporary nature. This amendment deletes any reference to temporary uses to avoid confusion with the new use classification. The provisions in this Section of the Code pertain to structures of temporary nature more than uses.</p>

57 CHAPTER B ACCESSORY ~~AND TEMPORARY~~ USES AND STRUCTURES

58 Section 1 Supplementary Regulations

1 **B. Temporary Structures**

2 **1. Emergency or Temporary Government Structures and Uses**

3 This Section is intended to allow the placement or construction of temporary government
4 uses, facilities, and infrastructure improvements that address an immediate public need and
5 ensure health, safety and welfare concerns. Typical uses include, but are not limited to, fire
6 stations, hurricane shelters, or utility facilities. [Ord. 2011-001]

7 **a. Review and Approval Process**

8 **1) Emergency Uses or Structures**

9 The Executive Director of PZB may authorize the issuance of a building permit for a
10 temporary structure upon determination that a public emergency, pending natural
11 disaster, or actual natural disaster, exists. [Ord. 2011-001]

12 **2) Temporary ~~Uses~~ Structures**

13 **(a) DRO Pre-Application Conference or BCC Direction**

14 The Zoning Director may require a pre-application conference with the DRO in
15 order to seek input from the various County Agencies on the temporary ~~use of~~
16 structure, or may seek direction from the BCC. The Zoning Director shall
17 consider documentation from the applicant and any other input from County
18 Agencies before issuance of a Special Permit. [Ord. 2011-001] [Ord. 2011-016]

19 **b) Special Permit**

20 A Special Permit approval of the temporary ~~use of~~ structure pursuant to Article
21 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit.
22 [Ord. 2011-001]

23 **(c) Duration**

24 The Special Permit shall be valid for up to a period of six months from date of
25 issuance, with one three month extension by the Zoning Director. The BCC may
26 extend the timeframe through an Administrative Inquiry by the Zoning Director.
27 [Ord. 2011-001]

28



31 **Part 7. ULDC Art. 5.B.1.C, Flex Space (page 33 of 92), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. The consolidated Use Matrix does no longer reference the Requested Uses. Requested Use was a Public Hearing process that is subject to the approval by the Board of County Commissioners (BCC), and is specifically applicable to the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). Whereas the Class A Conditional Use is an identical process that was established just for the Standard Zoning Districts. The proposed is to eliminate the Requested Use process and consolidate the approval process under the Conditional Use process, regardless whether the application is in a PDD, TDD or a Standard District.

34 **CHAPTER B ACCESSORY AND TEMPORARY USES**

35 **Section 1 Supplementary Regulations**

36 **C. Flex Space**

37 A type of use that allows a flexible amount of retail, office and industrial space in one structure
38 located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial
39 High (CH) Future Land Use Designation (FLU), that are directly related to the principal use. [Ord.
40 2010-005]

41 **1. Review Process**

42 Applications for flex space shall be reviewed pursuant to Article 2, Development Review
43 Process, in addition to one of the following options: [Ord. 2010-005]

44 a. Option I – Uses requiring BCC approval shall be subject to the applicable review process
45 pursuant to Article 2.B.2, Conditional Uses, ~~Requested Uses~~ and Development Order
46 Amendments. The applicant shall identify the portion of the building designated for flex
47 space on the site plan. All other uses subject to an administrative review process shall
48 be permitted in the BCC approved building. [Ord. 2010-005]

49 b. Option II – Uses requiring DRO approval shall be subject to the review process pursuant
50 to Article 2.D.1 Development Review Officer. The applicant shall identify the portion of
51 the building designated for flex space on the site plan. All other uses subject to the
52 Building Permit review process shall be permitted in the DRO approved building. [Ord.
53 2010-005]

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- c. Option III – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The applicant shall identify the portion of the building designated for flex space on the site plan. The applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single use tenant) dedicated to flex space. The applicant shall submit the Building approved site plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations. **[Ord. 2010-005]**

Reason for amendments: [Zoning]	
<u>2.</u>	Relocate commercial and industrial uses that are allowed as Flex Space component currently listed in Article 4.B, Supplementary Use Standards to be consolidated in Article 5.B.1.C, where Flex Space regulations already exist.
<u>3.</u>	<u>Delete from the list of flex space uses Butcher Shop which was deleted from Art. 4, Use Regulations as it meets the definition of Wholesaling use and Printing and Copying Services that has been consolidated with Retail Sales.</u>
<u>4.</u>	<u>Remove Catering Services, Data and Information Processing, Research and Development, and Medical or Dental Laboratory from the list of uses allowed to be flex space. Those uses shown in the Use Matrix to be allowed in zoning districts consistent with Commercial High (CH) FLU designation.</u>
<u>5.</u>	<u>Clarify the approval process applicable to uses intended to be utilized as flex space in FLU designations where the use is not permitted as noted in the Use Matrix. Industrial Uses allowed to be in CH FLU designation as flex space can be up to 75% of the building area, reason why they are proposed to be subject to Class A Conditional Use approval. In IND FLU designation only Retail Sales is allowed to occupy a maximum of 30% of the building area, reason why the approval is DRO.</u>

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2. Development Standards

a. CH – FLU

Flex Space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50% industrial, not to exceed 75%; with the balance consisting of office or retail. **[Ord. 2010-005]**

b. IND – ~~OR~~ EDC FLU

Flex Space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30% ~~office or~~ retail, with the balance consisting of industrial. **[Ord. 2010-005]**

....

1 **3. Uses Allowed**

2 The uses indicated in the table below, may utilize Flex Space provisions pursuant to the
 3 applicable approval process indicated in Review Process above. [Partially relocated from
 4 Art. 4.B.1.A.46, Contractor Storage Yard/68, Manufacturing and Processing/92, Retail
 5 Sales/108, Warehouse/ 111, Wholesaling]
 6

Table 5.B.1.C - Uses Allowed as Flex Space Component

Commercial Use	Industrial Uses
Butcher Shop, Wholesale	Contractor Storage Yard (2)
Catering Service	Data and Information Processing
Printing and Copying Services	Laboratory Research
Retail Sales (1)	Manufacturing and Processing (2)
	Medical or Dental Laboratory
	Warehouse (2)
	Wholesaling, General (2)
(1) Flex space use to be allowed in IND or EDC FLU designation subject to DRO Approval.	
(2) Flex space use to be allowed in CH FLU designation subject to Class A Conditional use approval.	

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 8
 9 **Part 8. ULDC Art. 5.C.1.B.1. General, [Related to Architectural Guidelines] (page 37 of 100), is**
 10 **hereby amended:**
 11

Reason for amendments: [Zoning]	
1.	Provide link to relocated Use Matrices, due to relocation of Infill Redevelopment Overlay (IRO) Use Schedule to new consolidated Use Matrices in Article 4, Use Regulations, where all zoning district or specific Overlay use standards are grouped by classification.

12
 13 **CHAPTER C DESIGN STANDARDS**

14 **Section 1 Architectural Guidelines**

15 **B. Threshold**

16 This Chapter shall apply to the following projects, buildings and related signs:

17 **1. General**

18 ~~....~~
 19 b. All nonresidential projects or buildings requiring approval by the DRO in accordance with
 20 ~~Table 4.A.3.A, Use Matrix~~ [the use matrices in Art. 4, Use Regulations](#), and Table 3.D.1.A,
 21 Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A,
 22 Thresholds for Projects Requiring DRO Approval; [Ord. 2006-036]

23 ~~....~~
 24 e. The following uses, regardless of building size: [Ord. 2006-036]
 25 ~~1) Automotive paint or body shop; [Ord. 2006-036]~~
 26 ~~2) Heavy or Light Repair and Maintenance, general; [Ord. 2006-036] [Ord. 2012-027]~~
 27 ~~3) Retail Sales, for automotive parts and accessories ; and [Ord. 2006-036] [Ord.~~
 28 ~~2012-027]~~
 29 ~~4) Type 1 restaurants with drive through requesting location criteria exception pursuant~~
 30 ~~to Art.4.B.1.A.109, Restaurant, Type 1. [Ord. 2012-027]~~
 31
 32

33 **Part 9. ULDC Art.5.C.1.E, Architectural Guidelines (page 38 of 100), is hereby amended as**
 34 **follows:**
 35

Reason for amendments: [Zoning] The consolidated Use Matrix does no longer reference the Requested Uses. Requested Use was a Public Hearing process that is subject to the approval by the Board of County Commissioners (BCC), and is specifically applicable to the Planned Development Districts (PDDs) and Traditional Development Districts (TDDs). Whereas the Class A Conditional Use is an identical process that was established just for the Standard Zoning Districts. The proposed is to eliminate the Requested Use process and consolidate the approval process under the Conditional Use process, regardless whether the application is in a PDD, TDD or a Standard District.

1 CHAPTER C DESIGN STANDARDS

2 Section 1 Architectural Guidelines

3 E. Review Process

4 PZB shall review all applicable buildings for compliance with this Chapter during the building
5 permit or zoning review process, and provide a written determination of compliance with the
6 requirements of this Chapter. An application submitted for any type of review process listed
7 below may apply for Unique Structure designation or Type II Variance, pursuant to Article 2.B.2,
8 Conditional Uses, ~~Requested Uses~~, Development Order Amendments and Unique Structures:
9 [Ord. 2009-040]

10
11
12 Part 10. ULDC Art. 5.E.4.E.2.e.11) Nuisances (page 57 of 100), is hereby amended as follows:

13 Reason for amendments: [Zoning] [Rename use for consistency with revisions to Art. 4, Use Regulations.](#)

14 CHAPTER E PERFORMANCE STANDARDS

15 Section 4 Nuisances

16 E. Outdoor Lighting

17 2. Applicability

18 e. Deviations

19 11) Lighting for ~~Commercial e~~Communication ~~T~~Towers under Art. ~~4.C.4.Q.2~~ [4.B.9.B.10](#) of
20 the ULDC; and [Ord. 2005-041]

21

22
23
24 Part 11. New ULDC Art. 5.E.5, Hours of Operation (page 57 of 100), is hereby established:

25 Reason for amendments: [Zoning]

1.	<p>Establish new subsection Section E under Performance Standards in Article 5 for Hours of Operation by consolidating all related provisions for hours of operations contained in Article 3 and some portions of Article 4 of the ULDC. Existing regulations are applicable to Commercial and Public and Civic uses and Commercial pod of PUD as well as Mixed Use Planned Development (MXPd) where business operations are restricted to be between 6:00 a.m. to 11:00 a.m. In addition, the Glades Area Overlay (GAO) has hours of operation regulations for non-residential uses that will be consolidated too. This amendment applies to clarifies hours of operation limitations to Industrial, commercial, Recreation and Public and Civic Uses by indicating applicability to every nonresidential use classification within 250' of when adjacent to Residential Future Land Use FLU designation, Zoning District or use. The distance from Residential is proposed to be 250' to minimize creation of nonconformities in existing Commercial Pod of PUD or MXPd sites where currently the distance is 300'.</p> <p>Hours of operation are proposed as follows. Exceptions may be permitted depending on:</p> <ul style="list-style-type: none"> Industrial uses restricted to operate on Sundays from 7:00 a.m. to 7:00 p.m. or 10:00 p.m. pending if the use includes indoor or outdoor industrial activities. The limitation in Industrial uses is more restrictive than commercial other uses as industrial uses are expected to be more intense in traffic and stocking activities. Commercial, and Institutional, Public and Civic uses continue limited to operate between 6:00 a.m. to 11:00 p.m. which is proposed to be applicable now to Recreation, Temporary and Transportation uses as that time period is typical industry practice to operate business. Utility uses and Commercial Communication Towers to be subject to the same hours of operation applicable to industrial uses with outdoor activities, 7:00 a.m. to 7:00 p.m. Monday through Saturday, as these uses are typically of outdoor nature. Specific exemptions are proposed to allow these uses to operate outside of the specific hours in case of emergency. <p>When particular hours of operation apply to any use outside of the consolidated table, such regulations are noted in other sections of the Code.</p>
2.	<p>Clarify that Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXPd, LCC, and TMD Zoning Districts may be subject to specific provisions for the purpose of hours of operation:</p> <ul style="list-style-type: none"> Sites are not to be considered residential zoning districts by adjacent nonresidential uses if existing residential uses are not on the site; Sites in these zoning districts or subareas with an existing residential use shall be considered

	<u>residential. Consequently, hours of operation applicable when located within 250' from residential shall apply until the residential dwelling is not longer in use. This amendment is done to continue protection of residential uses that remain in the mixed use development subareas or zoning districts noted above.</u>
3.	<u>Clarify that variance applications for hours of operation applicable to excavations are not allowed. Hours of operation provisions reside in Art. 4 too and per Art. 2.A.1.D.1.b, Zoning Commission variances are not allowed for provisions in Art. 4.</u>

1 **CHAPTER E PERFORMANCE STANDARDS**

2 **Section 5 Hours of Operation**

3 Hours of operation relate to the time during which the use is open to the public for business. For uses not
 4 open to the public, hours of operation shall be the time in which the use has employees working.

5 **A. Proximity to Residential**

6 Any non-residential use shall be subject to the hours of operations indicated below when:
 7 adjacent located within 250 feet of a Residential FLU designation, Zoning District or use,
 8 unless stated otherwise. ~~No stocking or deliveries outside of the permitted time when located~~
 9 ~~within 250 feet of residential.~~

10 **Table 5.BE - Hours of Operation**

<u>FLU/Zoning District/ Nonresidential Use Classification (2)</u>	<u>Hours (1)</u>
<u>Commercial</u>	<u>6:00 a.m. to 11:00 p.m.</u>
<u>Recreation</u>	<u>6:00 a.m. to 11:00 p.m.</u>
<u>Institutional, Public and Civic</u>	<u>6:00 a.m. to 11:00 p.m.</u>
<u>Industrial with outdoor activities</u>	<u>7:00 a.m. to 7:00 p.m. (Monday – Saturday)</u>
<u>Industrial without outdoor activities</u>	<u>7:00 a.m. to 11:00 p.m. 7:00 a.m. to 11:00 p.m. (Monday – Saturday)</u>
<u>Transportation</u>	<u>7:00 a.m. to 11:00 p.m.</u>
<u>Excavation</u>	
<u>Temporary</u>	<u>6:00 a.m. to 11:00 p.m.</u>
<u>Accessory Nonresidential Uses to Residential Uses</u>	<u>7:00 a.m. to 7:00 p.m.</u>
[Ord.]	
Notes:	
1	<u>Stocking activities or deliveries outside of the permitted hours of operation are prohibited for nonresidential uses located within 250 feet of residential.</u>
2	<u>Mixed or non-residential uses located in the following districts shall not be considered residential uses for the purposes of hours of operation: Neighborhood General (NG), Neighborhood Commercial (NC) and Urban General (UG) Sub-areas of the WCRAO and UC, UI, MXPD, LCC, and TMD.</u>

11 **AB. Measurement**

12 Measurement shall be taken by drawing a straight line from the closest point on the perimeter of
 13 the residential district to the closest point on the perimeter of the exterior wall, structure, or bay,
 14 housing the non-residential use. [Ord. 2009-040] [Partially relocated from Art. 3.D.3.A.2.a,
 15 **Hours of Operation – Related to All Commercial, Public and Civic Uses under District**
 16 **Specific Regulations]**

17 **C. Noise**

18 If hours of operation conflict with the noise regulation hours contained in Art. 5.E.4.B, restrictions
 19 for noise regulations shall prevail.

20 **BD. Existing Uses**

21 Uses existing prior to this amendment may comply with the requirements existing at the time the
 22 use was established, unless modified by a subsequent Development Order. [Ord. 2009-040]
 23 **[Relocated from Art. 3.D.3.A.2.a.1), Existing Uses - Related to Hours of Operation**
 24 **applicable to all Commercial, Public and Civic Uses under District Specific Regulations]**

25 **CE. Exemptions**

26 Uses owned or operated by a governmental entity that provide essential services for the public,
 27 as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040]
 28 **[Relocated from Art. 3.D.3.A.2.a.2), Exemptions - Related to Hours of Operation applicable**
 29 **to all Commercial, Public and Civic Uses under District Specific Regulations]**

30 (This space intentionally left blank)

1 Part 12. ULDC Art.5.F.1.F, Maintenance and Use Documents (page 62 of 100), is hereby
 2 amended as follows:
 3

Reason for amendments: [Zoning]	
1.	Delete reference to Requested Use as the process has been consolidated in Conditional Use only.

4 CHAPTER F LEGAL DOCUMENTS

5 Section 1 Maintenance and Use Documents

- 6 F. Content Requirement for Documents
- 7 1. Property Owner's Association (POA) Documents
- 8 a. Declaration of Covenants and Restrictions
- 9 1) Legal Description

10 a) For Master Property Owner's Associations
 11 Where applicable, all property included within the Master Plan for a Development
 12 Order, regardless of how many phases, shall be subjected to the terms of the
 13 declaration at the time the first plat of the development is recorded. Property shall
 14 not be withdrawn from the terms of the declaration unless it is also withdrawn
 15 from the Master Plan. This shall also apply to any affected portion of an AGE
 16 Allocation Plan with a Development Order for a Rezoning, Conditional ~~Use~~
 17 ~~Requested~~ Use, or related Development Order Amendment subject to the
 18 requirements of the AGEO. [Ord. 2010-022]
 19
 20

21 Part 13. ULDC Art.5.G.1.E, Workforce Housing Program (WHP) (page 77, 89 of 100), is hereby
 22 amended as follows:
 23

Reason for amendments: [Zoning]	
1.	Delete reference to Requested Use as the process has been consolidated in Conditional Use only.

24 CHAPTER G DENSITY BONUS PROGRAMS

25 Section 1 Workforce Housing Program (WHP)

- 26 E. WHP Incentives
- 27 All projects with 10 or more residential units shall be eligible for WHP Incentives. [Ord. 2006-
 28 055]
 29
- 30 1. Density Bonus
- 31

Table 5.G.1.D - Review Process

Density Bonus	DRO Approval	Class A Conditional Use	Requested Use Class B Conditional Use
Standard District > 30% - 50%	X		
Standard District > 50% - 100%		X	
PDD or TDD > 30% - 100%		X	X
[Ord. 2006-055]			

- 32
- 33
- 34
- 35 K. TDR: Receiving Area Procedure
- 36 3. Review Process

37 c. The transfer of any density to a planned development is reviewed as a [Conditional](#)
 38 ~~requested use~~ and shall be subject to the provisions of Art. 3.E, Planned Development
 39 Districts (PDDs). A general application by a property owner for receiving area status and
 40 a density bonus shall be accepted for review and processing pursuant to Art. 2,
 41 Development Review Process. [Ord. 2005-002] [Ord. 2010-005]
 42

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1 Part 14. ULDC Art. 5.H.2.B Applicability and Standards (page 91 of 100), is hereby
2 amended as follows:
3

Reason for amendments: [Zoning] Rename uses for consistency with revisions to Art. 4, Use Regulations.
--

4 **CHAPTER H MASS TRANSIT STANDARDS**

5 **Section 2 Applicability and Standards**

6 **B. Thresholds and Standards**

7 For the purposes of this Chapter, non-residential development shall be defined as all commercial,
8 civic/public, recreation and industrial uses that are open to the public. Unmanned or minimal
9 commuter generating facilities, such as ~~e~~C~~o~~mmercial ~~e~~C~~o~~m~~m~~unication ~~t~~T~~o~~wers or ~~e~~E~~e~~lectric
10 ~~t~~T~~r~~ansmission ~~f~~acility ~~S~~ubstation, or as determined by Palm Tran shall be excluded from this
11 definition. Where applicable, the requirements of this Chapter shall be approved by Palm Tran
12 and shown on all Preliminary Development Plans, Preliminary Subdivision Plans, Preliminary Site
13 Plans, Final Master Plans, Final Subdivision Plans and Final Site Plans, prior to DRO certification
14 or approval. Palm Tran Transit Design Manual provides an understanding of transit operating
15 criteria and, access requirements (www.pbcgov.com/palmtran/library). Section 810 of the ADA
16 and ABA Accessibility Guidelines provides curbside ADA requirements for Transportation
17 Facilities (www.access-board.gov/ada-aba/final.htm). FDOT Transit Facilities Guidelines
18 provides more detail requirements for the location transit infrastructure
19 (www.dot.state.fl.us/transit/Pages/TRANSIT%20Facilities%20GUIDELINES.PDF). **[Ord. 2008-**
20 **003]**
21

EXHIBIT E

ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 12/08/16)

1
2 Part 1. ULDC Art. 7, Landscaping (Pages 14 and 40 of 52), 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. 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.

4
5 **CHAPTER B TYPES OF PLANS**

6 **Section 3 Alternative Landscape Plan (ALP)**

7
8 **D. Approval**

9
10 **3. Approval Process**

11
12 **c. Optional Submittal with a Zoning Application**

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

16
17 **Reason for amendments:** [Zoning] Require Unmanned Retail Structures to have foundation plantings consisting of ground cover, defined as “plants, other than turf grass...” by the ULDC, with one palm tree on either side of the Unmanned Retail Structure, identical to the Art. 7 Landscaping requirements for Freestanding ATM.

18 **CHAPTER D GENERAL STANDARDS**

19
20 **Section 11 Foundation Plantings**

21 Foundation plantings shall be provided along facades as required by Table 7.C.3, Minimum Tier
22 Requirements, for non-residential structures unless specifically exempted by this Section. Required plant
23 material may be located within 30 feet of the foundation, along the front and side facades of drive-through
24 establishments, including Freestanding ATMs and Unmanned Retail Structures. All required foundation
25 plantings shall include a minimum of one tree or palm for each 20 linear feet of building facade and one
26 shrub or ground cover for every 10 square feet of planting area. The relocation of foundation plantings
27 may be approved by the DRO provided the minimum required square footage of the planting area is
28 maintained. [Ord. 2013-021] [Ord. 2014-025]

29
30 **F. Freestanding ATM's and Unmanned Retail Structures**

31 Required foundation plantings may be modified as follows: [Ord. 2013-021]

32 **1. Walk Up**

33 Foundation planting areas may be relocated up to a maximum of ten feet away from the
34 applicable façade to accommodate pedestrian walkways, access to the ATM or Unmanned
35 Retail Structure; or, as needed to comply with F.S. 655.960, security lighting, or Crime
36 Prevention Through Environmental Design (CPTED) guidelines. [Ord. 2013-21]

37 **2. Drive Through**

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EXHIBIT E

ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 12/08/16)

1 Foundation planting areas may be relocated in accordance with similar provisions for other
 2 drive through establishments, except that required foundation planting areas shall not be
 3 relocated to the façade of any adjacent building or structure other than the Freestanding ATM
 4 or the Unmanned Retail Structure. [Ord. 2013-21]

5

6 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

7

8 Section 9 Incompatibility Buffer

9

10 A. Determining Incompatibility Buffer Type

11

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	↔	<u>Institutional, Public and Civic</u>	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003] [Ord. 2016-016]			
Notes:			
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. Buffer for m Minor u Utilities <u>or Electric Distribution Substation</u> shall be determined by the DRO.			

13

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EXHIBIT F

ARTICLE 15, HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

1
2 Part 1. ULDC Art. 15.B.8.A, Design Criteria [Related to Construction and Design
3 Requirements] (page 12 - 13 of 24), is hereby amended as follows:
4

Reason for amendments: [Zoning] Rename Water or Treatment Plant to Water or Wastewater Treatment Plant as proposed in the Utilities Use Classification.

5 CHAPTER B (PBC ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

6 Section 8 Construction and Design Requirements

7 A. Design Criteria

8
9
10 17. All existing community systems serving 350 or more persons and all newly proposed
11 community systems shall be equipped with a source of auxiliary power to allow operation of
12 the raw water supply, water treatment units and pumping capacity. In addition, such systems
13 shall be provided with automatic start up devices except where elevated storage or 24 hour
14 per day, seven day per week operation is provided. Such emergency power shall be of a
15 sufficient capacity to operate the water supply facility at average daily design capacity. A
16 minimum fuel supply for 14 days of continuous operation for each item of auxiliary power
17 shall be maintained at the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant or under the control of
18 the utility and reserved for the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant. Any fuel pumps
19 required to transfer the fuel to the auxiliary power units shall be equipped with their own
20 auxiliary power or manual pumping system. [Ord. 2005 – 003]

21 19. Disinfection

22
23 c. A minimum of two chlorination facilities at the ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant
24 shall be provided for each community water system. Each chlorinator shall be of
25 adequate capacity to supply the total demand of the raw water at the rated capacity of the
26 treatment plant. Where more than two chlorinators are available, adequate capacity to
27 supply the total chlorine demand of the raw water shall be provided with the largest unit
28 out of service. Disinfection other than chlorination will be considered on an individual
29 basis by the Department.
30
31

32 20. Water or Wastewater Treatment Plant and Storage
33 The approved design capacity shall be adequate to provide for the maximum day demand
34 plus fire flow requirements and maintain the water quality standards specified in this Article.

35 21. Distribution

36
37 f. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 80
38 percent of approved design capacity the supplier of water shall initiate the procedures for
39 ~~w~~Water or Wastewater ~~t~~Treatment ~~p~~Plant expansion. In the event expansion procedures
40 are not initiated, the system shall be considered inadequate for additional distribution
41 expansion, and approval for additional distribution expansion shall not be granted unless
42 otherwise justified by an engineering report covering the circumstances and approved by
43 the Department
44 g. When the distribution demand, as determined in Art. 15.B.8.A.21.a, above, reaches 90
45 percent of the approved design capacity, the supplier of water shall have the ~~w~~Water or
46 Wastewater ~~t~~Treatment ~~p~~Plant expansion under construction. In the event construction is
47 not underway, the system shall be considered inadequate for additional distribution
48 expansion and approval for additional distribution expansion shall not be granted unless
49 otherwise justified by an engineering report covering the circumstances and approved by
50 the Department.
51

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EXHIBIT F

ARTICLE 15, HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

1
2 Part 2. ULDC Art 15.C.1.A, Purpose, (page 19 of 24), is hereby amended as follows:
3

Reason for amendments: [Zoning] Update multiple use titles for consistency with changes to uses in different use classifications in Art. 4, Use Regulations.

4 CHAPTER C GENERAL THRESHOLD REVIEW

5 Section 1 Purpose

6 The purpose of threshold review is to provide information to the applicant and PBC on the carrying
7 capacity of the land prior to site design.

8 A. Development on Property or Uses Requiring Threshold Review

9 Proposed development consisting of any of the following site uses shall be reviewed by the
10 Department. In response, the Department shall advise the applicant of special rules and
11 procedures governing development of the use:

- 12 1. ~~Sanitary~~ Landfills or Incinerator;
- 13 2. Recycling Plants ~~/~~ and Recycling Centers;
- 14 3. Composting ~~f~~ Facility;
- 15 ~~4. Chipping and Mulching Plants;~~
- 16 ~~54. Chipping and Mulching Plants;~~
- 17 ~~65. Waste and~~ Water or Wastewater ~~t~~ Treatment p Plants;
- 18 ~~76. Public Bathing Places;~~
- 19 ~~87. Salvage~~ or and Junk Yards;
- 20 ~~98. Air Curtain~~ Incinerators;
- 21 ~~109. Bio Hazardous Waste Processing Plants;~~
- 22 ~~110. Electric Power~~ Generation Plants;
- 23 **[Renumber Accordingly]**

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EXHIBIT G

ART. 4.A, USE CLASSIFICATION
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1
2 Part 1. New ULDC Art. 4.A, User Guide, is hereby established as follows:
3

Reason for amendments: [Zoning] Update Art.4.A, Use Classification to include a User Guide. The Guide will assist the users in understanding the proposed methodology and reorganization of Article 4.

4 CHAPTER A **USER GUIDE AND GENERAL PROVISIONS USE CLASSIFICATION**

5 Section 1 **General Overview**

6 A. **Use Matrix**

7 ~~Uses permitted by right, permitted subject to a Special Permit permitted by the DRO, or subject to~~
8 ~~conditional use approval in each standard Zoning District shall be determined in Table 4.A.3.A,~~
9 ~~Use Matrix. [Partially relocated below.]~~

10 B. **PDDs and TDDs**

11 ~~The use regulations for the Planned Development Zoning Districts, (PDDs) and Traditional~~
12 ~~Development Zoning Districts (TDDs) are specified in Article 3.E, PLANNED DEVELOPMENT~~
13 ~~ZONING DISTRICTS (PDDs) and Article 3.F, TRADITIONAL DEVELOPMENT ZONING~~
14 ~~DISTRICTS (TDDs). [Partially relocated below.]~~

15 In order to ensure that all development in unincorporated PBC is consistent with the Comprehensive
16 Plan, it is necessary to define Uses and identify where such Uses are allowed. This Chapter establishes
17 the general provisions that address regrouping of uses by classification, approval process and any
18 requirements specific to a use. It also serves as a guide to assist users in determining the Uses that are
19 allowed in the various Zoning Districts. Specific procedures are outlined in Appendix A - Art. 4 User
20 Guide, and available on-line at PBC PZB Web Page at (place holder for web page address).

21 **Section 2 Variance Relief Prohibited**

22 Variance relief from any of the requirements of this Chapter shall be prohibited unless expressly stated
23 otherwise herein.

24 **Section 3 Zoning and Future Land Use Consistency**

25 Before utilizing this Article to confirm if a use is allowed, it must be determined that the Zoning District
26 designation of the subject site is consistent with its Future Land Use (FLU) designation. This could be
27 accomplished by referencing the site's FLU designation from the PBC Future Land Use Atlas (FLUA), and
28 check Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). If the Zoning
29 District is inconsistent with the FLU designation, a rezoning may be required to allow for a proposed use
30 subject to the requirements specific to the Use and other applicable Project Development Regulations.
31 Depending on the size and location of the site, there may be multiple options for rezoning, which may
32 include Standard zoning districts, PDDs or TDDs. Once consistency has been confirmed or if it's
33 determined that rezoning may be required, the appropriate Zoning District or Zoning Districts can then be
34 referenced to determine potential Uses and applicable approval process.

35 A. If the zoning district is consistent with the FLU designation, then a rezoning is not required. The
36 Applicant shall reference Use Matrices to see whether the proposed Use is allowed in that zoning
37 district and subject to what type of approval process.

38 B. If the zoning district is not consistent with FLU, then a rezoning is required. The Applicant shall
39 select the most appropriate zoning district, and reference Use Matrices to identify whether the
40 proposed Use is allowed in the proposed zoning district and subject to what type of approval
41 process.

42 **Section 4 C. Overlays**

43 The Applicant shall confirm whether the site is located in an Overlay Zone pursuant to Art.3.B, Overlays,
44 or as shown in the Official Zoning Map. If a site is located within an Overlay, then additional requirements
45 limitations may apply to those Uses additional to the regulations under the Supplementary Use
46 Standards. The use regulations within overlays shall be determined by the Uses allowed in the
47 underlying Zoning District and Article 3.B, OVERLAYS.

48 **Section 5 D. Airport Zones**

49 Uses in aAirport zZones may be further restricted or subject to special regulations as specified in Article
50 16, Airport Regulations.

51 **Section 6 E. Zoning District Specific Regulations for Standard Zoning Districts**

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EXHIBIT G

ART. 4.A, USE CLASSIFICATION
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1 Special ~~regulations standards~~ apply within certain Zoning Districts ~~as specified in this Article~~ as specified
2 under Art. 3.D.3, Zoning District Specific Regulations.

3 **Section 2** **Definitions**

4 ~~See Art. 1.I, Definitions and Acronyms~~

5 **Section 3** **Use Matrix**

6 **Section 7** **Determining Approval Process**

7 Uses not specifically listed in the Use Matrices of this Chapter, but consistent with the definition of a listed
8 use, may be ~~so classified~~ considered by the Executive Director of PZB pursuant to Article 1.B,
9 Interpretation of the Code. All Uses shall comply with all requirements of the ULDC unless expressly
10 exempted otherwise.

11 **A. Organization**

12 Uses are arranged within this Chapter by Use Classification, each of which includes: a Use
13 Matrix, General Standards, and Definitions and Supplementary Use Standards for Specific Uses.
14 Uses listed under each Use Classification are organized alphabetically, with a corresponding
15 number that allows for easy reference between the Use Matrix, definitions and Supplementary
16 Use Standards.

17 **B. Use Classification**

18 Uses are grouped into 11 classifications generally based on common functional characteristics or
19 land use compatibility, as follows:

- 20 1. Residential,
- 21 2. Commercial,
- 22 3. Recreation,
- 23 4. Institutional, Public and Civic,
- 24 5. Industrial,
- 25 6. Agricultural,
- 26 7. Utilities,
- 27 8. Transportation,
- 28 9. Commercial Communication Towers
- 29 10. Excavation, and,
- 30 11. Temporary.

31 **CA. Standard Use Matrix**

32 ~~Table 4.A.3.A, Use Matrix applies~~ There are five processes to obtain a zoning approval for a use,
33 as follows: Permitted by Right, Special Permit, DRO, Class B Conditional Use, or Class A
34 Conditional Use. Each Use Matrix identifies all zoning districts, uses, and approval process. The
35 Use Matrix consolidates use approvals in standard Zoning Districts, URAO, IRO, PDDs and
36 TDDs. A number in the "Supplementary Use Standard" column of the Use Matrix refers to the
37 Definition and Supplementary Use Standards applicable to the use.

38 **1. Permitted by Right**

39 ~~Uses identified with a "P" are permitted by right allowed in the Z zoning D district, subject to~~
40 ~~the sSupplementary uUse sStandards indicated in the "Note" column and the other~~
41 ~~applicable requirements of this Code. Uses in this category that do not require a Building~~
42 ~~Permit or Zoning Division site plan approval are still required to comply with all applicable~~
43 ~~requirements of the ULDC.~~

44 **2. Development Review Officer (DRO)**

45 ~~Uses identified with a "D" or exceeding the thresholds of Table 4.A.93.A, Thresholds for~~
46 ~~Projects Requiring DRO Approval, are permitted allowed subject to approval by the DRO in~~
47 ~~accordance with Article 2.D, ADMINISTRATIVE PROCESS. [Ord. 2005-002]~~

48 **3. General Requirement**

49 ~~All site improvements shown on the site plan or subdivision plan shall be completed in~~
50 ~~accordance with the permit required by the affected regulatory agency and a CO obtained (if~~
51 ~~required), prior to utilization of the development order approved by the DRO. [Partially~~
52 ~~relocated below and to Art. 3.D.1, Development Review Officer]~~
53 ~~[Renumber accordingly.]~~

54 **34. Special Permit**

55 ~~Uses identified with an "S" are permitted allowed in the Z zoning D district only if approved by~~
56 ~~the Zoning Director in accordance with Article 2.D.2, Special Permit. Most of the Uses~~
57 ~~subject to Special Permit are under the Temporary Use Classification.~~

58 **45. Class B Conditional Use**

59 ~~Uses identified with a "B" are permitted allowed in the Zoning District only if approved by the~~
60 ~~ZC in accordance with Article 2.B, PUBLIC HEARING PROCESS--Class B conditional Uses.~~

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EXHIBIT G

ART. 4.A, USE CLASSIFICATION
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

56. Class A Conditional Use

Uses identified with an "A" are ~~permitted~~ allowed in the Zoning District with a recommendation by the Zoning Commission, and only if approved by the BCC in accordance with Article 2.B, Public Hearing Process ~~Class A conditional Uses.~~

67. Prohibited Uses

Uses ~~not~~ identified with a dash "-", in a Zoning District column ~~as Permitted by Right, by a Special Permit, or as a Conditional Use~~ of the Use Matrix, are ~~not allowed~~ prohibited in the that Zoning District, unless otherwise expressly ~~permitted by this Code~~ stated under the Supplemental Use Standards of the use, or within any applicable Zoning Overlays.

~~8. Supplementary Use Standards~~

~~A number in the "Note" column refers to the supplementary use standards applicable to the use. The referenced standards appear in Article 4.B, SUPPLEMENTARY USE STANDARDS, for example, note 53 refers to Article 4.B.1.A.53, Farrier. [Partially relocated above.]~~

D. General Standards

Where applicable, each Use Classification may have a listing of General Standards that apply to all Uses in that Use Classification.

USE MATRICES CONSOLIDATED WITH SUPPLEMENTARY USE STANDARDS UNDER EVERY USE CLASSIFICATION.

E. Definitions and Supplementary Use Standards for Specific Uses

The definition for each Use permitted is listed. Where applicable, additional Supplementary Use Standards may apply. In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply, unless otherwise stated. [Ord. 2010-022] [Partially relocated from old Art. 4.B, Supplementary Use Standards.]

Section 8 Use Functions

Uses may be identified as principal or accessory. A site may be developed with a single use or collocated with multiple principal uses. Functionality of uses are as follows:

A. Principal

As defined in Art. 1, a principal use is "the primary and major purpose for which land or building is used as allowed by the applicable Zoning District." Only those Uses listed in this Chapter within the use matrices may be considered a principal use. A site may have more than one principal use.

B. Collocated

Certain principal Uses that are not normally permitted within a Zoning District by the use matrices may be allowed as a collocated use if expressly stated under the Supplementary Use Standards and compliance with all of the Supplemental Use Standards applicable to the use.

C. Accessory

As defined by Art. 1, "a permitted use that is customarily associated with the principal use and clearly incidental to the principal use, and is subordinate in area, extent or purpose to and serves only the principal use." Uses not allowed in a Zoning District shall not be accessory to a principal use unless stated otherwise in the Supplementary Use Standards of the use intended to be accessory. Additional accessory Uses limitations and requirements are contained in Art. 5.B, Accessory Uses and Temporary Structures.

D. Flex Space

This option allows for limited office or retail opportunities where otherwise prohibited in industrial Zoning Districts, or inversely allows for a limited type of industrial Uses in the commercial zoning districts that are consistent with the CH FLU designation. Flex space is only permitted when approved in accordance with Art. 5.B.1.C, Flex Space.

Section 9- Development Thresholds [Title relocated from old Art. 4.A.4.]

A. Development Review Officer

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

Notes:

Underlined indicates new text.

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EXHIBIT G

**ART. 4.A, USE CLASSIFICATION
SUMMARY OF AMENDMENTS
(Updated 12/09/16)**

1

Table 4.A.93.A - Thresholds for Projects Requiring DRO Approval

Zoning District	Number of Units or Square Feet
RM	16 du
CN	3,000 square feet
CLO	3,000 square feet
CC	8,000 square feet
CHO	8,000 square feet
CG	10,000 square feet
CRE	15,000 square feet
IL	20,000 square feet
IG	20,000 square feet
IPF	20,000 square feet 16 du
IR	Any project utilizing the Infill Redevelopment Overlay

[Ord. 2010-005] [Ord. 2010-022]

Notes:

- Approval of a subdivision plan is required for all subdivision of land for which a plat or plat waiver has not been granted pursuant to Article 11, ~~SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS~~ Subdivision, Platting and Required Improvements or which exceeds the threshold above.
- Projects exceeding the thresholds above shall comply with Article 5.C, DESIGN STANDARDS.

2 Section 4 Development Thresholds [Title relocated to new Art. 4.A.9, above]

3 BA. Public Hearing Approval General

4 Any amendment to an existing development, or new construction of residential, commercial or
5 industrial projects that meets or exceeds either the maximum square footage or units, or
6 maximum acreage of Table 4.A.9-4.A, Thresholds for Projects Requiring Board of County
7 Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art.
8 2.B.1, Official Zoning Map Amendment (Rezoning). Projects that meet or exceed the thresholds
9 of this table that do not meet the access and dimension requirements of a PDD or TDD; are not
10 allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use,
11 shall be approved as a Class A Conditional Use. **[Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-
12 005]**

13 1. Exemptions

14 *The following projects shall be exempt from this requirement: [Ord. 2010-005]*
15 *a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning*
16 *District, that support existing or proposed government facilities; and, [Ord. 2010-005]*
17 *b. Infill Redevelopment Overlay projects approved by the DRO. [Ord. 2010-005]*
18 **[Relocated from old Art. 4.A.4.A.1, General]**

19

Table 4.A.94.BA - Thresholds for Projects Requiring Board of County Commission Approval (1)

FLU Designation (2) (3)	Number of Square Footage or Units (4)	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only) (2)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-

Notes:

- Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. **[Ord. 2006-004]**
- PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).
- There are no thresholds for the UC or UI FLU designations. **[Ord. 2011-016]**
- Dwelling units shall include any density awarded as part of a density bonus program. **[Ord. 2006-004 [Ord. 2011-016]**

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1. Exemptions

*The following projects shall be exempt from this requirement: [Ord. 2010-005] [Relocated to
new Art. 4.A.9.B.1, Exemptions, above]*
*a. Projects located in the PO Zoning District or that propose to rezone to the PO Zoning
District, that support existing or proposed government facilities; and, [Ord. 2010-005]
[Relocated to new Art. 4.A.9.B.1.a, under Exemptions, above]*
*b. Infill Redevelopment Overlay projects approved by the DRO. [Ord. 2010-005]
[Relocated to new Art. 4.A.9.B.1.b, under Exemptions, above]*

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EXHIBIT G

ART. 4.A, USE CLASSIFICATION
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1 ~~CHAPTER B—SUPPLEMENTARY USE STANDARDS~~
2 ~~The Supplementary Uses establish minimum standards as well as the review process for each Use Type.~~
3 ~~In the case of a conflict with other regulations in this Code, the more restrictive requirement shall apply,~~
4 ~~unless otherwise stated. [Relocated to new Art. 4.A.7.E, Definitions and Supplementary Use~~
5 ~~Standards for Specific Uses] Variances shall not be granted from the Use Standards including use~~
6 ~~regulations that reference other Sections of the ULDC, unless explicitly specified in Chapter B.1 of this~~
7 ~~Article. *[Ord. 2010-022]*~~

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS

(Updated 12/6/16)

1
2 Part 1. New ULDC Art. 4.B.4, Institutional, Public and Civic Uses, is hereby established as
3 follows:

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 4 Institutional, Public and Civic Uses**

6 **A. Institutional, Public and Civic Use Matrix**
7

Reason for amendments: [Zoning]	
1.	Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). 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.
2.	<u>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.</u>

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

TABLE 4.B.4.A INSTITUTIONAL, PUBLIC AND CIVIC USE MATRIX

STANDARD DISTRICTS														Use Type	#	Supplementary Use Standards (1)	PLANNED DEVELOPMENT DISTRICTS (PDDs)												TRADITIONAL DEV. DISTRICTS (TDDs)																																			
AG/CON		RESIDENTIAL				COMMERCIAL						IND					INST		PUD			MUPD			MXPD		PIPD		M		R		LCC		TND			TMD																										
P	A	A	AR		R	R	R	R	C	C	C	C	C				URAO			IRO			I	I	P	I	PODS			FLU			FLU	PODS	M	R	FLU		TIER			TIER																						
C	G	P	R	U	E	T	S	M	N	L	C	H	G				R	U	U	U	U	U	C	C	C	C	L	L	H	H	L	G	O	P	R	C	R	C	A	C	C	C	C	I	E	I	C	C	I	C	I	H	V	C	C	U/S	EX/RURAL	U	E	AGR				
C	R	A	S	A	R	E	S	M	O	O	O	O	O	E	1	2	3	1	2	L	L	H	H	L	G	O	P	S	M	C	V	R	L	H	L	H	R	N	D	N	H	H	N	O	N	D	D	L	H	R	N	O	S	X	AGR									
														Institutional, Public and Civic																																																		
														Helipad (RELOCATED TO TRANSPORTATION USES)																																																		
														Homeless Resource Center																																																		
														Hospital or Medical Center																																																		
														Landing Strip (RELOCATED TO NEW TRANSPORTATION CLASSIFICATION)																																																		
														Large Family Child Care Home																																																		
														Nonprofit Assembly, Nonprofit Institutional																																																		
														Nonprofit Assembly, Nonprofit Membership																																																		
														Nursing Home or Convalescent Facility																																																		
														Place of Worship																																																		
														Prison, Jail or Correctional Facility																																																		
														School, Elementary or Secondary																																																		
														Nursing Home or Convalescent Facility (CURRENTLY UNDER RESIDENTIAL)																																																		
<p>[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027]</p> <p>Use approval process key:</p> <table border="0"> <tr> <td>P</td><td>Permitted by Right</td> <td>D</td><td>Subject to DRO Approval</td> <td>A</td><td>Subject to BCC Approval (Class A Conditional Use)</td> </tr> <tr> <td>S</td><td>Subject to Special Permit Approval</td> <td>B</td><td>Subject to Zoning Commission Approval (Class B Conditional Use)</td> <td>-</td><td>Prohibited use, unless stated otherwise within Supplementary Use Standards</td> </tr> </table> <p>(1) Supplementary Use Standards for each use must be reviewed regardless the approval process set forth in the Use Matrix. Refer to the numbers in the Supplementary Use Standard column.</p>																														P	Permitted by Right	D	Subject to DRO Approval	A	Subject to BCC Approval (Class A Conditional Use)	S	Subject to Special Permit Approval	B	Subject to Zoning Commission Approval (Class B Conditional Use)	-	Prohibited use, unless stated otherwise within Supplementary Use Standards																							
P	Permitted by Right	D	Subject to DRO Approval	A	Subject to BCC Approval (Class A Conditional Use)																																																											
S	Subject to Special Permit Approval	B	Subject to Zoning Commission Approval (Class B Conditional Use)	-	Prohibited use, unless stated otherwise within Supplementary Use Standards																																																											

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS

(Updated 12/6/16)

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Reason for amendments: [Zoning]
<u>1.</u> Codify Palm Beach County Comprehensive Plan Future Land Use (FLU) Element Objective 1.5-r to make the regulations applicable to all uses in the Institutional, Public and Civic Use classification. The objective does not permit the location of institutional and public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands.

B. General Institutional, Public and Civic Standards

1. Agricultural Reserve (AGR) Tier

In the AGR Tier, institutional, public and civic uses are prohibited west of State Road 7.

~~AIRPORT, LANDING STRIP OR HELIPAD STANDARDS HAVE BEEN RELOCATED TO NEW ART. 4.B.8 TRANSPORTATION USES.~~

C. Definitions and Supplementary Use Standards for Specific Uses

1. Type IV Kennel (Animal Shelter)

HISTORY: The Kennel Type IV (Animal Shelter) use definition and Supplementary Use Standards were introduced in the ULDC in 2008 by Ordinance 2008-037. The definition and Supplementary Use Standards were amended by Ord. <u>2008-037</u> , 2009-040, Ord. 2010-005, and Ord. 2011-016.
Reason for amendments: [Zoning]
1. Delete Kennel Type IV from the use name to only keep Animal Shelter. The change minimizes confusion with other commercial kennel uses.
2. Revise the definition to: <ul style="list-style-type: none"> Delete the reference to type of establishment and acreage requirement as an Animal Shelter will be subject to the Property Development Regulations (PDRs) of the zoning district where the use is located. Humane Society and Private Animal Nonprofit organizations are defined by Ordinance 98-022 as amended, and therefore regulated by the ACC. Delete reference in the use definition related to services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that is developed through separate Supplementary Use Standards.
2. Rename the Limitations of <u>Supplementary Use Standard</u> to identify typical services the use is intended to include.
3. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
4. Delete the Hours of Operation Standard as the ACC Ordinance does not identify or regulate business hours. The hours of operation shall comply with new Article 5.E.5, Hours of Operation.
5. Delete the Setback standard related to outdoor areas. Setback requirements will be subject to standards for kennels and runs under provisions for Accessory Uses found in Art. 5.B.1.A.22, Kennels and Runs.

a. Definition

~~A not for profit institutional establishment regulated by ACC Ord. 98-022, as amended as a humane society, or private animal non-profit organization on 2.5 acres or more or when open to the public, A nonprofit establishment used for the protection of unwanted or abandoned domesticated animals, the use of which may include sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037] [Partially relocated to Limitations of Use Typical Services Standard, below]~~

ab. Limitations of Use Typical Services

~~All Type IV kennels shall be licensed and regulated by ACC, and comply with the following. [Partially relocated to Approval Process – ACC Permit Standard, below] Typical services provided by an Animal Shelter may include, but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037] [Partially relocated from Definition Standard, above]~~

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

c. Approval Process - ACC Permit

~~All Animal Shelters shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended. The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. [Partially relocated from Limitations of Use Standard, above]~~

1)d. Frontage

Facilities that are open to the public shall have a minimum of 100 feet ~~fronting of~~ frontage on and access from a collector or arterial street. [Ord. 2008-037]

2) Hours of Operation

~~Hours of operation shall be in accordance with ACC Ord. 98-022. [Ord. 2008-037]~~

3)e. Outdoor Animal Use Areas Landscaping

a) Setbacks

~~Outdoor animal use areas including but not limited to outdoor runs shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2008-037]~~

b) Screening

~~In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer,~~

~~a~~Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following: [Ord. 2008-037]

- (1) A six foot high fence, and double the required buffer width and planting requirements; or, [Ord. 2008-037]
- (2) A six foot high CBS or concrete panel wall. [Ord. 2008-037]

46.	Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
57.	Delete Collocated Use standard as collocated and accessory uses will be identified under the individual use. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix. The Veterinary Clinic reference will be deleted and relocated to the Veterinary Clinic Use under the Commercial Classification.
68.	Revise Accessory Residential Use standard to clarify that an Animal Shelter may have an accessory SFD if the parcel has an underlying residential FLU designation.
79.	Delete standard that allows Animal Shelter in Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The use will not be permitted in PIPD as the districts are intended for large employment centers, mainly designed to accommodate and promote manufacturing, research and development.

4) Number of Animals Permitted

~~Prior to review by DRO, preliminary approval shall be obtained from ACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2008-037]~~

5)f. Waste Disposal

~~An Type IV kennel Animal Shelter shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2008-037]~~

b. Collocated Uses

~~Any commercial or other use providing services to the general public, inclusive of training or boarding services, among others, shall only be permitted in accordance with the PDD, TDD or Standard District Use Matrices, stated approval process, and supplemental standards, unless stated otherwise herein. Veterinary clinics operated by a licensed veterinarian for the care of the animals kept in the shelter facility may also offer veterinary services to the public. [Ord. 2008-037] [Ord. 2009-040]~~

eg. Accessory Residential Use

~~A Type IV Kennel may be operated in conjunction with a A sSingle fFamily dwelling unit may be permitted as an accessory use to an Animal Shelter provided the property on properties having has an underlying residential FLU designations. [Ord. 2008-037]~~

d. PIPD

~~A Type IV Commercial Kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b. [Ord. 2008-037]~~

Reason for amendments in the Use Matrix: [Zoning]	
<u>10.</u>	Allow the use in CL and CHO of IRO subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial zoning districts.

Notes:

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

2. Cemetery

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Cemetery use. The definition and ~~e~~Supplementary Use ~~e~~Standards were amended by Ord. 2003-067, ~~Ord.~~ 2013-001 and ~~Ord.~~ 2015-06.

Reason for amendments: [Zoning]

1. Delete reference in the use definition related to tentative accessory uses or services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that may be developed through ~~e~~Supplementary ~~U~~se ~~e~~Standards. Definition of chapel will be added to Article 1 to clarify is an accessory use not to be confused with a Place of Worship as defined and developed in this use classification.

2. There are circumstances in which a site may be subdivided with outparcels requiring the MUPD provision to be utilized. Since cemeteries are not consistent with commercial uses that are generally located in MUPD, a new Supplementary Use Standard is proposed to limit MUPDs developed for cemeteries to be limited to include other cemeteries or places of worship uses only.

a. Definition

Land used or intended to be used for human ~~or animal~~ interment. ~~A cemetery may include an office, chapel, mausoleum, or columbarium.~~ [Ord. 2013-001]

ba. Zoning District - MUPD

A MUPD developed to include a Cemetery shall be limited to have Place of Worship or other Cemeteries as collocated uses.

c. Frontage

Where permitted in a ~~In all~~ residential zoning districts, a ~~e~~Cemetery shall have frontage on and access from an arterial or a collector street.

ebd Lot Size

1) A ~~e~~Cemetery ~~for human interment~~ shall be located on a site with a minimum contiguous area of 30 acres. ~~An existing cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval.~~ [Relocated to new #2), below] Exceptions to the minimum acreage requirement may be permitted, as follows: [Ord. 2013-001] [Ord. 2015-006]

4a) Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, ~~when on sites~~ less than 5 acres, ~~but not less and equal to or greater~~ than 2 acres, which provides only single-level ground burial. [Ord. 2015-006]

2b) County and municipal cemeteries. [Ord. 2015-006]

3c) Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise. [Ord. 2015-006]

4d) Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976. [Ord. 2015-006]

5e) A columbarium consisting of less than one-half acre which is collocated with a Place of Worship. [Ord. 2015-006]

6f) A mausoleum consisting of two acres or less which is collocated with a Place of Worship. [Ord. 2015-006]

7g) A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in F.S. §1000.21(6). [Ord. 2015-006]

2) ~~An existing Cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval.~~ [Ord. 2015-006] [Relocated from #1) above]

23. Relocate standard allowing a Funeral Home or a Crematory to be collocated with a Cemetery in the Multifamily Residential (RM) Zoning District. The standard is consolidated with regulations that apply to Funeral Home and Crematory uses, respectively.

34. Clarify that pet cemetery is only permitted in the Institutional and Public Facilities (IPF) Zoning District for consistency with the uses intended to be located in the designation and delete approval from the General Commercial (CG) Zoning District. Pet ~~e~~cemetery will be permitted to be accessory to any ~~e~~Cemetery for humans provided the ~~p~~pet ~~e~~cemetery is not located within the minimum acreage required for the Cemetery for humans established by State Statutes.

45. Florida Statutes 497 regulates Cemeteries as “a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains” but it does not cover pet cemeteries. Staff recognizes industry trend to allow pet cemeteries accessory to a Cemetery for humans but the minimum lot size of requirements of Cemeteries has to be met as stated in the State Statutes. Consequently, a new standard is proposed to allow accessory ~~p~~Pet ~~e~~Cemetery as

Notes:

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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

long as the square footage is in addition to the minimum acreage required for Cemeteries for human interment.

~~c. RM District~~

~~In the RM district, a cemetery may include a funeral home or a crematory subject to approval as a Class A Conditional Use, provided the use is restricted to those being interred within that cemetery. [Ord. 2013-001] [Relocated to Crematory Use and Funeral Home use, below]~~

~~d. Pet Cemetery~~

- 1) ~~A pet cemetery shall~~ May be ~~permitted~~ allowed only in the ~~CG and~~ IPF Zoning Districts subject to as a Class A Conditional Use approval. [Ord. 2013-001]
- 2) ~~May be permitted~~ allowed as an accessory use to a Cemetery, provided the area dedicated for pet cemetery is in addition to the minimum lot size required for the Cemetery.

Reason for amendments in the Use Matrix: [Zoning]

46. Change approval in General Commercial (CG), Community Commercial (CC), and Public Ownership (PO) Zoning Districts from Class B Conditional Use to Class A Conditional Use. The use cannot be less restrictive in standard zoning district than in Planned Development Districts (PDDs) where additional site design requirements and development patterns are typically exceeded. The approval for the use in the Civic pod of PUD is Class A Conditional use, therefore this change is made to be consistent with approval in PDDs which allows public participation through the hearing process.

7. Allow the approval of Cemeteries in MUPD with CH FLU designation subject to Class A Conditional Use approval to allow development of outparcels when collocated with other Cemeteries or Places of Worship. A Supplementary Use Standard has been created to clarify the limitations of the use in this district.

3. College or University

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the College or University use. The definition and ~~Supplementary Use Standards~~ were amended by Ord. 2003-067.

Reason for amendments: [Zoning]

1. Delete reference in the use definition related to supporting services or functions necessary for the operation of the use. The use definition shall be limited to explain and outline the meaning of a use.
2. Streamline the approval of the use to make it subject to DRO when standards related to separation from residential, limitation of building square footage, and location on collector or arterial streets are met.
 - The separation standard of 150 feet from residential FLU designation or use is utilized consistently throughout the Code for high intensity uses such as Pawnshop.
 - The limitation of maximum square footage to 30,000 gross floor area responds to the average mid-size college or university which also corresponds to the minimum square footage that will trigger approval of the use by the Board of County Commissioners (BCC) as contained in the Development Thresholds section of this Code. Dormitories shall be counted towards the total building square footage.
 - The requirement for freestanding or stand alone use located on arterial or collector street is added to facilitate approval and promote location of College or University use in Planned Development Districts and infill parcels and minimize the impact to adjacent uses or roads.
3. Clarify that dormitories shall be considered incidental use to a College or University to be allowed as long as they are owned or operated by the educational institution and used by its students. If this provision is not met, the use will be considered residential and will be subject to the applicable residential use standards, approval process and density requirements.

a. Definition

An institution of higher learning offering undergraduate or graduate degrees, ~~and including the buildings required for educational or support services, such as classrooms, laboratories, dormitories and the like.~~

b. Approval Process

~~A College or University allowed as Class A Conditional Use may be approved by the DRO, subject to the following:~~

- 1) ~~The property is separated from parcels of land with a residential FLU designation or use by a minimum of 150 feet;~~
- 2) ~~A maximum of 30,000 square feet of GFA; and,~~

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3) ~~The use has frontage on and access from an arterial, collector or local commercial street.~~

c. Accessory Use - Dormitories

~~Dormitories shall may be allowed as an accessory use. If owned or operated by the College or University shall be calculated as FAR.~~

Reason for amendments in the Use Matrix: [Zoning]
4. The use is now proposed to be in the CHO Zoning District, MXPDP with CHO FLU designation and TMD Urban/Suburban, Exurban and Rural Tiers subject to Class A Conditional Use approval for consistency of the use approval in similar intensity commercial zoning districts.



4. **Crematory**

HISTORY: Crematory use was established for the first time in the ULDC by Ordinance 2013-01 in order to respond to industry demand and clarification when the use is collocated with a Cemetery.

Reason for amendments: [Zoning]

- 1. Amend definition by deleting reference to Funeral Homes as Funeral Home is another defined use with ~~sSupplementary Use sStandards~~ in the Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
- 2. Relocate from Cemetery and consolidate Crematory standard related to collocation of the use under the provisions that pertain to Crematory use. The standard clarifies approval of collocated Crematory to a Cemetery in the RM Zoning District to be Class A Conditional Use since the use is prohibited in the Multifamily Residential (RM) Zoning District as identified in the Use Matrix.

a. Definition

A facility used for the incineration of human or animal remains, ~~excluding activities related to funeral homes.~~ [Ord. 2013-001]

ab. Equipment Location

Crematory equipment shall be located within a fully enclosed building. [Ord. 2013-001]

bc. Services Prohibited

Services such as public observances, sermons or other similar activities shall be prohibited, unless collocated with an approved funeral home. [Ord. 2013-001]

d. Collocated Use

In the RM district, a Crematory may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. [Ord. 2013-001] [Relocated from Art. 4.B.4.C.2, Cemetery, above]

Reason for amendments in the Use Matrix: [Zoning] No changes to the approval process have been proposed.



~~DAY CAMP HAS BEEN RELOCATED TO ART. 4.B.11, TEMPORARY USES TO BE ADDRESSED AT A LATER TIME.~~



5. **Day Care**

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Day Care use. The definition and ~~sSupplementary Use sStandards~~ were amended by Ord. 2003-067, 2005-002, 2011-016, and 2013-021. Ordinance 2011-016 clarified use requirement for Family Day Care Home and Large Family Child Care Home (LFCCH) for compliance with Chapter 2010-249, Section 1(3), Laws of Florida.

Reason for amendments: [Zoning]

- 1. Clarify the different types of Day Care use by explaining them separately while retaining standards that apply to all Day Care uses.
- 2. Relocate the use is made for consistency with similar uses that are accessory to residential principal uses. The approval is indicated in Table 4.B.1.D - Corresponding Accessory Use to a Principal Use and Permitted by Right (P) accessory to Single Family dwelling, Townhouse, Zero Lot Line, Multifamily and Mobile Home Dwelling in the zoning districts where the principal uses are permitted.
- 3. Delete standard related to the approval of the Large Family Child Care Home (LFCCH) as the approval process is now indicated in the Use Matrix. The use is shown in the Use Matrix to be

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<p>allowed in the same residential zoning district where Limited Day Care is allowed for consistency with content in the standard to be deleted. Per F.S. 402.302(11), a LFCCH is required to operate for two years as a Family Day Care Home prior to obtain license as LFCCH, therefore this use will be permitted only in the zoning districts indicated in the Use Matrix subject to the previous operation as Family Day Care Home.</p>
<p>4. Delete DRO approval standard in the LFCCH to clarify that the use is Permitted by Right when the parcel is 20,000 square feet (SF) or greater since the Use Matrix will reflect DRO as the most restrictive approval process for those smaller lots.</p>
<p>5. Create reference to the Residential use classification for Family Day Care Home use to assist the Code user on the location of the use information.</p>

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a. Definition

An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), ~~as specified below:~~ [Ord. 2011-016]

b. Types

1) Day Care Limited

A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. [Relocated from Limited standard, below]

a) Collocated Use - AGR District

A Limited Day Care may be ~~permitted~~ allowed as a collocated use to a Non-profit Assembly Institutional subject to DRO approval. [Relocated from AGR District standard, below]

b) Use Limitations

Limited Day Care use does not include nighttime or overnight care. [Ord. 2011-016] [Relocated from Limited standard, below]

2)a. Day Care General

A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. [Ord. 2011-016]

b. Limited

~~*A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited Day Care does not include nighttime or overnight care.*~~ [Ord. 2011-016] [Relocated to Limited Day Care standard, above]

c. Family Day Care Home

~~*An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, shall be permitted by right in Residential Zoning Districts, in accordance with F.S. 125.0109, and exempt from any standards other than those applicable to residential uses.*~~ [Ord. 2011-016] [Relocated to Accessory Residential Uses Standard under the Residential Use Classification]

3)d. Large Family Child Care Home (LFCCH)

An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two- full-time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: [Ord. 2011-016]

a 4) Applicability

~~The applicant or owner shall p~~Provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. [Ord. 2011-016]

2) Zoning District Limitation

~~Shall be permitted only in Residential Zoning Districts where Limited Day Care is allowed.~~ [Ord. 2011-016]

b 3) Approval Process

~~Shall be subject to DRO approval unless~~ The use shall be Permitted by Right when located on lots 20,000 square feet or more greater in which case the use shall be permitted by right. [Ord. 2011-016]

c 4) Site Requirements

In addition to the Pproperty Ddevelopment Rregulations applicable to Single Family Residential, the following shall apply: [Ord. 2011-016]

(1a) Outdoor Activity Area

All outdoor activity area provisions applicable to a Day Care shall apply. [Ord. 2011-016]

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- 1 **(2b) Drop Off**
- 2 Shall comply with all drop-off access standards applicable to Day Care.
- 3 **[Ord. 2011-016]**
- 4 **(3e) Parking**
- 5 Shall provide at least four parking spaces including those required for a
- 6 Single Family residential unit. Parking dimensions shall comply with Art. 6,
- 7 Parking. **[Ord. 2011-016]**
- 8 **(4d) Site Egress**
- 9 Shall not allow backward egress from a driveway or parking area into a
- 10 street. **[Ord. 2011-016]**
- 11 **(5e) Signage**
- 12 ~~Signs~~ shall not be permitted. **[Ord. 2011-016]**
- 13 **4) Family Day Care Home**
- 14 See Supplementary Use Standards under Residential Use Classification, Accessory
- 15 Residential Use Standards.
- 16 **ec. Lot Size**
- 17 A minimum of 6,000 square feet, or the minimum required by the district in which the
- 18 Limited or General dDay eCare is located, whichever is greater.
- 19

Reason for amendments: [Zoning]
6. Delete Farm Workers Quarters from a reference that allowed the Day Care to be accessory to it. Farm Workers Quarters is an accessory use in itself, it cannot exist on its own.
7. Comprehensive Plan Future Land Use (FLU) Element Objective 1.5 does not permit institutional and public facilities west of State Road 7 in the Agricultural Reserve Tier in order to preserve farmland and wetlands. The standard was deleted to be a general standard applicable to all uses in the Institutional, Public and Civic Use classification.
8. Delete difficult to un enforceable standard that limits day cares in industrial zoning districts to serve only the employees of that zoning district.
9. Delete a portion of the Outdoor Play Equipment e Supplementary u Use e Standard that requires the site plan to show the location of stationary play equipment. Zoning Memorandum PPM# ZO-O-029 identifies structures that do not need to be shown on the approved Final Plans and it clearly identifies playground equipment to be excluded.

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- 21 **f. AGR District**
- 22 ~~A limited day care may be permitted as an accessory use to a church, place of worship,~~
- 23 ~~farm worker quarters, or assembly non-profit institutional use, subject to DRO approval.~~
- 24 ~~In the AGR district a day care shall not be located west of SR7. [Partially relocated to~~
- 25 ~~Limited Day Care standard, above]~~
- 26 **gd. Airport Zoning Overlay**
- 27 The establishment of new Limited or General Day Care facilities shall be prohibited in
- 28 accordance with Art. 16.C.1.E.2, Prohibited Land Uses. **[Ord. 2011-016]**
- 29 **he. CRE District**
- 30 A ~~g~~General ~~d~~Day ~~e~~Care shall not be located in a CRE district with an RR FLU
- 31 designation.
- 32 **i. IND-FLU or Pod**
- 33 ~~A day care center located in a project with an IND-FLU designation or in an industrial pod~~
- 34 ~~of a PDD shall be for exclusive use on-site employees or contiguous employees.~~
- 35 **1) Exception**
- 36 ~~A commercial pod in a MXP or PIPD shall not be subject to this limitation.~~
- 37 **jf. Floor Area**
- 38 **1) Child Care**
- 39 **a)** For a ~~child-d~~Day ~~e~~Care with 40 children or less, the minimum floor area,
- 40 exclusive of any area devoted to a kitchen, office, storage and toilet facilities,
- 41 shall be 1,500 square feet.
- 42 **b)** An additional 35 square feet of floor area or the amount required by the PBCHD
- 43 shall be provided for each child over 40 children.
- 44 **2) Adult Care**
- 45 For an ~~e~~Adult ~~d~~Day ~~e~~Care, the total amount of net floor space available for all
- 46 participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be
- 47 amended, and as determined by the AHCA. **[Ord. 2013-021]**
- 48 **kg. Outdoor Activity Area for Child Care**
- 49 **1) General**
- 50 An outdoor activity area shall be provided on the same lot as the ~~d~~Day ~~e~~Care. The
- 51 area shall not be located in the required front setback or adjacent to any outdoor
- 52 storage area of any existing use.
- 53 **2) Square Footage**

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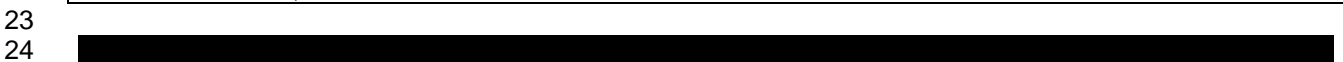
EXHIBIT H

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- 1 Shall be in compliance with the Palm Beach County Rules and Regulations
- 2 Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of
- 3 Appendix D to the Palm Beach County Code, as may be amended. **[Ord. 2011-016]**
- 4 **3) Location of Outdoor Play Equipment**
- 5 Stationary outdoor play equipment permanently anchored to the ground shall be
- 6 setback a minimum of 25 feet from any residentially zoned or used property line, and
- 7 ten feet from any other property line. ~~The location of stationary play equipment shall~~
- 8 ~~be depicted on the site plan.~~ Outdoor play equipment shall not be located in any
- 9 required landscape area or easement.
- 10 **4) Shade Trees**
- 11 A minimum of one 12 foot tall native canopy tree shall be provided or preserved
- 12 within the interior of the outdoor activity area per 1,500 square feet of area provided.
- 13 **5) Fence/Wall**
- 14 A minimum four foot high fence or wall shall surround the outdoor activity area.
- 15 **h. Drop-off Access**
- 16 **1) Drop-Off**
- 17 One designated drop off space shall be provided for every 20 children or adults.
- 18 Drop-off spaces shall be a minimum of 12 feet in width. **[Ord. 2005 – 002]**
- 19 **2) Sidewalk Access**
- 20 A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off
- 21 spaces and connecting to the ~~d~~Day ~~e~~Care entrance shall be provided.
- 22

Reason for amendments in the Use Matrix: [Zoning]	
10.	Change the approval process for Day Care General in AGR Zoning District from Class B Conditional Use to Class A Conditional Use to make the approval consistent with all other zoning districts where the use is permitted allowed.
211.	Change the approval process for Day Care General in CHO and CG Standard Zoning Districts from Class B Conditional use approval to Class A Conditional Use approval; and, Commercial Recreation (CRE) Standard Zoning District from DRO approval to Class A Conditional Use approval. The amendments address consistency with the use being subject to Class A Conditional Use in PDDs.
312.	Allow the use in CLO and CHO FLU designation of IRO to be subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial standard zoning districts.
413.	Change Delete the approval process for Day Care General and Day Care Limited in Industrial Light (IL) and Industrial General Industrial (IG) standard Zoning Districts from Class B Conditional Use to Class A Conditional Use approval, and Industrial Light and Industrial General pods of PIPD. The change is made for consistency with <u>the County's policy to retain industrial land for employment based economic activities and development, the approval of the use in PIPD industrial light and general pods and the proposed approval of the use in MUPD with Industrial (IND) and Economic Development Center (EDC) FLU designation.</u> Non-industrial uses such as Day Care <u>do not serve as support of employment centers and or help in the implementation of mobility strategies as that is one of the main purposes of industrial uses in the Comprehensive Plan. Staff recognizes the use can be accessory to any industrial use.</u>
514.	Change the approval for Day Care General in IPF from Class B Conditional Use to Class A Conditional use for consistency with the use in MUPD with INST FLU designation.
615.	Modify the approval for Day Care Limited in CL FLU designation of Infill Redevelopment Overlay (IRO) from Class A Conditional Use to Class B Conditional Use; and, allow the use in CLO FLU designation and CHO FLU designation in IRO to be subject to Class B Conditional Use and DRO approval respectively, for consistency with the approval of the use in CL, CLO and CHO standard Zoning Districts.
716.	Add Large Family Child Care Home to the Use Matrix to clarify approval process and differentiate from General, and Limited Day Care uses. The use approval is added to the Agricultural Residential (AR) Rural Service Area (RSA) and Urban Service Area (USA), Residential Estate (RE), Residential Transitional (RT), Residential Single Family (RS) and Residential Multifamily (RM) Zoning Districts subject to DRO approval as well as the Urban Redevelopment Area Overlay (URAO) where Single Family dwelling use is allowed. The use is Permitted by Right (P) when located in parcels 20,000 square feet (SF) or greater, as noted on a specific standard, but the Use Matrix indicates DRO (D) approval to reflect the most restrictive process when the parcel is less than the 20,000 SF.



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6. Funeral Home

HISTORY: ~~Crematory~~ Funeral Home use definition was established for the first in the ULDC by Ordinance 2013-01 in order to ~~respond to industry demand and clarification on~~ clarify when the used is collocated ~~to with a~~ Cemetery.

Reason for amendments: [Zoning]

1. Amend definition by deleting reference to Cremation as ~~Cremation~~ Crematory is another defined use with ~~supplementary~~ separate standards in the Institutional, Public and Civic Use classification. The use definition shall be limited to explain and outline the meaning of a use.
2. Relocate and consolidate Crematory standard to keep all related standards under the provisions that pertain to Crematory use. Stand alone Crematory is prohibited in the Multifamily Residential (RM) Zoning District. The relocated standard from Cemetery clarifies Class A Conditional approval is applicable to Crematory when collocated to a Cemetery in that Zoning District.

a. Definition

An establishment which arranges and manages funerals and prepares human or animal remains for interment, ~~excluding cremation~~. [Ord. 2013-001]

b. Zoning Districts - IL, or IG, District and or MUPD with IND FLU

A ~~F~~Funeral ~~H~~Home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. [Ord. 2013-001]

c. Collocated Use

In the RM district, a Funeral Home may be collocated with a Cemetery subject to Class A Conditional Use approval, provided the use is restricted to those being buried within that Cemetery. [Ord. 2013-001] [Relocated from Art. 4.B.4.C.4, Cemetery, above]

Reason for amendments in the Use Matrix: [Zoning] No changes to the approval process have been proposed.



7. Government Services

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Government Services use. The definition and ~~Supplementary~~ Use Standards were amended by Ord. 2003-067, 2008-037, 2009-40 and 2011-001.

1. Revise the Definition to delete typical uses and create an individual standard for clarification purposes. Delete reference to Homeless Resource Center, see reason #6, below.
2. Standard related to Institutional and Public Facilities located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Uses as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.
- ~~3. Establish Approval Process standard to clarify that jails, correctional facilities and prisons are~~
43. Revise the Prison standard to:
 - Clarify jails, correctional facilities and prisons are allowed only in certain zoning districts subject to Class A Conditional Use and other Government Services uses will be subject to the existing approval process in the Use Matrix;
 - Relocate language related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.
- ~~54.~~ Delete the PIPD reference in the ACC Control Facilities standard. ACC facilities do not meet the purpose of the PIPD Zoning District intended for large employment centers, promoting research and development and other value-added services.
5. Pull out Prisons, Jails and Correctional Facilities from Government Services to minimize confusion related to the approval process applicable to Prisons (Class A Conditional Use) versus any other Government Service use subject to a lower approval process in the PO and IPF Zoning Districts.
6. Delete standard that allowed Homeless Resource Centers to utilize Government Services approval. Homeless Resource Center use and related references are deleted to be discussed at a later time. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.

a. Definition

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services, and prisons, jails or correctional facilities. ~~Typical uses include administrative offices for government agencies, public~~

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~~libraries, police and fire stations, and homeless resource centers.~~ [Ord. 2009-040]
[Relocated to Typical Uses, below]

b. Typical Uses

~~A Government Service use may include but is not limited to: Administrative offices for government agencies, PBC ACC Animal Control Facilities, jails, correctional facilities, prisons, public libraries, and police and fire stations.~~ [Relocated from Definition, above]

a. AGR District

~~Institutional and public facility uses shall not be located west of SR 7.~~

~~bc. Approval Process PO and IPF Zoning Districts Prisons~~

~~4) Jails, correctional facilities and prisons shall be permitted allowed in the PO and IPF Zoning dDistricts subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.~~ [Partially relocated to Art. 4.B.4.C.12, Prisons, Jails and Correctional Facilities]

~~2) All other Government Services in the PO Zoning District shall be Permitted by Right and in the IPF Zoning District shall be subject to DRO Approval.~~

~~1) Barbed or Razor Wire~~

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

~~cd. ACC Animal Control Facilities~~

~~An ACC operated Animal Control Facility shall be considered a gGovernment sServices use in the PO and IPF Zoning dDistricts; or a commercial or light industrial pod of a PIPD, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.~~ [Ord. 2008-037]

d. Homeless Resource Centers

~~These facilities shall comply with the supplementary standards indicated Note 70-1 of this Chapter, Homeless Resource Center.~~ [Ord. 2009-040]

Reason for amendments in the Use Matrix: [Zoning]	
<u>7.</u>	Change the approval in the CN, CLO, CC, CHO, CG and CRE Zoning Districts for consistency with commercial FLUs and Pods in Planned Development Districts.
8.	Change the approval in the PO Zoning District from Permitted (P) to Class A Conditional Use (A); and in the IPF Zoning District from DRO (D) to Class A Conditional Use to identify the most restrictive use approval applicable to jails, correctional facilities and prisons as dictated in the standards.

8. This Space Reserved for Future Use Homeless Resource Center (HRC)

HISTORY: The Homeless Resource Center (HRC) use definition and sSupplementary Use sStandards were first referenced in 2009 (Ord. 2009-040).	
Reason for amendments: [Zoning]	
1.	Revise the definition to: <ul style="list-style-type: none"> Clarify that a Homeless Resource Center can be a public or private establishment. Publicly owned Homeless Resource Centers were referenced in the Government Services Use and relocated to the Homeless Resource Center use so that both distinctions would be incorporated into one use. Relocate typical services to a new sSupplementary Use sStandards. Typical services reference is not a function of the definition.
2.	Revise the Location and Separation Requirements standard to: <ul style="list-style-type: none"> Clarify PO Deviations are applicable to separation and location provisions; and, dDelete the Fire Rescue provision. Fire Department verifies through concurrency review process if a fire rescue station response time and accessibility is within the goals of that department to respond to any use.
3.	Establish a standard that recognizes government operated or owned Homeless Resource Centers approved during the period when this use was created and the effective date of this ordinance to consider them conforming. This change is made in response to the deletion of a standard that allows Homeless Resource Centers to utilize with Government Services approval.

~~**a. Definition**~~

~~A facility public or private establishment 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.~~

~~**b. Typical Services**~~

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~~Typical services provided by a Homeless Resource Center may include but are not limited to: Counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.~~

~~**ac. Location and Separation Requirements**~~

~~For the purpose of required separations, measurements shall be made from facade to facade, except where the separation required is between a structure and a district boundary. [Ord. 2009-040]~~

~~1) A minimum 250 foot separation shall be required from the property line of residentially zoned parcels. Type 211 variance relief, in accordance with Article 2.B, Public Hearing Process, may be requested if this standard cannot be met. Facilities located in the PO Zoning District may request a PO Deviation from this requirement pursuant to the standards in Article 5.A.3, Deviations for the PO Zoning District. [Ord. 2009-040]~~

~~2) A Homeless Resource Center (HRC) shall not be located within a 1,200 foot radius of another HRC Homeless Resource Center. [Ord. 2009-040]~~

~~3) The applicant shall obtain certification from Palm Beach County Fire Rescue that a fire rescue facility is available to serve the proposed facility. Certification shall be provided prior to issuance of the development permit. [Ord. 2009-040]~~

~~**bd. Facility Use**~~

~~A minimum of twenty five percent of the GFA shall be reserved for accessory service delivery other than temporary housing. [Ord. 2009-040]~~

~~**ce. Subsequent Development with Locational Standards Nonconformities**~~

~~The subsequent approval of a development order for a residential district shall not change the status of the HRC to a nonconforming use. [Ord. 2009-040] [Relocated to Location and Separation Requirements Standard, above]~~

~~**f. Existing Approvals**~~

~~A prior approval for a government owned or operated Homeless Resource Center shall not be considered a nonconforming legal conforming use for sites approved between October 28, 2000, (Ordinance 2000-040), and the effective date of this ordinance.~~

Reason for amendments in the Use Matrix: [Zoning]	
4.	Delete Class B Conditional (B) approval from the CC Zoning District. The use does not meet the intent of the Community Commercial Zoning District as this district is to provide neighborhood serving commercial facilities. An Homeless Resource Center is more of a regional serving facility.
5.	Change the approval process in CHO and CC Standard Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change is made for consistency with the approval of the use in similar zoning districts.
6.	Add Class A Conditional Use approval process to the CH and CHO of the IRO Zoning Districts. The use is proposed to be changed from DRO approval to Class A Conditional Use in the IL Zoning District and subject to Class A Conditional use in the MUPD with IND FLU designation for consistency between each other.
7.	Add Class A Conditional Use approval process to the PO Zoning District. The proposed addition is addressing the relocation of Homeless Resource Center from Government Services. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and Supplementary Use Standards.
8.	The use is deleted from the Industrial light (IL) pod and Commercial pod of PIPD as it is a non-industrial use that is not supporting major function of an employment center such as PIPD.

9. Hospital or Medical Center

<p>HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Hospital or Medical Center use. The definition and Supplementary Use Standards were amended by Ord. 2003-067 and 2005-002 and 2011-001.</p> <p>1. Revise use name and definition to remove reference to Medical Center. The industry utilizes "Medical Center" to identify facilities that provide services covered under Hospitals which are approved by the Agency for Health Care Administration (AHCA) as Hospitals. Approvals made to Hospital or Medical Center shall be covered under Hospitals.</p> <p>Staff recognizes the medical facility industry is emerging and as such needs to accommodate those uses that do not fit neatly into a Hospital use. Staff is proposing to add additional medical facility uses during the Commercial Use Classification review and analysis based on industry standards and state statute. The new uses may include Ambulatory Surgical Center, Emergency Center, Treatment</p>

Notes:
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EXHIBIT H

INSTITUTIONAL, PUBLIC AND CIVIC USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

Table with 4 rows detailing licensing requirements and standards for hospitals and helipads.

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a. Definition

A facility licensed by the State of Florida An establishment which that 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. [Ord.2005-002]

b. Licensing

A Hospital shall be required to be licensed by the State of Florida.

ac. Lot Size

A minimum of five acres or the minimum required in the district, whichever is greater.

bd. Frontage

A minimum of 200 feet of frontage or the minimum required in the district, whichever is greater.

c. Beds

A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).

d. Helipad

An accessory helipad is a permitted use. [Relocated to new Transportation Use Classification, Art. 4.B.408.C.2, Helipad Heliport]

ed. Incinerator

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted allowed as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

f. Collocated Medical or Dental Offices

Medical or dental offices shall be permitted as a collocated use to a hospital or medical center. [Ord. 2011-001]

Reason for amendments in the Use Matrix: [Zoning]

5. No change to the approval process is being proposed.

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10. Assembly, Nonprofit Institutional Assembly

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nonprofit Institutional Assembly use. The definition and eSupplementary Use eStandards were amended by Ord. 1995-008, 1997-064, 1999-037, 2000-015, 2001-001, 2001-100, 2003-067, 2005-002, 2006-013, 2007-001, 2007-013, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.

2. Per staff comments at November 18, 2015 LDRAB meeting, standard related to PO Zoning District are deleted in its entirety. The limitation to the PO Zoning District was originally established as part of a prior update done to Place of Worship, as this use was not allowed in the PO Zoning District at that time. The standard is now removed since a Place of Worship is an allowed use in the PO Zoning District. In addition, it is generally redundant to the government owned or operated limitations established in the definition for the PO Zoning District.

23. Clarify Nonprofit Institutional Assembly meets the intent of the Comprehensive Plan FLU Element Sub-Objective 1.2.1 Revitalization, Redevelopment and Infill Overlay (RRIO) for neighborhood revitalization efforts through the County-wide Community Revitalization Team (CCRT) Areas. The revisions will eliminate redundancy and provide flexibility by allowing the use subject to Special Permit DRO to encourage development in the RRIO.

34. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District

Notes:

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EXHIBIT H

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SUMMARY OF AMENDMENTS

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as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Uses. The Comprehensive Plan Future Land Use Element Policy 1.5-r makes the regulations applicable to all Institutional uses.

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a. Definition

~~An site or facility establishment open to the public, owned or operated by a ~~not-for-profit nonprofit~~ organization for social, educational or recreational purposes. ~~Typical uses include museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~ [Relocated to Typical Uses Standard, below]~~

b. Typical Uses

~~A Nonprofit Institutional Assembly use may include, but is not limited to: museums, cultural centers, recreational facilities, botanical gardens and community services such as after school care or tutorial services, medical services, and employment services.~~ [Relocated from Definition Standard, above]

c. Zoning Districts -TND District

~~1) PO District~~

~~Nonprofit Institutional Assembly shall be government owned and operated. [Ord. 2006-013] [Relocated from PO District Standard, below]~~

~~2) TND District~~

~~Nonprofit Institutional Assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated from TND District Standard, below]~~

ad. Frontage and Access

1) General

The use shall have frontage on and access from a collector, arterial or local commercial street, unless stated otherwise herein. ~~A place of assembly Nonprofit Institutional Assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. [Ord. 2006-013]~~

2)e. Redevelopment and Revitalization and Infill Overlay (RRIO)

~~1) Approval Process~~

~~The A Nonprofit Institutional Assembly use owned or operated by a neighborhood group, working with the Office of Community Revitalization (OCR) within a Countywide Community Revitalization Team (CCRT) designated area, may be located on a local residential street be approved as a Special Permit, allowed subject to the following criteria: [Partially relocated from f) item, below]~~

~~a) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;~~

~~1) DRO approval in the zoning districts where the use is subject to a Class A Conditional Use;~~

~~2) Located on a local residential street provided the building square footage is limited to a maximum of 5,000 square feet. A Nonprofit Institutional Assembly greater than 5,000 square feet, including accessory uses, shall be located on local commercial, arterial or collector street. [Partially relocated from Location, below]~~

~~b) A maximum of two acres, unless approved as a Class A conditional use;~~

~~c) Landscaping in accordance with Art. 7, Landscaping;~~

~~d) A minimum of one parking space per employee and two visitor parking spaces shall be provided;~~

~~ea)3) No outdoor activities after 10:00 pm; and,~~

~~f) PBC or a CCRT approved neighborhood group shall own or operate the property and facility; [Partially relocated to Approval Process standard, above]~~

~~g) Prior to the issuance of a business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and [Ord. 2007-013]~~

~~hb)4) The following accessory uses shall be ~~permitted by Right~~: Limited eDay eCare, eDay eCamp, neighborhood association office, and, Government Services limited to eCommunity ePolice eSubstation, and fire rescue substations, and special events.~~

~~2) Location~~

~~May be located on a local residential street provided the building square footage is limited to 5,000. [Relocated to e.2) above]~~

b. TND District

~~Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated to Zoning Districts Standard, above]~~

c. AGR District

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EXHIBIT H

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SUMMARY OF AMENDMENTS
(Updated 12/6/16)

1 ~~The use shall be limited to that which serves the needs of farm workers or residents of~~
2 ~~the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013] [Partially~~
3 ~~relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~
4 **d. PO District**
5 ~~Nonprofit institutional assembly shall be government owned and operated. [Ord. 2006-~~
6 ~~013] [Relocated to Zoning Districts Standard, above]~~
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Reason for amendments in the Use Matrix: [Zoning] Staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to Special Permit <u>DRO</u> . Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed:
<u>5.</u> Add the use to the AR/USA Zoning District as a Class A Conditional Use (A);
<u>6.</u> Add the use to the CRE Zoning District as a DRO Approval;
<u>7.</u> Change the approval in the CG Standard Zoning District, Commercial Pod of a PUD, MUPD with CH, CR, and INST FLU designation, MXPD with CH FLU designation and LCC with CH FLU designation from a Class A Conditional (A) approval to DRO (D) approval;
<u>8.</u> Delete use from MXPD with CHO FLU designation consistent with CHO Standard Zoning District and MUPD with CHO FLU designation as the use is prohibited in these districts; and,
<u>9.</u> Change the approval in the PO Zoning District from Permitted by Right (P) to a DRO Approval. Staff is proposing to add the Place of Worship use to the PO Zoning District as a <u>Special Permit DRO</u> approval, therefore a Nonprofit Institutional use must be on equal footing or have a more restrictive approval process.



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11 **11. Assembly, Nonprofit Membership Assembly**
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HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nonprofit Membership Assembly use. The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1995-008, 1997-064, 1999-037, 2000-015, 2001-001, 2001-100, 2003-067, and 2005-002 <u>and 2006-013</u> .
Reason for amendments: [Zoning]
1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Use Classification. The Comprehensive Plan FLU Element Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Delete the PO District standard for consistency as the use is prohibited in the Use Matrix.

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14 **a. Definition**
15 ~~An site or facility establishment~~ owned or operated by a ~~not-for-profit~~ nonprofit
16 ~~organization for social, education or recreational purposes where paid membership is~~
17 ~~required. Typical uses include fraternal or cultural organizations and union halls.~~
18 **[Relocated to Typical Uses Standard, below]**
19 **b. Typical Uses**
20 ~~A Nonprofit Membership Assembly use may include but is not limited to: fraternal or~~
21 ~~cultural organizations, and union halls. [Relocated from Definition, above]~~
22 **c. Zoning Districts**
23 **1) AR/RSA District**
24 ~~May be permitted~~ allowed in the AR/RSA with a SA FLU, subject to a Class A
25 ~~Conditional Use approval. [Ord. 2005-002] [Relocated from AR/RSA Standard,~~
26 ~~below]~~
27 **2) TND District**
28 ~~Nonprofit Membership Assembly shall be limited to a maximum of 10,000 square feet~~
29 ~~of GFA. [Ord. 2006-013] [Relocated from TND District Standard, below]~~
30 **ad. Frontage and Access**
31 The use shall have frontage on and access from a collector, arterial, or local commercial
32 street. A ~~place of assembly~~ Nonprofit Membership Assembly with collocated uses, or
33 more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have
34 frontage on and access from a collector or arterial street. **[Ord. 2006-013]**
35 **b. AR/RSA**

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INSTITUTIONAL, PUBLIC AND CIVIC USES
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(Updated 12/6/16)

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

c. AGR District

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7. [Ord. 2006-013] [Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~

d. PO District

~~A nonprofit membership assembly shall be government owned and operated. [Ord. 2006-013]~~

e. TND District

~~Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA. [Ord. 2006-013] [Relocated to Zoning Districts Standard, above]~~

Reason for amendments in the Use Matrix: [Zoning] Similar to the Nonprofit Institutional Assembly use above, staff analyzed the approval process consistent with the proposed Place of Worship changes from Class A to Special Permit DRO. Additionally, staff analyzed the approval process in standard zoning districts compared to the PDDs where additional site design requirements and development patterns are typically exceeded. The use should not be less restrictive in the standard zoning districts. The following changes are being proposed:

- 4. Add the use to the AR/RSA Zoning District as a Class A Conditional Use (A); and,
- 5. Change the approval in the CG Standard Zoning District, MUPD with CH, CR, and INST FLU designation, MXPD with CH FLU designation and LCC with CH FLU designation from Class A Conditional (A) approval to DRO (D) approval.

412. Nursing Home or Convalescent Facility

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nursing or Convalescent Facility use. The definition and ~~Supplementary Use Standards~~ were amended by Ord. 2003-067 and 2005-002.

- 1. Address the licensing requirement for a Nursing Home by the State of Florida consistent with F.S. 400.021(12).
- 2. Delete Emergency Generators standard as the provision already exists in Art. 5 and is currently a duplicative requirement.

a. Definition

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.

b. Licensing

~~A Nursing Home or Convalescent Facility shall be required to be licensed by the State of Florida.~~

ca. Lot Size

A minimum of 10,000 square feet or the minimum requirement of the district, whichever is greater.

db. Frontage

A minimum of 100 feet of frontage or the minimum requirement of the district. [Ord. 2005 - 002]

ec. Access

If located in a residential FLU designation category, access shall be provided from a collector or arterial street.

fd. Maximum Number of Patient Beds

- 1) All FLU designations except RR: One bed per 1,000 square feet of lot area.
- 2) RR FLU designation: 0.25 bed per 1,000 square feet of lot area.

e. Emergency Generators

~~A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]~~

Reason for amendments in the Use Matrix: [Zoning]
43. Change the use approval from Class B Conditional Use to DRO in the Institutional and Public

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(Updated 12/6/16)

Facilities (IPF) Zoning District for consistency with the approval of the use in MUPD with INST FLU designation in order to promote the location of the use in this district.

132. Place of Worship

HISTORY: The Place of Worship use was first referenced in the 1957 and 1973 Code as "Church or Place of Worship". There were no use specific ~~e~~Supplementary Use ~~e~~Standards in either Code. In the 1992 ULDC (Ord. 1992-020) a definition and use specific ~~e~~Supplementary Use ~~e~~Standards were referenced. The definition and ~~e~~Supplementary Use ~~e~~Standards were amended by Ord. 1993-004, 1997-014, 1999-037, 2001-100, 2003-067, 2005-002, 2005-041, 2006-013, and 2011-016.

BACKGROUND:

The County Attorney's office has recommended to the Zoning Division to review and potentially revise the Place of Worship use in the Unified Land Development Code (ULDC).

A review of national, state and local trends as well as applications for places of worship indicates that "places of assembly" are transforming from the traditional role of providing a limited number of worship services (e.g. one or two days per week) and community support activities, to providing multiple services several days per week and space for an increasing variety of community services, some of which may or may not be related to the practice of religion or support of surrounding neighborhoods. Assembly uses, specifically Places of Worship, are increasingly becoming more common in low density residential districts. The potential for adverse impacts to surrounding areas includes but is not limited to insufficient parking and additional uses that create higher levels of traffic and noise than traditional places of worship. Along with addressing potential adverse impacts on surrounding neighborhoods, local governments must consider the Religious Land Use and Institutionalized Persons Act (RLUIPA) when regulating religious uses. The RLUIPA states that local land use regulations cannot place undue burden on religious practices.

Reason for Amendments: [Zoning]

1. Delete the reference in the definition related to seminary. A seminary is defined as a College or University Use.
2. Establish standard to address potential modification of or abandonment of existing approvals.

a. Definition

~~Means a An establishment sanctuary~~ which may include a retreat, convent, ~~seminary~~ or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities ~~and or~~ related services. ~~A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF.~~ [Ord. 2005-041] [Ord. 2006-013]

b. Existing Approvals

~~Applicants may seek abandonment of the existing ePlace of wWorship approval and apply for a Special Permit DRO Approval at any time. Prior approvals may be continued to be utilized subject to the limitations in Art. 2.D.1.G, Modifications to Prior Development Orders. A Development Order exceeding the thresholds in Art. 2.D.1.G shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a Special Permit DRO Approval.~~

3. Revise the frontage and access requirements to clarify the location of a Place of Worship based on the size of the establishment.

4. Delete the DRO Approval standard, as it no longer applies due to ~~the~~ the ~~change to the Special Permit the approval process from Class A Conditional Use (A) to DRO Approval (D).~~ See Reason for Amendments in the Use Matrix #1 below.

ac. Frontage and Access Location

~~A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013] A Place of Worship shall be prohibited unless in compliance with one of the following:~~

- 1) ~~A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an eArterial or eCollector eStreet.~~
- 2) ~~A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an eArterial, eCollector or lLocal eCommercial eStreet.~~

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- 3) ~~A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a local Residential sStreet.~~
- b. Use Limitations**
 - 1) **DRO Approval**
A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI, MUPD, MXP, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. ~~[Ord. 2005 – 002] [Ord. 2006-013] [Ord. 2011-016]~~

5.	Delete redundant Collocated language as the Code already addresses instances where uses can be collocated and would be subject to the approval process identified in the new Article 4 Use Matrices. Revise the Accessory/ Collocated standard to clarify all collocated uses will be considered conforming so as to not create any nonconformities.
6.	Any amendments to an existing development or new construction that meets or exceeds the maximum square footage in the threshold are subject to BCC or DRO approval. This standard clarifies that Places of Worship are not subject to the Development Thresholds contained in Article 4.
7.	Revise Temporary Sales standard to clarify specific types of sales allowed, differentiate accessory sales are not special events; and, establish threshold for number of sales allowed. These changes will mitigate prior confusion with other provisions for the more expansive Temporary Sales use <u>which may include seasonal sales or other (currently considered General Retail Sales)</u> , and similar concerns with Special Events, which require a Special Permit. <u>Also, delete standard related to Temporary Sales for more than three consecutive days as the specific regulations applicable in that case are addressed through the Supplementary Use Standards in the Limited Temporary Sales use.</u>
8.	Delete standard allowing affordable housing subject to Class A Conditional Use approval accessory to a Place of Worship in INST FLU designation. Partially relocate standard that allows affordable housing in the INST FLU designation accessory to Place of Worship to the A-general standard has been proposed under Residential Use Classification to reference Comprehensive Plan regulation in the Future Land Use Element that limits residential uses in the Institutional and Public Facilities (INST) Land Use designation to accessory affordable housing only <u>when there is a non-profit organization or community-based group that sponsors the development to fulfill housing needs in the community.</u>

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- 2) **Accessory/Collocated Use**
~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]~~
- d. Development Thresholds**
A Place of Worship shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.
- 3)e. **Limited Temporary Sales**
Temporary sales, such as rummage, or ~~bake, or seasonal~~ sales, shall be ~~permitted by~~ Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year. Temporary sales greater than three consecutive days shall obtain a Special Permit for follow the requirements of Article 4.B.1.A.115.a Temporary Retail Sales.
- 4) **Limited Day Care**
~~A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to DRO approval. [Ord. 2005 – 002] [Ord. 2006-013] [Relocated to Limited Day Care]~~
- 5) **INST**
~~In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013] [Partially relocated to 4.B.5.B.1, General Residential Standards]~~

9.	Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan’s FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of <u>the</u> Institutional, Public and Civic Use classification. The Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.
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6) **AGR District**

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013] [Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]~~

Reason for amendments in Use Matrix: [Zoning]

~~10. This change will amend the existing approval process from Class A Conditional Use, where applicable, to DRO in all zoning districts where the use is allowed. The Special Permit DRO approval designation process will allow Zoning staff and applicable County agencies to review applications, specific to the use approval only, and prior to Building Review. The DRO process requires applicable agencies to provide feedback on the proposed application and would require a site plan prior to building permit. Accompanying supplemental standards will provide staff clear-cut regulatory framework to review and process requests. This change will amend the existing approval process from Class A Conditional Use, where applicable, to DRO in all zoning districts where the use is allowed.~~

~~211.~~Add Place of Worship use to the Infill Redevelopment Overlay (IRO) where inadvertently omitted when the district was first established.

~~312.~~Delete Requested Use (R) approval from Mobile Home Planned Development (MHPD) District. The MHPD provisions defer to Planned Unit Development (PUD) regulations for recreation, civic and commercial pods, where the use is more appropriately limited to civic and commercial pods.

Reason for amendments in the Use Matrix: [Zoning]

~~Pull out Prisons, Jails and Correctional Facilities from Government Services to minimize confusion related to the approval process applicable to Prisons and reflect approval of the use as contained in a Supplementary Use Standard.~~

14. Prison, Jail or Correctional Facility

a. Definition

~~A government owned or operated facility in which people are legally held as a punishment for crimes they have committed or while awaiting trial.~~

b. Approval Exemption

~~Expansion of existing facilities shall be exempt from the Class A Conditional Use approval. [Partially relocated from 4.B.4.C.7.b.1) Related to Prisons]~~

Reason for amendments in the Use Matrix: [Zoning]

~~As a result of the relocation of Prisons, Jails and Correctional Facilities from Government Services use to be a separate use, this amendment reflects Class A Conditional Use approval in the PO and IPF Zoning Districts which was already indicated in a Supplementary Use Standard.~~

135. School, - Elementary or Secondary

Reason for amendments: Staff is ~~using~~ referencing Ordinance 1992-020 as the initial ~~reference~~ ordinance ~~of~~ for amendment history for the School, Elementary or Secondary use. The definition and Supplemental Use Standards were amended by Ord. 2003-067, 2005-002 and 2012-027.

~~1. Delete reference to Charter school in the School definition per Florida Statutes 1002.33, section (18) Facilities, indicating that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.~~

~~21. Standard related to for those Schools that are located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Use classification. As as contained in the Comprehensive Plan Policy 1.5-r, makes the which allows these regulations applicable to all Institutional uses.~~

a. Definition

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.

ba. General

All Schools shall comply with the following requirements, except where stated otherwise:

~~1) Setbacks~~

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~~All schools shall comply with the Zoning District setbacks unless stated otherwise herein. No setback shall be less than 25 foot regardless of the Zoning District. [Ord. 2012-027]~~ [Partially relocated to Art. 4.B.4.C.13.c, Private Schools, below]

~~2) Agricultural Reserve Tier~~

~~A school shall not be located west of SR 7/US 441.~~

~~32) South Florida Water Management District (SFWMD)~~

~~Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~

~~a) Preservation~~

~~Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, Archaeological and Historic Preservation. [Relocated to Wetlands Permits, below]~~

~~b) Wetlands Permits~~

~~On site wetlands required by the SFWMD shall be preserved. [Relocated to Preservation, below] Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~

~~c) Construction Documents~~

~~Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM. [Partially relocated to Construction Documents, below]~~

~~431) Overlay - Airport Zoning Overlay (AZO)~~

~~New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, Airport Regulations, and F.S. State Statutes.~~

2.	<u>Delete standard indicating that only Private Schools were subject to Class A Conditional Use approval noted in the Use Matrix. All Private, Public, and Charter Schools will be subject to the applicable approval process as indicated in the Use Matrix.</u>
3.	<u>Increase pedestrian safety for Schools by including a provision that requires on-site drop-off and pick-up spaces. Sidewalks of pedestrian walkways that connect drop-off/pick-up areas and parking lots to building entrances are current requirements for similar institutional uses such as Day Care. Therefore, recommend similar requirements to be applied to Schools. This amendment also proposes to minimize vehicular circulation issues by restricting overlapping of traffic circulation with drop-off and pick-up spaces.</u>

~~cb) Private School~~

~~The following standards shall apply to all private schools: [Ord. 2012-027]~~

~~1) Pedestrian Access/Bike Path~~

~~Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan. [Partially relocated to Site Plan, below. Related to Pedestrian Safety and Vehicular Circulation]~~

~~22) Pedestrian Safety and Vehicular Circulation~~

~~Designated bus and parental drop off/pick up areas, shall be provided.~~

~~a) Justification Statement~~

~~The applicant shall include in the Justification Statement the following information:~~

- ~~(1) Types of School(s): Elementary, Middle or High;~~
- ~~(2) Projected enrollment capacity and proposed phasing, if any;~~
- ~~(3) Operating hours for drop-off/arrival and pick-up/dismissal; school start and end time, and before and after care. Description of any proposed staggered start and end time;~~
- ~~(4) Number of School personnel designated to oversee the vehicular and pedestrian traffic circulation, and monitor the safety of the drop off and pick up areas;~~

~~b) Design Requirements~~

- ~~(1) One designated drop-off/pick-up parking or queuing space shall be provided for every 20 students;~~
- ~~(2) For Pre-K and K Schools, a separate parking lot shall be provided for drop-off/pick-up. Dimension of parking spaces shall be pursuant to Art. 6;~~
- ~~(3) Drop off/pick-up and queuing spaces shall be a minimum of 12 feet in width by 20 feet in length;~~
- ~~(4) A minimum four-foot wide sidewalk shall be provided adjacent to the drop-off/pick-up queuing spaces or parking lots and to be connected to the School entrance(s).~~

~~c) Site Plan~~

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(Updated 12/6/16)

The Site Plan shall indicate the queuing, vehicular and pedestrian circulation, which includes but not limited to the following:

- (1) Location of drop-off and pick-up areas and queuing spaces shall not interfere with on-site vehicular traffic or overlap any vehicular circulation unless a by-pass lane is provided;
- (2) A dedicated lane for queuing of vehicles prior to drop-off and pick-up areas;
- (3) The bus drop-off and pick-up areas, if applicable;
- (4) Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, ~~or other methods~~ and shall include appropriate safety devices acceptable to the DRO; and, [Ord. 2012-027]
- (5) Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods. [Partially relocated from Pedestrian Access/Bike Path, above]

~~3) Approval Process~~

~~This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. [Ord. 2012-027]~~

3) South Florida Water Management District (SFWMD)

Boardwalks and education learning stations may be constructed within wetland areas subject to the approval by the SFWMD. [Relocated from South Florida Water Management District (SFWMD), above]

a) Preservation

On site wetlands required by the SFWMD shall be preserved. [Relocated from Wetlands Permits, above]

b) Wetlands Permits

Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, Archaeological and Historic Preservation. [Relocated from Preservation, above]

c) Construction Documents

Review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM prior to final approval by the DRO. [Partially relocated from Construction Documents, above]

c. Private Schools

Private Schools shall comply with the Zoning District setbacks unless stated otherwise herein. ~~No setback shall be less than or 25 feet, regardless of the Zoning District, whichever is greater. [Ord. 2012-027] [Partially relocated from Art. 4.B.4.C.13.b.1., setbacks, above]~~

34. Update Charter School by clarifying that in accordance with Florida Statutes 1002.33, section (1) Authorization, all Charter Schools in Florida are public schools. Furthermore, Florida Statutes 1002.33, section (18) Facilities, indicates that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.

d. Charter Schools

~~Charter schools are subject to the same standards and approval processes applicable to private schools. Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval. [Ord. 2012-027]~~

45. Delete standard that excludes public schools from being subject to the approval process indicated in the Use Matrix. All private, public and charter schools will be subject to the approval process contained in the Use Matrix.

ed. Public Schools

1) Applicability

Public Schools are subject to site requirements contained in Section 423 of the Florida Building Code per F.S. 1013.37. ~~Public schools are not subject to the approval process contained in the Use Matrices Matrix of this Code unless specified herein.~~ Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district. [Ord. 2012-027]

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2) Previous Approvals and Future Amendments

Public schools approved prior to June 16, 1992 shall be considered conforming uses.
[Ord. 2012-027]

~~4. Clarify school board projects are subject to review through the Agency Review (ZAR).~~
6. Interlocal agreement R-93-1600-D was established between the Board of County Commissioners and the School Board of Palm Beach County. The Agreement requires the site selection of a public school must be consistent with the local Government's Comprehensive Plan and applicable development regulations. This amendment restates the applicability of the agreement while clarifies that approval of site selection needs to be done prior to the application for the approval of a Public or a Charter School. This amendment allows schools to be subject to DRO approval process when located in PDDs or TDDs that have the school site selection approved prior to the application for the PDD or TDD prior to December 1, 2016 which is the time when sites have received approval for Phase 1 Site Acquisition. These developments are subject to Public Hearings and approval by the Board of County Commissioners. The amendment reduces the use approval process since the PDD or TDD application would be able to identify a school for the development.

3) ~~Review by Zoning and Approval Process~~

~~a. School Site Acquisition~~

~~Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]~~

~~b. Development Review Officer (DRO) Administrative Review~~

~~Application shall comply with the DRO Administrative Review Agency Review process as stated in Article 2.D.1.C.2, Administrative Process Administrative Modifications. [Ord. 2012-027]~~

Public or Charter Schools may be subject to DRO approval provided:

- a) Prior to School site acquisition, the applicant complies with the procedures provided for in the Interlocal Agreement between the Board of County Commissioners and the School Board of Palm Beach County (R-93-1600D); and,
- b) The proposed site is located in a PDD or TDD; or, the application was submitted prior December 1, 2016. Regardless of the zoning district.

4) ~~Accessory Uses Radio Towers~~

~~The following uses, subject to special regulations, Accessory Radio Towers shall be allowed as customarily incidental and subordinate to a public school, subject to the following regulations:~~

~~a) Accessory Radio Towers~~

~~(1a) Height~~

~~Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and eCommercial eCommunication tTowers shall comply with Art. 4.C.4.B.9, Communication Tower, Commercial. [Ord. 2005 - 002]~~

~~(2b) Setbacks~~

- ~~(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. [Ord. 2005 - 002]~~
- ~~(b) Commercial Communication Towers shall comply with Art. 4.C.4.B.9, Communication Tower, Commercial. ITV antennas shall not be subject to these requirements. [Ord. 2005 - 002]~~

~~(3c) Anchors~~

~~All tower supports and peripheral anchors shall be located entirely within the boundaries of the school site and in no case less than 20 feet from a property line.~~

~~(4d) Fencing~~

~~Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.~~

~~(5e) Sign-Off~~

~~The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.~~

~~(6f) Removal~~

~~Obsolete or abandoned towers shall be removed within 12 months of cessation of use.~~

58. Relocate standard related to Water or Waste Water Treatment facility accessory to a School for consistency with construction of the Code. The Use Regulations Project consolidates all standards applicable to a principal use under the existing provisions for that use to facilitate use of the Code.

8. Allow variances for setbacks from schools. In 2003, the Code required schools in residential zoning

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	<u>districts to be setback a minimum of 25 feet from residential. In 2012, the Code was amended to apply the 25 feet setback to all schools regardless if they were or not adjacent to residential in an effort to create some consistency with criteria used by the State Requirements for Educational Facilities and the Florida Building Code. Those same documents allow schools to use the local zoning setbacks if less than the 25 feet, therefore, the Code is amended to allow schools to apply for variances when it is demonstrated that the setback meet the standards to obtain a variance as contained in Art. 2 of the ULDC.</u>
9.	<u>According to State Statutes 1013.64(5)(a), landscaping for Public Schools is required to be provided by local funding sources. The Statutes also makes the schools exempt from landscape requirements unless the local requirements are less costly than the landscape regulations contained in the Florida Building Code for Educational Facilities or State Requirements for Educational Facilities (SREF). Such landscape standards are limited to maintenance, prohibited species, water conservation, safety and visibility while lacking specificity on design, layout, installation quantity and quality of the landscape material. This amendment introduces landscape requirements contained in Resolution 2015-1864, Inter-local agreement for Coordinated Planning between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County, to make them easier to enforce.</u>
10.	<u>Provisions contained in Art. 7, Landscaping, require fences to have vegetative material inside and outside of the fence, installation of a fence can only be located along the property line when adjacent to conforming sites and chain link fences are permitted in right of ways when installed behind a hedge unless approved as Type 2 Waiver. This amendment deletes reference to Article 7 as well as the fence height provisions in Art. 5 to utilize fence requirements established in the Interlocal Agreement which differ from those in the Code.</u>

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~~b) Water or Wastewater Treatment~~

~~A water or wastewater treatment facility may be installed in accordance with all applicable federal, state and local utility standards. [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~

~~(1) Location/Buffering~~

~~The facility shall be located and buffered to ensure compatibility with surrounding land use. [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~

~~(2) Duration~~

~~The use of the facility shall only be permitted until such time. [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~

5) **Setbacks**

Setbacks for public schools shall be a minimum of 25 feet. Request for Type 2 Variance from setbacks shall be permitted in accordance with Art. 2, Development Review Procedures. [Ord. 2005-002] [Ord. 2012-027]

~~6) Supplemental Design Standards~~

~~a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping. [Ord. 2012-027]~~

6) **Landscaping**

~~b) Landscape shall comply with State Statutes 1013.64(5)(a). The following landscape requirements shall apply to Public and Charter Schools: [Ord. 2012-027]~~

a) Ground cover, hedges and trees shall be of low maintenance species, preferably native.

b) Sites adjacent to public streets and residential zoning districts, shall provide landscaping along the entire perimeter of the site. Landscaping shall consist of one canopy tree per 25 lineal feet of the property line and shall be a minimum of 10 feet in height at time of installation.

c) Credit shall be granted for on-site preservation of existing trees.

d) Hedges or ground covered shall be 18 inches at maintained height. Hedges shall be clustered at various locations around or between trees and planted 36 inches on center.

7) **Fences**

Chain link fence may be allowed along the perimeter of the site up to eight feet in height and shall be black or green vinyl coated.

~~e8) R-O-W Dedication~~

~~Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all~~

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encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District. [Ord. 2012-027]

49) Road Improvements

Prior to school occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study. [Ord. 2005 - 002] [Ord. 2012-027]

Reason for amendments in the Use Matrix: [Zoning] ~~No change to the approval process is being proposed. Make the use subject to Class A Conditional Use approval in URAO, IRO and MUPD with INST FLU designation for consistency with the use approval in all other zoning districts where the use is allowed except for PO Zoning District.~~

~~Part 3. Now ULDC Art. 4.B.1, Residential Uses, is hereby established as follows:~~

~~CHAPTER B USE CLASSIFICATION~~

~~Section 14 Residential Institutional Public and Civic Uses~~

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

Part 52. ULDC Art. 1.I.2, Definitions, (page 47 of 119) is hereby amended as follows:

Reason for amendments:

- 1. Introduce definition of Chapel to clarify the use is not the same as a Place of Worship and clarify that the use may be considered accessory, incidental and subordinate, subject to the limitations applicable to any accessory use.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

-
- 28. Chapel - For the purposes of Art. 4, Use Regulations, means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a ~~e~~College or University, ~~h~~Hospital, ~~p~~Prison, ~~f~~Funeral ~~h~~Home, ~~a~~Airport, and ~~e~~Cemetery.

[Renumber Accordingly]

Part 63. ULDC Art. 2.A.1.D.1.a., Board of County Commissioners (BCC) [Related to Processes], (Page 11 of 87) is hereby amended as follows:

Reason for amendments: [Zoning] Homeless Resource Center use and related references are deleted to be discussed at a later time.

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

a. Board of County Commissioners (BCC)

The BCC, in accordance with the procedures, standards and limitations of this Article shall consider the following types of development order applications:

....

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7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting ~~g~~Government ~~f~~Facilities within the PO Zoning District, **[Ord. 2007-013] [Ord. 2008-003]**

....
~~10) Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.1.A.70-1, Homeless Resource Center. [Ord. 2009-040]~~



Part 4. ULDC Art. 2.G.1.A., Powers and Duties, [Related to the BCC] (Page 69 – 70 of 87) is hereby amended as follows:

Reason for amendments: [Zoning] [Homeless Resource Center use and related references are deleted to be discussed at a later time.](#)

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

15. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations from: ~~Article 4.B.1.A.70-1,a.1) Homeless Resource Center, Location and Separation Requirements,~~ and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; **[Ord. 2007-013] [Ord. 2009-040] [Ord. 2011-016]**



Part 5. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 7 of 39), is hereby amended as follows:

Reason for amendments: [Zoning]

- [Indicate Public and Charter schools parking provisions as contained in the 2014 State Requirements for Education Facilities pertaining to staff, faculty and students. This amendment clarifies parking requirements by avoiding cross reference with other documents. Number of parking spaces required for visitors is proposed to be consistent with Private School.](#)
- [Homeless Resource Center use and related references are deleted to be discussed at a later time.](#)

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

Use Type: <u>Institutional, Public and Civic</u>	Parking	Loading (1)
....		
Homeless Resource Center	1 space per 200 sq. ft. or accessory service delivery areas	E
...		
School, p Private and charter	1 space per employee, 1 visitor space for every 50 students, 1 space for every 5.5 students in 11th and 12th grade; Auditorium or stadium- 1/3 seats	C
School, p Public and Charter	In accordance with the State Department of Education requirements for educational facilities <u>1 space per faculty and staff, high school 1 space for every 10 students in 11 and 12 grade, and 1 visitor space for every 50 students.</u>	C
[Ord. 2006-004] [Ord. 2006-013] [Ord. 2009-040]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
....		

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(Updated 12/6/16)

5. <u>Nonprofit</u> Assembly, Nonprofit Institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.
....

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Notes:

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

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EXHIBIT I
TEMPORARY USES
SUMMARY OF AMENDMENTS
(Updated 10/14/16)

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4 **Part 1. ULDC, Art. 1.1.2.T, Temporary Uses (page 105 of 119), is hereby amended as follows:**
5

Reason for amendments: [Zoning]

1. Expand the definition of "Temporary" to address new use classification in Article 4, Use Regulations that include uses subject to specific period of time to operate.

6
7 **CHAPTER I DEFINITIONS AND ACRONYMS**

8 **Section 2 Definitions**

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

10
11 **19. Temporary**

- 12 **a.** For the purposes of Art. 4, Temporary means uses not intended to be permanently
13 fixed or permanent in nature, and are typically approved for a defined period of time.
14 **b.** ~~f~~For the purposes of Art. 8, Signage, a single period or an accumulation of periods
15 not exceeding 90 days in any 365-day period unless further restricted.
16 **b.c.** For the purposes of Art. 15.A, as defined by Rule 64E-6, F.A.C.
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18

19
20
21 **Part 2. New ULDC Art. 4.B.11, Temporary Uses, is hereby established as follows:**
22

Reason for amendments: [Zoning]

1. Create a new use classification in Art. 4 for Temporary Uses, to relocate and consolidate uses that are temporary in nature from multiple use classifications as follows:
- Communication Cell Sites on Wheels (COWs) approval process presented as part of Utilities and Excavation Use and supplementary Use Standards from Commercial Communication Towers;
 - Day Camp from Public and Civic Uses;
 - Mobile Retail Sales, Real Estate Sales Model Non-PDD, Temporary Green Market, Temporary Retail Sales, and Temporary Vehicles Sales from Commercial Use;
 - Recycling Drop Off Bin from Utility and Excavation; and,
 - Special Event from Recreation Uses.
2. The Use Matrix has been modified to reflect the most restrictive approval process. Approval process changes are explained in the reason for amendments under every use.
3. 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.

23
24 **CHAPTER B USE CLASSIFICATION**

25 **Section 11 Temporary Uses**

26 **A. Temporary Use Matrix**
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Reason for amendments: [Zoning]
1. This amendment deletes duplicated language in the various supplemental standards pursuant to Temporary Uses and consolidates them under Common Provisions and General Standards applicable for all Temporary Uses. The General provisions include Design Standards, Signage, Consent, Electric Service, and Liability and Insurance.
2. Palm Beach County Parks and Recreation Department has for years issued permits for temporary activities or uses within County parks. This amendment recognizes this practice by adding the clarification in the Code for Temporary Uses.

B. General Standards and Application Requirements

1. Design Standards

- a. All Temporary Uses, which includes all related activities, vehicles, and equipment shall not be located in a manner that distracts motor vehicle operators, or causes any vehicles to stop or park in violation of the law or official traffic-control devices. [Partially relocated from Art. 4.B.1.A.115.d.2, Location, below]
- b. All Temporary Uses shall not be located in the required setbacks, parking, driveway aisles or loading areas, vehicular maneuvering areas, fire lanes, landscape buffers, sidewalks or ADA accessible routes, unless stated otherwise herein. [Partially relocated from Art. 4.B.1.A.115.d.2, Location, below, and partially relocated from Art. 4.B.1.A.115.a.4, Landscape, below]

2. Signage

All signage for Temporary Uses shall comply with Art. 8, Signage, unless otherwise stated herein. [Partially relocated from Art. 4.B.1.A.115.d.8, Signage, below]

3. Electric Service

All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department, and the Applicant shall obtain a building permit for an electrical connection or generator for temporary power, if applicable. [Partially relocated from Art. 4.B.1.A.115.c.4, Electric Service, below]

4. Palm Beach County Parks

Approvals for Temporary Uses located within Palm Beach County Parks shall be submitted to and reviewed by the PBC Parks and Recreation Department.

5. Additional Requirements

In addition to the requirements pursuant to Art. 2, Development Review Procedures, the following documentation shall be provided by the Applicant:

a. Consent

The Applicant shall obtain and submit as part of their application, consent from the Property Owner(s) or a POA, of which has ownership or control over the property where the Temporary Use will be located.

b. Liability and Insurance

The Applicant shall submit:

- 1) A proof of liability insurance listing the BCC as additionally insured and certificate holder. It shall be paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence; and, [Partially relocated from Art. 4.B.1.A.115.a.3, Insurance, under Retail Sales, Mobile or Temporary]
- 2) A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation. [Relocated from Art. 4.B.1.A.115.c.5.a, Liability, under Retail Sales, Mobile or Temporary]

C. Definitions and Supplementary Use Standards for Specific Uses

1. Communication Cell Sites on Wheels (COWs)

Reason for amendments: [Zoning] Communication Cell Sites on Wheels (COWs) definition and Supplementary Use Standards were established in 1998 through Ordinance 1998-1 which included provisions to address Commercial Communication towers and respond to Federal regulations and industry trends in cellular communication. The definition and Supplementary Use Standards were amended by Ord. 2003-067 and 2011-016.
1. Delete standard that indicates the use is subject to Special Permit as the Use Matrix is already indicating that approval process for the zoning districts where the use is allowed.

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2. Relocate standards for COWs from Commercial Communication Towers and reorganize according to formatting protocol established for the standards in every use.

a. Definition

~~COWs shall comply with the following supplementary use standards. COWs means a temporary facility utilized to ensure adequate telecommunications capacity during periods of high usage or during periods when traditional modes of communication are unavailable. COWs consist of a folding or telescoping monopole or guyed structure, with attached antenna, mounted on a trailer or truck. [Relocated from Art. 4.C.8, Communication Cell Sites on Wheels (COWs)]~~

~~**B. Special Permit**~~

~~A Special Permit must be obtained from the Zoning Division prior to the placement of the facility.~~

b. Zoning Districts

~~**F.1) Non-Residential Districts**~~

~~**4.a) COWs Greater than 50 Feet in Height**~~

~~COWs greater than 50 feet in height located on parcels with non-residential zoning designations shall be subject to the following: [Relocated from Art. 4.C.8.F.1, COWs Greater than 50 Feet in Height]~~

~~**a.(1) Setback**~~

~~The structure shall meet the greater of the setback requirements of the applicable zoning district or a distance equal to 110 percent of its height. [Relocated from Art. 4.C.8.F.1.a, Setbacks]~~

~~**a.(2) Separation**~~

~~The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.F.1.b, Separation]~~

~~**2.b) COWs 50 Feet in Height or Less**~~

~~COWs 50 feet in height or less, located on parcels with non-residential zoning designations are subject to the following: [Relocated from Art. 4.C.8.F.2, COWs 50 Feet in Height or Less]~~

~~**a.(1) Setback**~~

~~The structure shall meet the setback requirements of the applicable zoning district, provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator). [Relocated from Art. 4.C.8.F.2.a, Setbacks]~~

~~**b.(2) Separation**~~

~~The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.F.2.b, Separation]~~

~~**c.(3) Other**~~

~~COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.F.1, COWs Greater than 50 Feet in Height. [Relocated from Art. 4.C.8.F.2.c, Other]~~

~~**G.2) Residential Districts**~~

~~**4.a) COWs Greater than 50 Feet in Height**~~

~~COWs greater than 50 feet in height located on parcels with residential zoning designations shall be subject to the following: [Relocated from Art. 4.C.8.G.1, COWs Greater than 50 Feet in Height]~~

~~**a.(1) Setback**~~

~~The structure shall meet a setback from the property lines equal to 150 percent of its height. [Relocated from Art. 4.C.8.G.1.a, Setback]~~

~~**b.(2) Separation**~~

~~The structure shall be separated a minimum of 300 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.G.1.b, Separation]~~

~~**2.b) COWs 50 Feet in Height or Less**~~

~~COWs 50 feet in height or less, located on parcels with residential zoning designations are subject to the following: [Relocated from Art. 4.C.8.G.2, COWs 50 Feet in Height or Less]~~

~~**a.(1) Setback**~~

~~The structure shall meet a setback from the property lines equal to 75 percent of its height; provided that a commercial power source (e.g., electric) is utilized, in lieu of petroleum based auxiliary power (e.g., generator). [Relocated from Art. 4.C.8.G.2.a, Setback]~~

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~~b.(2)~~ Separation

The structure shall be separated a minimum of 150 percent of its height from any residential structure on an adjacent parcel. [Relocated from Art. 4.C.8.G.2.b, Separation]

~~c.(3)~~ Other

COWs not utilizing a commercial power source shall be subject to the setback requirements of Article 4.C.8.G.1, COWs Greater than 50 Feet in Height, above. [Relocated from Art. 4.C.8.G.2.c, Other]

Cc. Use Limitations

COWs shall be ~~permitted~~ allowed only in association with recognized large-scale Special Events with a minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider allowing COWs for events with projected attendance of less than 30,000 people. The applicant shall provide documentation that the existing communication facilities cannot accommodate the increase in usage. [Ord. 2011-016] [Relocated from Art. 4.C.8.C, Use Limitations]

3. Delete standard that limits the use to seven days as COWs are allowed to operate only in conjunction with large Special Events which can take place up to 14 days. A special permit will be issued to allow this use concurrent with the Special Event timeframe therefore there is no need for the time limitation language of seven days.

~~D. Time Limitations Extensions~~

The Special Permit shall be valid for seven days, including installation and removal.

~~1. Time Extensions~~

The Special Permit may be extended up to an additional ten days by the Zoning Director based upon individual circumstances and demonstration of need by the applicant. [Relocated from Art. 4.C.8.d, Time Limitations and Art. 4.C.8.d.1, Time Extension]

Ed. Fencing

The COW shall be enclosed by a temporary fence a minimum of six feet in height, or other barrier approved by the Zoning Division Director. [Relocated from Art. 4.C.8.E, Fencing]

He. Removal Bond and Agreement

The applicant shall execute a removal agreement and post a \$50,000.00 removal bond, subject to approval by the Zoning Director and County Attorney. [Relocated from Art. 4.C.8.H, Removal Bond and Agreement]

Af. States of Emergency

The requirements of this Section may be waived by the PZB Executive Director in the case of a declared state of emergency, as provided by law. [Relocated from Art. 4.C.8 A, States of Emergency]

Reason for amendments to Communication Cell Sites on Wheels (COWs) in the Use Matrix: [Zoning]	
4.	Consolidate Special Permit approval process reflected in standard zoning districts, Urban Redevelopment Area Overlay (URAO), Infill Redevelopment Overlay (IRO), Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) Use Matrices.
5.	As the use is limited to operate in association with Special Events, the Use Matrix has been modified to remove the approval of the use from zoning districts where Special Events are not allowed.
6.	Allow the use in Multiple Use Planned Development (MUPD) with Economic Development Center (EDC) Future Land Use (FLU) designation, and the Exurban and Rural Tier as well as the development area of the Agricultural Reserve (AGR) Tier in the Traditional Marketplace Development (TMD) subject to Special Permit. The change is made for consistency with the zoning districts where Special Event use is allowed.



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2. Day Camp

Reason for amendments: [Zoning] The Day Camp use definition and e Supplementary Use e Standards were first referenced as part of the 1997 ULDC (Ord. 1997-014). The definition and e Supplementary Use e Standards were amended by Ord. 2000-015 and 2003-067.
1. Revise Definition, and relocate the statement that clarifies this use shall not operate as a Day Care since Day Care is a separate use and subject to separate provisions.
2. Delete standard that limits the operation of the use to only those times when local schools are not in session. This amendment recognizes that the operation of the use shall be dictated by the times when schools consider appropriate to house Day Camps.

a. Definition

An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. ~~This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.~~ **[Relocated to Operation, below]**

ab. Duration

Maximum 16 weeks per calendar year.

bc. Operation

~~Shall operate only during those times when local schools are not in session. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.~~ **[Relocated from Definition, above]**

ed. Accessory Use

A ~~e~~Day ~~e~~Camp for 200 or fewer children may be ~~p~~Permitted **by Right** as an accessory use to a legally established institutional, civic, recreational, or educational use.

Reason for amendments to Day Camp in the Use Matrix: [Zoning]
3. The use has been added to Community Commercial (CC) and General Commercial (CG) Zoning Districts, Commercial pods within Planned Unit Development (PUD) and Planned Industrial Park (PIPD), Neighborhood Center (NC) of Traditional Neighborhood Development (TND), and TMD except for the Preservation area of the AGR Tier, subject to DRO approval. The change is made for consistency with approval in other commercial zoning districts where the use will not cause changes to the character of the districts or areas where they are allowed.
4. Change the approval process in MUPD, Mixed Use Planned Development (MXPD), and Lifestyle Commercial Center Development (LCC) with Commercial High (CH) FLU designation from Class A Conditional Use to DRO. The use is limited to operate during 16 weeks per year which does not merit public hearing due to its temporary nature. The change is consistent with the approval process in similar commercial zoning districts.
5. Change the approval process in Commercial Recreation (CRE) and Institutional and Public Facilities (IPF) Zoning Districts from DRO to Permitted by Right to support the location of the use in areas where institutional and recreational uses are expected which is consistent with approval in similar zoning districts such as MUPD with Commercial Recreation (CR) or Institutional (INST) FLU designation.

3. Mobile Retail Sales

HISTORY: The Mobile and Temporary Retail Sales use definition and e Supplementary Use e Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and e Supplementary Use e Standards were amended by Ord. 2003-067, 2005-002, 2008-003 and 2011-016.
Reason for amendments: [Zoning]
1. Split Retail Sales, Mobile or Temporary into two distinct uses, for purposes of clarifying the requirements and approval process for each, and to establish Mobile Retail Sales as a new Temporary Use with more specific e Supplementary Use e Standards.
2. Establish a definition to clarify that the sales shall remain portable and mobile at all times.

a. Definition

General retail sales from a mobile vehicle or a portable trailer without a fixed or permanent location.

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3. Recognize transient mobile vendors typically associated to mobile sales of food that spend no more than 2 hours on any site, are exempt from Mobile Retail Sales ~~Use~~ Supplementary Use Standards and Special Permit approval process. As these vendors are moving from site to site, it is hard to track their location. In addition, since they are on the site for less than a couple hours and provide a needed service to the tenant and customers they do not require specific on-site regulations. ~~This~~ These provisions do not include road vendors since they are regulated by the Engineering Department.

b. Exception

Transient sales vehicles that travel to several locations in one day, and spend less than two-hours in the same location, may be exempt from Special Permit approval and these requirements.

c. Renewal

The Special Permit shall be renewed annually pursuant to Art. 2.D.2, Special Permit. **[Partially relocated from Art. 4.B.1.A.115.d.7, Renewal, under Retail Sales, Mobile or Temporary]**

4. Limit the number of parking spaces to be utilized by a Mobile Retail Sales to two required parking spaces when the applicant demonstrates that the site does not have enough space available to locate the use, in such case, it would be limited to only one Mobile Retail Sales vendor per site. Additional provisions allow up to three vendors if the location is in parking spaces that are in excess of the minimum spaces required for the site to operate.

5. Establish an exception for setback requirements from existing residential uses by allowing the Mobile Retail Sales within 200 feet of residential if there is a non-residential structure blocking the view of the Mobile Retail Sales. The setback was modified from 300 feet to 200 feet to make the distance consistent with Special Event use.

6. Clarify that retail goods are not allowed to be displayed outside of the mobile vehicle in order to avoid expansion of the use to areas not permitted to operate business.

7. Clarify that the Transit Division of the Engineering Department has historically issued permits for roadside vendors and such applications are not processed by the Zoning Division or subject to the standards contained in this use.

d. Location

Vendors shall not be located in vehicular maneuvering areas, or access aisles, however, a vendor may be located in two required parking spaces when limited areas are available on-site.

e. Setbacks

The use shall be setback a minimum of 200 feet from any property line of an existing residential use. This requirement shall not apply if a permanent building or structure blocks the view of the Mobile Retail Sales from residential. **[Partially relocated from Art. 4.B.1.A.115.d.3, Adjacent Residential District, under Retail Sales, Mobile or Temporary]**

f. Number of Vendors

A maximum of three Mobile Retail Sale vendors per development, provided they comply with the location above.

g. Operation

Merchandise shall only be displayed in the interior of the mobile vehicle or portable trailer.

h. Roadside Vendors

Applications for roadside vendors located within Palm Beach County R-O-Ws shall be submitted to and reviewed by the PBC Traffic Division in accordance with the Palm Beach County Code, Chapter 23, Article V, Roadside Stands and Vendors, as amended.

Reason for amendments to Mobile Retail Sales in the Use Matrix: [Zoning]

8. The Use Matrix is indicating the use as new in terms of approval process and it is allowed in commercial, industrial and institutional standard zoning districts subject to Special Permit. Most of the zoning districts where the use has been indicated as allowed are consistent with the zoning districts where Temporary Sales is allowed, too. As this use is mobile, it does not remain on the same site for long periods of time, therefore it is also allowed in industrial zoning districts.

9. When compared with the approval of the original use, Retail Sales Mobile or Temporary, this Mobile Retail Sales use was added to the Commercial Low (CL) and Commercial High (CH) subareas of the IRO, as well as all subareas of MUPD, the Commercial High Office (CHO) subarea of MXPDP, Industrial (IND/L and IND/G) subareas of PIPD, and in CL and CH subareas of LCC, for purposes of

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maintaining consistency among Zoning Districts.

4. Real Estate Sales Model, Non-PDD

HISTORY: The Real Estate Sales Model, Non-PDD use definition and ~~Supplementary Use~~ Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Reorganize the Supplementary Use Standards for consistency with the standardized formatting applicable to Use Regulations.
2. Revise definition to incorporate additional residential types by deleting limitation of the use to Single Family residential units only.
3. Simplify standards that relate to the duration of the use to improve readability.
4. Delete provision pertaining to fees as procedures are currently established that apply to all Special Permit Uses.
5. Amend the Signage standard to remove the conflicting language, since both freestanding signs and monument signs are ground-mounted signs with the same design limitations within Art. 8, Signage.
6. Delete duplicate language that is covered in Article 8, Signage that addresses prohibited signs.
7. Delete language that does not allow additional parking for unmanned models since staff cannot justify this restriction.

a. Definition

A ~~single family~~ residential unit used for real estate marketing, ~~real estate and sales, as a~~ builder's office, and ~~for~~ other services directly associated with the sale of ~~a~~ residential units, ~~and limited to the areas referenced below. In a real estate sales model, sales shall be limited to new units built by the company operating the sales model.~~ **[Partially relocated to Operation, below]**

a. Approval Duration

The Special Permit ~~and completion agreement obtained from the Zoning Division~~ shall be valid for five years ~~from the date of issuance. The terms of the Special Permit and completion agreement and~~ may be ~~extended~~ **renewed** for an additional five years ~~provided that the permit holder:~~

- 1) ~~executes a five year completion agreement with the Zoning Division; and~~
- 2) ~~complies with the terms of this Subsection.~~

b. Fee

~~A Special Permit fee may be required by the Zoning Division to process and inspect a real estate sales model that is applying for an extension.~~

c. Location

~~A real estate sales model s~~shall be located ~~on~~ **with access directly from** a paved street.

d. Parking

~~The driveway and required handicap spaces shall be the only paved parking areas.~~ **[Partially relocated from Parking, below]**

e. Signage

~~The following signs shall be permitted:~~ **[Relocated from Permitted Signs, below]**

1) Temporary

~~One ground mounted sign not exceeding eight feet in height and 32 square feet of sign face area.~~ **[Partially relocated from Permitted Signs, below]**

2) Directional

~~A maximum of two directional signs not exceeding four feet in height and two square feet in sign face area.~~ **[Partially relocated from Permitted Signs, below]**

3) Flags

~~A maximum of three roadside flags shall be permitted per lot between the hours of 9:00 a.m. and 6:00 p.m.~~ **[Partially relocated from Permitted Signs, below]**

f. Storage

~~Outdoor storage of construction material, supplies, or equipment shall not be permitted.~~ **[Relocated from Outdoor Storage, below]**

dg. Number

A builder may construct and operate a maximum of two manned and two unmanned models in a platted residential subdivision which is not in a PUD, or in one of the following residential areas:

- 1) Jupiter Farms.
- 2) The Acreage.
- 3) ~~Loxahatchee Groves.~~

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5. Recycling Drop-Off Bin

HISTORY: The Recycling Drop-Off Bin use definition and Supplementary Use standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use standards were amended by Ord. 1993-004, 1995-008, 1997-064, 1988-011, 1999-037, 2000-015, 2001-001, 2001-062, and 2001-100.
Reason for amendments: [Zoning]
1. Relocate the Supplementary Use Standards for consistency with the standardized formatting of Art. 4., Use Regulations.
2. Clarify that the use will be subject to annual renewal when there is not a site plan and the use is subject to Special Permit.
3. Clarify the definition of Recycling Drop-Off Bin identify the temporary and portable nature.
4. Clarify the size of recycling bins by indicating the type of portable container utilized instead of using gross floor area.

a. Definition

A totally enclosed ~~mobile temporary~~ structure or portable container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel, and plastic containers no greater than six gallons in capacity, and paper. [Ord. 2013-001] [Ord. 2007-001] [Ord. 2013-001]

a. Mobility

~~The mobility of a drop-off bin shall be maintained at all times.~~ [Relocated to Mobility, below]

b. Approval Process

~~If a DRO Site Plan is not on file with the Zoning Division, a Special Permit shall be required, and may be renewed annually pursuant to Art. 2.D.2, Special Permit.~~ [Ord. 2013-001] [Partially relocated from Approval Process, below]

b.c. Location

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

d. Signage

Signage shall be required for all bins, as follows: [Ord. 2013-001]

1) Location

a) One sign shall be located on the front or side where materials are collected.

b) No more than two signs shall be allowed. [Ord. 2013-001] [Partially relocated from Signage, below]

2) Minimum/Maximum Size

A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001] [Relocated from Signage, below]

3) Content

All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not-for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be allowed. [Ord. 2013-001] [Relocated from Signage, below]

e. Storage

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse. [Relocated from Outdoor Storage Prohibited, below]

f. Number

The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on-site. A minimum of one recycling bin for each site up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre, may be allowed. No more than three bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. [Ord. 2013-001] [Partially relocated from Number, below]

g. Maintenance-Operation

1) The bin and adjacent area shall be maintained ~~in good appearance~~ and free from litter, debris, and residue on a daily basis. Failure to maintain ~~a good appearance the bin and adjacent area shall may~~ result in the revocation of the DRO approval or Special use pPermit, ~~where applicable~~. [Ord. 2013-001]

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6. Special Event

HISTORY: The Special Event use definition and ~~e~~Supplementary Use ~~e~~Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~e~~Supplementary Use ~~e~~Standards were amended by Ord. 1994-23, 1996-028, 1997-064, 1998-011, 1998-012, 1999-037, 2001-001 and 2003-013.

Reason for amendments: [Zoning]

1. Relocate the order of the Supplemental Use Standards for consistency with the standardized formatting for Art. 4, Use Regulations.
2. Expand the list of Typical Special Events to provide more examples and improve clarity of the use.
3. Delete requirement for Class A Conditional Use approval when Special Events are exceeding 14 days, since the Applicant can request up to three Special Event Permits per parcel, per year.
4. Delete the standard requiring 200 ft of frontage to increase the number of sites that may hold Special Events.
5. Delete the standard that requires access to minimize traffic through nearby residential areas since the site where the Special Event will take place already shall have access points established.

a. Definition

A temporary activity which may includes rides, amusements, food, games, crafts, and performances, ~~or and services~~. ~~Typical uses include carnivals, circuses, auctions, and revivals.~~ [Partially relocated to Typical Events, below]

~~a. Duration~~

~~A maximum of 14 consecutive calendar days. Special events exceeding 14 days shall require approval of a Class A conditional use.~~ [Partially relocated to Duration, below]

b. Typical Special Events

Typical Special Events may include but are not limited to carnivals, circuses, temporary auctions, rallies, and revivals. [Partially relocated from Definition, above]

c. Approval Process

The use shall be subject to Special Permit if the event is projected to attract less than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. [Partially relocated from Attendance, below]

d. Duration

1) A Special Event shall not exceed 14 consecutive days. [Partially relocated from Duration, above]

2) If the Applicant provides to the Zoning Division a Justification Statement explaining the need for an extension, Zoning Staff shall determine whether the extension shall be granted up to 21 total consecutive days based on the following:

- a) The types of activities warrant the additional time period; and,
- b) The time extension shall not cause an adverse impact or a nuisance to the adjacent parcels.

3) A maximum of three events per calendar year per parcel. [Partially relocated Events per Year, below]

e. Zoning District - Residential

Special Events that are prohibited in residential zoning districts may be allowed subject to a Special Permit approval, and the following:

- 1) Shall be collocated with a Place of Worship;
- 2) Hours of operation shall be from 9:00 a.m. to 5:00 p.m.; and,
- 3) Special Events and religious services operating during the same time are required to provide parking for both activities or comply with the off-site parking provisions in Art. 6.

~~b. Setbacks~~

~~All buildings, trailers, vehicles, tents, mechanical devices, rides or animals related to an amusement or special event shall comply with the minimum setbacks of the district and shall be located at a minimum of 50 feet from a street and 200 feet from any property line adjacent to a residential use.~~ [Partially relocated to Setbacks, below]

~~cf. Frontage Location~~

~~The minimum frontage on a public street shall be 200 feet. A special event shall not be permitted if the frontage abuts a street under construction.~~

1) **U/S Tier**

Primary access shall be from a paved arterial or collector street.

2) **Rural-All Other Tiers**

a) In the Rural, Exurban, AGR and Glades Tiers, primary access shall be from a paved street. ~~Access shall minimize traffic through nearby residential areas.~~

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b) Back-out parking directly onto a public street shall be prohibited.

Reason for amendments: [Zoning]	
6.	Provide alternative option for Special Events adjacent to residential land uses to be exempt from the setback requirements when there is no residential structure on the adjacent site.
7.	Limit locations of Special Events on vacant parcels to sites with stabilized ground, defined ingress and egress and forward motion vehicle circulation to address tentative location of the use on non-PDD sites.
8.	Delete the separation requirement between Special Events since they are temporary in nature and not linked to permanent use approvals.

g. Setbacks

All buildings, trailers, vehicles, tents, mechanical devices, rides, animals and related equipment and activities shall be setback as follows:

- 1) *A minimum of 50 feet from any adjacent streets.*
- 2) *A minimum of 200 feet setback is required from any property line with a residential use or FLU designation. This requirement may be exempt if the residential parcel has no existing residential structures. [Partially relocated from Setbacks, above]*

e. Events Per Year

There shall be no more than three special events permitted in any one calendar year per parcel of land. [Partially relocated to Duration, above]

dh. Parking

The use shall be prohibited on vacant undeveloped parcels, unless parking is provided on a stabilized surface with defined ingress/egress for vehicles to enter and exit the site in a forward motion. Off-site parking may be and allowed and subject to a Special Permit and conditions for temporary special events.

f. Attendance

DRO approval shall be required for any event projected to attract more than 1,000 patrons on a site less than two acres. Project attendance shall be specified in the application. [Partially relocated to Approval Process, above]

g. Separation

A Special Permit shall not be issued for the same dates for two or more special events within one-half mile from each other.

h. AR/RSA

May be permitted in the AGR with a SA-FLU, subject to a Special Permit approval. [Ord. 2005-002]

Reason for amendments to Special Event in the Use Matrix: [Zoning]	
9.	Change the approval process in the IRO with CL and CH FLU designation from DRO to Special Permit for consistency with other commercial zoning districts.
10.	Allow the use in the IRO with CHO FLU designation subject to Special permit, for consistency in the CHO Standard Zoning District.
11.	Allow the use in MUPD, MXPDP, PIPD, and LCC subject to Special Permit, for consistency with other commercial zoning districts where the use is expected to occur.

7. Temporary Green Market

History: [Zoning] The Temporary Green Market use definition and ~~e~~Supplementary Use ~~e~~Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~e~~Supplementary Use ~~e~~Standards was amended by Ord. 2003-067.

Reason for amendments: [Zoning]	
1.	Define the Duration by limiting Temporary Green Market operation to six months and differentiate from Permanent Green Market.
2.	Clarify that the use will be subject to annual renewal as the use duration is limited to a calendar year.

a. Definition

A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food ~~on a retail basis~~. [Ord. 2012-027]

b. Duration

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1 Shall only be allowed on weekends and holidays, and up to six-months per calendar
2 year. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Partially relocated from
3 Duration and Approval, below]

3.	Add language supporting operation on smaller lot sizes in the Westgate CRA Overlay so that the community is not prevented from having Temporary Green Markets due to smaller lot sizes typical of that overlay.
4.	Minimize the proliferation of signs at Temporary Green Markets by limiting the visibility of signage from streets to ensure reduction of visual impact.
5.	Delete duplicate language for Temporary Electric Service to be covered by the Common Provisions and General Standards.

c. Renewal

The Special Permit may be renewed annually, pursuant to Art. 2.D.2, Special Permit.

ad. Lot Size

A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]

e. Signage

Vendor signs shall not be visible from the right of way.

b. Duration and Approval

~~Weekends only, subject to approval of a Special Permit. A Temporary Green Market that is located within required parking spaces or access aisles for a temporary period of time, which shall be defined by anything exceeding one hour or several days, shall comply with the Special Permit requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Partially relocated to Duration, above]~~

~~**c. Site Operation**~~

~~The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001] [Partially relocated to Operation, below]~~

~~**d. Temporary Electric Service.**~~

~~The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001] [Ord. 2012-027]~~

Reason for amendments: [Zoning]	
6.	Reduce the maximum size of a vendor stand so that it corresponds to the size required to obtain a building permit for a temporary structure.
7.	Delete language that specifies types of vehicles that may be utilized for transporting vendor supplies, and clarify that vehicles may remain on-site subject to removal within 2 hours after the market closes.
8.	Delete Signage language that is currently covered in Art. 8, Signage.

~~**e. Stands Operation**~~

~~1) Tents exceeding 120 square feet shall be subject to a Building Permit review in accordance with Art. 2.D.2.D, Review Process. Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable.~~

~~2) Motor vehicles such as vans or small trucks utilized for the purpose of transporting vendor supplies and products may be permitted allowed on-site, provided the vehicles is-are removed from the site at within two hours after the close of the market closes each weekend.~~

~~3) Shall not utilize required parking spaces. [Ord. 2007-001] [Partially relocated from Site Operation, above]~~

~~**f. Signage**~~

~~A maximum of two signs with a 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 and flags shall be prohibited.~~

Reason for amendments to Temporary Green Market in the Use Matrix: [Zoning]	
9.	Change the approval process in the URAO and IRO from DRO to Special Permit, to keep the use consistent with similar standards for commercial zoning districts.
10.	Temporary Green Market use has been added to the following Zoning Districts, subject to Special Permit: Light Industrial (IL) and Public Ownership (PO), Commercial and Civic pods of PUD, CL, CH, Commercial Office Low (CLO), CHO, and Industrial (IND) subareas of MUPD, CH and CHO subareas of MXPD, Light Industrial (IND/L) and Commercial pods of PIPD. The use has been

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added to the new districts in order to provide more opportunities to access local produce.

8. Temporary Retail Sales

HISTORY: The Mobile Retail Sales and Temporary Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2005-002, 2008-003 and 2011-016.

Reason for amendments: [Zoning]

1. Delete duplicate language for Insurance and Landscape that is covered in Common Provisions and General Standards.
2. Delete Setback provisions since the use is required to comply with the setbacks of the zoning district where the use shall be located. In addition, safe sight triangle regulations are already in Art. 3 of the ULDC.
3. Delete standard requiring Location Plan since it will be covered by Art. 2 and the Technical Manual.
4. Delete the duplicate definition of Temporary Sales and specific provisions that apply to sparklers. Deletion also includes the standard for specific zoning district approval process now shown in the Use Matrix.
5. Delete Sign standard that is currently covered in Art. 8, Signage.

a. Definition

General retail sales without a fixed or permanent location.

a. General Requirements

1) Frontage

~~Mobile or temporary sales shall front an arterial street.~~ [Partially relocated to Location, below]

2) Setbacks

~~Mobile or temporary retail sales shall comply with the setbacks of the district. The minimum setback from streets is 20 feet. Setbacks shall not be located in any safe sight triangle.~~

3) Insurance

~~Proof of liability insurance shall be submitted listing the BCC as additionally insured or certificate holder, paid in full covering the period for which the permit is issued, in the minimum amount of \$500,000 per occurrence.~~ [Partially relocated to Art. 4.B.11.B.4.b, Liability and Insurance under Common Provisions and General Standards]

4) Landscape

~~Mobile or temporary sales shall not be located in any landscape buffer.~~ [Partially relocated to Art. 4.B.11.B.1.b, Design Standards]

5) Location Plan

~~An application for mobile or temporary sales shall submit a plan delineating location, parking and vehicle circulation and signage.~~

6) Warranty Deed

~~Submit a copy of the recorded warranty deed for the property.~~

b. Temporary Sales

~~Temporary sales shall be conducted without a fixed or permanent location. Typical uses include sparklers, as defined in F.S. §791.01, or special event sales, such as the sale of furniture, and seasonal sales regulating (e.g. Christmas trees, pumpkins) that may require a tent or temporary structure.~~

1) Districts

~~Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPD Zoning districts.~~ [Ord. 2011-016]

2) AGR District

~~Temporary sales in the AGR district shall be limited to plants, pumpkins and Christmas trees.~~ [Relocated to Zoning District - AGR, below]

3) Duration

~~Temporary sales shall not exceed 30 days. Issuance of a Special Permit shall be limited to four times a year per parcel.~~ [Relocated to Duration, below]

4) Tent

~~A maximum of one temporary tent or structure shall be allowed per parcel.~~ [Relocated to Number, below]

5) Sign

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~~One on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed 32 square feet in sign area, shall not exceed six feet in height from finished grade, and shall be located at least five feet from all base building lines. The sign may remain on the site only for the approved duration of the temporary sale.~~

Reason for amendments: [Zoning]
6. Add references to Typical Uses in order to provide more examples for reference.
7. Reduce the amount of time allowed for site cleanup, from 48 hours to 24 hours after the expiration of the Special Permit, so that the site is not left for multiple days in disarray.

b. Typical Uses

~~Typical uses may include but are not limited to temporary sales of Christmas trees, pumpkins, fireworks, plants, art, paintings, rugs, and furniture.~~

c. Duration

~~Shall not exceed 30 consecutive days and a maximum of four times per calendar year per parcel. [Relocated from Duration, below]~~

d. Zoning District - AGR

~~Shall be limited to Christmas trees, plants, and pumpkins. [Relocated from AGR District, below]~~

e. Location

~~Shall front an arterial street. [Partially relocated from Frontage, above]~~

f. Number

~~A maximum of one temporary tent or structure shall be allowed per parcel. [Relocated from Tent, above]~~

~~g. Debris Operation~~

~~All debris shall be completely removed from the site, and the property shall be returned to its original condition, within 24-48 hours of the expiration of the Special Permit or the removal of the activities associated with Special Event. and the property returned to its original condition.~~

Reason for amendments: [Zoning]
8. Delete Hours of Operation standard associated to sales of sparklers as it will be consolidated into Art. 5 with all other use classifications.
9. Add requirement for the PBC Fire Marshal to certify the proposed location of sparkler sales for safety purposes.
10. Delete and relocate language related to Mobile Sales, since Mobile Retail Sales has been created as a new Temporary Use with unique Standards.

~~7) Storage~~

~~Temporary storage trailers may be permitted in conjunction with temporary sales. Trailers shall not obstruct primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.~~

~~eh. Special Provisions for Sparklers~~

~~Sale of sparklers shall comply with the following additional requirements:~~

~~1) Zoning Districts~~

~~Shall be limited to CG and IL. [Relocated from CG and IL Districts, below]~~

~~2) Seasonal Limitations~~

~~Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of each year.~~

~~2) CG and IL Districts [Relocated to Zoning Districts, above]~~

~~Limited to the sale of sparklers only. [Relocated to Zoning Districts, above]~~

~~3) Hours of Operation~~

~~Hours of operation shall be limited from 7 a.m. to 11 p.m. daily.~~

~~4) Electrical Service~~

~~All electrical uses shall meet the requirements established by the PBC Chief Electrical Inspector and PBC Fire-Rescue Department. [Relocated to Art. 4.B.11.B.4, Electric Service under Common Provisions and General Standards]~~

~~53) Supplemental Additional Application Requirements~~

~~The Special Permit application shall include the following information:~~

~~a) Liability~~

~~A hold harmless affidavit, which holds PBC harmless for any liability connected with the operation. [Relocated to Art. 4.B.11.B.4.b., under Liability and Insurance under Common Provisions and General Standards]~~

~~ba) Fire Marshal Certification~~

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The PBC Fire Marshall shall review and approve the location of the sale of the sparklers and issue a certificate of registration. –A certification of registration from the State Fire Marshal authorizing the sale of sparklers.

eb) Affidavit of Compliance

A signed and notarized affidavit of compliance with the Approved List of Sparklers maintained by the State Fire Marshall. The affidavit shall be submitted affirming that only products on the State Fire Marshall's approved List of Sparklers ~~and Novelty Items~~ will be sold and that violation of the affidavit may result in an injunction.

6c) Documentation

The applicant shall submit eCopies of State of Florida registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents.

f. Parking

Parking shall be provided on-site, on a stabilized surface with defined ingress/egress. Vehicles shall enter and leave the site in a forward motion.

Reason for amendments: [Zoning]
--

11. Delete zoning districts reference associated to Mobile Sales as the use was split and it is now shown in the Use Matrix part of the new Mobile Sale use.
--

d. ~~Mobile Sales [Ord. 2005 – 002]~~

~~Mobile sales shall be conducted from a portable stand, structure, or trailer which is removed each night. Mobile sales operations shall be limited to flowers and food products and shall:~~ **[Partially relocated to Art. 4.B.11.C.3.a, Definition, under Mobile Retail Sales]**

1) District

~~Mobile sales shall be limited to the CC, CG, IL, PO, UC, UI, and MUPD Zoning districts. [Ord. 2011-046]~~

2) Location

~~Mobile sales shall not be located in any required parking spaces nor in such a manner as to distract motor vehicle operators or promote, require or cause any vehicles to stop, stand or to park in violation of official traffic control devices, including, but not limited to, signs, signals, and markings erected by authority of the County or State of Florida for the purpose of regulating, moving or guiding traffic. Mobile sales shall not be located in any driveway aisles or loading areas or interfere with on-site circulation. [Partially relocated to Art. 4.B.11.B.1.a, Design Standard]~~

3) Adjacent Residential District

~~Mobile sales shall be located a minimum of 300 feet from the property line of any existing residential use. [Partially relocated to Art. 4.B.11.C.3.e, Setbacks, under Mobile Retail Sales]~~

Reason for amendments: [Zoning]
--

12. Delete reference to the number of vendors limited to one as the provisions under Mobile Retail Sales is allowing up to 3 mobile vendors per development as long as they are not located on required parking spaces, vehicular and maneuvering areas, parking or landscaping.
--

13. Delete standard related to Electric Service which has been consolidated with Common Provisions and General Standards applicable to all Temporary Uses.
--

14. Delete Hours of Operation standard as it will be consolidated into Art. 5 with all other use classifications.

4) Number

~~Only one mobile sales vendor shall be permitted per parcel of land.~~

5) Electric Service

~~Electric service shall not be permitted.~~

6) Hours of Operation

~~Mobile sales may operate between the hours of 6:00 a.m. and 11:00 p.m. daily. [Ord. 2008-003]~~

7) Renewal

~~The Special Permit for mobile sales shall be renewed annually. [Partially relocated to Art. 4.B.11.C.3.c, Renewal, under Mobile Retail Sales]~~

8) Signage

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~~Shall comply with Article 8, SIGNAGE, subject to special standards and requiring no permit.~~ [Partially relocated to Art. 4.B.11.B.2, Signage, under Common Provisions and General Standards]

Reason for amendments to Temporary Retail Sales in the Use Matrix: [Zoning]
14. Change the approval process in IRO with CL and CH FLU designation from DRO to Special Permit for consistency with the approval of the use in similar zoning districts.
15. Allow the use in MUPD Zoning Districts with CL, CH, CLO, CHO, and CR FLU designations; MXPD with CHO FLU designation; and LCC with CL and CH FLU designation subject to Special Permit. The use is added in the zoning districts for consistency with the standard zoning districts.

9. Temporary Vehicle Sales

HISTORY: The Vehicle Sales and Rental use definition and ~~Supplementary Use Standards~~ were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]
1. Separate the Temporary Vehicle Sales use from the permanent Vehicle Sales and Rental use, to consolidate the temporary use classification.
2. Clarify the types of vehicles that may be sold at Temporary Vehicle Sales events, for purposes of improving the readability.
3. Delete standard that indicates zoning districts where the use is since the Use Matrix now reflects the approval process for CG, IL and MUPD Zoning Districts.
4. Clarify the Duration may not exceed four times per calendar year. The specificity on the number of times per year was missing from the existing Code.

a. Definition

~~The temporary sale of new or used motor vehicles, including cars, trucks and recreational vehicles, shall be allowed as a Special Permit, and subject to the following additional standards.~~ [Relocated from Art. 4.B.1.A.135.d, Temporary Sale]

~~1) CG, IL, and MUPD Districts~~

~~Temporary sale of vehicles shall be permitted.~~

b. Duration

~~1) Limited to five consecutive calendar days, not to exceed four times per calendar year.~~

~~2) Shall be prohibited during the months of November and December.~~ [Relocated from Art. 4.B.1.A.135.d.4, Duration]

~~2)c. Lot Size~~

~~A minimum of ten acres.~~ [Relocated from Art. 4.B.1.A.135.d.2, Lot Size]

~~3)d. Setbacks Separation~~

~~The event area shall be setback a minimum of 50 feet from all buildings.~~ [Relocated from Art. 4.B.1.A.135.d.3, Separation]

~~4) Duration~~

~~Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December.~~ [Partially relocated to Duration, above]

5. Prevent the use of parking spaces dedicated for persons who have disabilities to be utilized by activities or display associated with this temporary use.
6. Allow accessory sales to Temporary Vehicle Sales limited to food and beverage and no more than three Mobile Retail Sales vendors consistent with the limitation in the number of Mobile Retail Sales standards.
7. Delete Hours of Operation standard as it will be consolidated into Art. 5 with all other use classifications.

5)e. Parking

~~1) A maximum of 50 required off-street parking spaces may be utilized, and No related activities shall extend beyond the permitted designated area.~~ [Partially relocated from Art. 4.B.1.A.135.d.5, Parking]

~~2) Accessible parking spaces shall not be occupied by activities related to the use.~~

f. Accessory Sales

~~Up to three Mobile Retail Sales vendors limited to sales of food and beverage may be allowed as an accessory use to Temporary Vehicle Sales, subject to the Mobile Retail Sales Supplementary Use Standards.~~

6) Signage

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- 1 Signage shall be permitted only in the designated event area.
2 **7) Hours of Operation**
3 Hours of operation shall be from 8:00 a.m. to 9:00 p.m.
4 **8) Location**
5 There shall be suitable access to the event area, subject to Zoning Division approval.
6

Reason for amendments to Temporary Vehicle Sales in the Use Matrix: [Zoning]
8. Add to the Use Matrix the use approval in CG and IL Standard Zoning Districts; and, MUPD, MXPDP, and LCC with CH FLU designation, subject to Special Permit to reflect existing standard indicating the Zoning Districts where the use is allowed. The use was expanded to MXPDP and LCC with CH FLU designation for consistency with zoning districts where the use is currently allowed.



7
8
9
10 **Part 4. Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 5-14 of**
11 **39), is hereby amended as follows:**
12

Reason for amendments: [Zoning]
1. Relocate and consolidate all Temporary Uses' parking requirements, for consistency with the new use classification in Art. 4, Use Regulations to improve readability of the Code.
2. Eliminate inconsistencies between parking requirements contained in the individual use standards and in Art. 6, Parking.
3. Change the Parking Standard for Real-Estate Sales Models, Non-PDD's to be consistent with Real Estate Sales Models Parking Requirements in PDD's.
4. Delete parking requirements for Special Events, Temporary and Mobile Retail Sales since they are inconsistent with the Supplementary Use Standards and with Art. 6.A.1.D.3 which allows Temporary Uses associated with a Special Permit to occupy required parking spaces.

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

Use Type: Commercial	Parking	Loading (1)
....		
Green Market		
Temporary [Relocated to Table 6.A.1.B, Temporary Uses]	N/A	N/A
....		
Retail sales, mobile or temporary [Partially relocated to Table 6.A.1.B, Temporary Uses]	Enclosed: 1 space per 200 sq. ft. -Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A
....		
Use Type: <u>Institutional</u> , Public and Civic	Parking	Loading (1)
....		
Day camp [Relocated to Table 6.A.1.B, Temporary Uses]	<100 licensed capacity: 1 space per 5 persons; plus 1 drop off stall per 20 persons >100 licensed capacity: 1 space per 10 persons; plus 1 drop off stall per 20 persons	E
....		
Use Type: Recreation	Parking	Loading (1)
.....		
Special event [Partially relocated to Table 6.A.1.B, Temporary Uses]	1 space per 3 seats; or 10 spaces per acre occupied by amusements, whichever is greater	N/A
....		
Use Type: Utilities and <u>Excavation</u>	Parking	Loading (1)
....		
Cell site on wheels (COW) mobile [Relocated to Table 6.A.1.B, Temporary Uses]	Exempt from parking regulations unless otherwise required by Zoning Director	N/A
....		
Recycling Drop-Off Bin [Relocated	1 space per bin	N/A

Notes:

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EXHIBIT I
TEMPORARY USES
SUMMARY OF AMENDMENTS
(Updated 10/14/16)

to Table 6.A.1.B, Temporary Uses]		
....		
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Key:		
....		

1

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

Use Type: Temporary	Parking	Loading (1)
<u>Communication Cell Site on Wheels (COW)</u>	<i>Exempt from parking regulations unless otherwise required by Zoning Director.</i>	N/A
<u>Day Camp</u> [Relocated from Table 6.A.1.B, Public and Civic Uses]	<100 licensed capacity: <i>One space per five persons; plus one drop off stall per 20 persons.</i> >100 licensed capacity: <i>One space per ten persons; plus one drop off stall per 20 persons.</i>	E
<u>Mobile Retail Sales</u> [Relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
<u>Real Estate Sales Model, Non-PDD</u>	<i>2 spaces per sales model.</i>	N/A
<u>Recycling Drop-Off Bin</u> [Relocated from Table 6.A.1.B, Utilities and Excavation Uses]	<i>1 space per bin.</i>	N/A
<u>Special Event</u> [Partially relocated from Table 6.A.1.B, Commercial Uses]	N/A (1)	N/A
<u>Temporary Green Market</u> [Relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
<u>Temporary Retail Sales</u> [Partially relocated from Table 6.A.1.B, Commercial Uses]	N/A	N/A
<u>Temporary Vehicle Sales</u>	N/A	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,200 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.		
(1) <u>A Special Event shall provide on-site parking unless off-site parking is approved.</u>		

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Part 5. Article 6.A.1.D.3, Use of Required Off-Street Parking (page 14 of 39), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify language related to Temporary Uses, for purposes of improved clarity of Parking Requirements in Off-Street locations, for Temporary Uses.
2. Delete inconsistent language related to Parking Requirements for Recycling Drop-Off Bin, so that the Supplementary Use Standards and Table 6.A.1.B cover everything related to meeting Parking Requirements on-site.
3. Due to the limited duration of Temporary uses, this amendment gives authority to the Zoning Director to approve temporary off-site parking for Temporary Uses subject to Special Permit approval, and provides specific standards associated to distance between the temporary parking and the temporary use, modes of transportation, pedestrian safety, accessible parking protection, and clarification on the temporary parking duration.

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3. Use of Required Off-Street Parking

Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for the storage, sale or display of goods or materials or for the sale, repair, or servicing of vehicles. All vehicles parked within off-street parking areas shall be registered and capable of moving under their own power. Required off-street parking spaces shall be free from building encroachments, ~~except that a portion of the required parking area may be used for the following purposes:~~

a. Temporary Events Parking

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EXHIBIT I
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- 1 1) ~~Required-off-street~~ The Zoning Director may consider a Special Permit for temporary
2 ~~off-site parking areas may be used on a temporary basis pursuant to a Special Permit~~
3 ~~issued by the Zoning Director for a temporary event.~~
4 a) Off-site parking shall not be located more than 600 feet from the Temporary Use
5 site, measured from access point to access point. The Zoning Director may
6 approve a distance greater than 600 feet when the applicant demonstrates that
7 the attendees or temporary use participants are transported to the site by other
8 means;
9 b) Parcels used for off-site parking shall include access for vehicles to enter and
10 exit the site in a forward motion; and,
11 c) Off-site parking shall not be separated by a street with a width of more than 80
12 feet, unless traffic assistance is provided to guide pedestrians or measures are in
13 place to assist pedestrian safety.
14 2) Required accessible parking spaces shall not be located off-site.
15 3) Pedestrian sidewalks shall be provided from the off-site parking to the Temporary
16 Use site.
17 4) The duration and dates of the temporary off-site parking shall be the same as the
18 time allowed for the Temporary Use it is intended to serve.
19 5) In the event an off-site parking area is not under the same ownership as the site of
20 the Special Permit, a written agreement between the applicant and all owners of
21 record of the parking area shall be required prior to permit approval. A copy of the
22 agreement shall be subject to review and approval of the Zoning Division, and at a
23 minimum shall contain the following:
24 a) A list of names and ownership interest of all owners of the subject property;
25 b) A legal description of the land to be used for offsite parking;
26 c) Assurance by the owners of the subject property that all required offsite spaces
27 will be available to the applicant for the uses described in the special event
28 permit application;
29 d) A statement of maintenance obligations of each party for the duration of the
30 permit; and,
31 e) A requirement that the Zoning Director receive notification in the event the off-site
32 parking agreement is terminated prior to the termination of the Temporary Use
33 permit.
34 **~~b. Recyclable Materials Collection Bins~~**
35 ~~Required off-street parking areas may be occupied by recyclable materials collection bins~~
36 ~~which have been issued a Special Permit. The bin shall retain its mobility and shall not~~
37 ~~occupy more than one parking space. The bin and adjacent area shall be maintained in~~
38 ~~good appearance, free from trash.~~

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EXHIBIT J

COMMERCIAL USES
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(Updated 12/9/16)

Part 1. ULDC Art. 1.1.2. Definitions (pages 35 & 110 of 119), is hereby amended as follows:

Reason for amendments: [Zoning] Ambulatory Surgical Center and Urgent Care Center definitions are proposed to clarify typical uses related to Medical or Dental Office.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

68. Ambulatory Surgical Center - An establishment primarily providing elective surgical care, in which the patient is admitted to and discharged within the same working day and is not permitted to stay overnight; and which is not part of a hospital.

[Renumber accordingly]

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

17. Urgent Care Center - A walk-in, extended-hour establishment that provides immediate, but not emergent, medical care to patients. Patients shall be served solely on an outpatient basis and such services shall not include overnight stays.

[Renumber accordingly]

Part 2. New ULDC Art. 1.1.3, Abbreviations and Acronyms, (Pages 118 and 119 of 119) is hereby amended as follows:

Reason for amendments: [Zoning] Recognize new acronyms for vehicles as established in amendments for Vehicle sales and Rental.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

- OHV Off-highway Vehicle
RV Recreational Vehicle
RVPD Recreational Vehicle Planned Development (RVPD)
SUV Sport Utility Vehicle

Part 3. New ULDC Art. 4.B.2, Commercial Uses, is hereby established as follows:

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

A. Commercial Use Matrix

Reason for amendments: [Zoning]
1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). 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.
2. 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.

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Reason for amendments: [Zoning]

1. Address bay door orientation by making it part to the General Standards applicable to Commercial Uses. The proposed provisions differ from Bay Door standards applicable to loading areas currently contained in Art. 6, Parking. This amendment looks to protect residential developments from nuisances created by adjacent non-residential developments that may include uses that require bay doors to be open and to minimize visual impact from streets. This language currently exists in uses such as Repair and Maintenance or Vehicle Sales and Rental which is now expanded to cover all uses. This standard will make the application consistent and applicable to all uses that have intense operations or activities in bays that keep the door open.
2. Establish a hierarchy of requirements based on the incompatibility issues that may arise from the use and activities on adjacent streets or parcels of land.
3. Specific provisions in Art. 2, Development Review Procedures, does not allow the Zoning Commission to grant variances to the use standards contained in Article 4 unless clearly stated otherwise. This amendment creates an option for Commercial Uses with Bay Doors facing a residential use or vacant parcel with residential FLU, to apply for a variance to cover situations not identified in exception standards.

B. General Commercial Standards

1. Bay Doors

Unless stated otherwise in Art. 4, Use Regulations or Art. 6.B, Loading Standards, service bay doors shall not face any residential use, or vacant parcel of land with a residential FLU designation, except as follows: [Ord. 2005 – 002] [Ord. 2014 – 025] [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, under Repair and Maintenance]

- a. *When separated from residential by an Arterial or Collector street a minimum of 80 feet in width. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, under Repair and Maintenance]*
- b. *When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high hedge. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, under Repair and Maintenance]*
- c. *When separated by a parcel with a non-residential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to the provision of a Type 3 Incompatibility Buffer with a continuous two foot high berm. The required wall shall be placed on the top of the berm. Canopy Trees shall be one and one half times the required tree quantity. [Partially relocated from Art. 4.B.1.A.107.f, Bay Door Orientation, under Repair and Maintenance]*
- d. *Requests for Type 2 Variance from Bay Doors regulations may shall be allowed permitted in accordance with Art. 2, Development Review Procedures.*

C. Definitions and Supplementary Use Standards for Specific Uses

21. Adult Entertainment

Reason for amendments: [Zoning]

1. Amend Adult Entertainment (AE) Supplementary Use Standards to reflect changes in the approval process identified in the Use Matrix.

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. *The following definitions and Supplementary Use Standards shall apply to all Adult Entertainment establishments: [Ord. 2004-051] [Ord. 2009-040] [Partially relocated from old standard d, License, below]*

b. Definitions, ~~Adult Entertainment Establishment~~

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. [Ord. 2004-051] [Ord. 2009-040]

1) Adult Arcade

Notes:

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- 1 Any place or establishment operated for commercial gain, which invites or permits
2 the public to view adult material. For purposes of this Code, "adult arcade" is included
3 within the definition of "adult theater." **[Ord. 2004-051] [Ord. 2009-040]**
- 4 **2) Adult Bookstore/Adult Video Store**
5 An establishment which sells, offers for sale, or rents adult material for commercial
6 gain and which meets either of the following two criteria:
7 (a) More than 30 percent of the gross public floor area is devoted to adult material;
8 or,
9 (b) More than 30 percent of the stock in trade consists of adult material. **[Ord. 2004**
10 **- 051] [Ord. 2009-040]**
- 11 **3) Adult Booth**
12 A small enclosed or partitioned area inside an ~~a~~Adult ~~e~~Entertainment establishment
13 which is: (1) designed or used for the viewing of adult material by one or more
14 persons and (2) is accessible to any person, regardless of whether a fee is charged
15 for access. The term "adult booth" includes, but is not limited to, a "peep show"
16 booth, or other booth used to view adult material. The term "adult booth" does not
17 include a foyer through which any person can enter or exit the establishment, or a
18 restroom. **[Ord. 2004-051] [Ord. 2009-040]**
- 19 **4) Adult Dancing Establishment**
20 An establishment selling, serving or allowing consumption of alcoholic beverages,
21 where employees display or expose specified anatomical areas to others regardless
22 of whether the employees actually engage in dancing. **[Ord. 2004-051] [Ord. 2009-**
23 **040]**
- 24 **5) Adult Entertainment**
25 a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or
26 adult dancing establishment; or any establishment or business operated for
27 commercial gain where any employee, operator or owner exposes his/her
28 specified anatomical area for viewing by patrons, including but not limited to:
29 massage establishments whether or not licensed pursuant to F.S. Chapter 480,
30 tanning salon, modeling studio, or lingerie studio. **[Ord. 2004-051] [Ord. 2009-**
31 **040]**
32 b) Excluded from this definition are any educational institutions where the exposure
33 of the specified anatomical area is associated with a curriculum or program.
34 **[Ord. 2004-051] [Ord. 2009-040]**
35 c) An establishment that possesses an adult entertainment license is presumed to
36 be an adult entertainment establishment. **[Ord. 2004-051] [Ord. 2009-040]**
- 37 **6) Adult Material**
38 Any one or more of the following, regardless of whether it is new or used: **[Ord.**
39 **2004-051]**
40 a) Books, magazines, periodicals or other printed matter; photographs, films, motion
41 pictures, video cassettes, slides, or other visual representations; recordings,
42 other audio matter; and novelties or devices; which have as their primary or
43 dominant theme subject matter depicting, exhibiting, illustrating, describing or
44 relating to specified sexual activities or specified anatomical areas; or, **[Ord.**
45 **2004-051] [Ord. 2009-040]**
46 b) Instruments, novelties, devices, or paraphernalia which are designed for use in
47 connection with specified sexual activities. **[Ord. 2004-051] [Ord. 2009-040]**
- 48 **7) Adult Motel**
49 A hotel, motel or similar commercial establishment which offers accommodations to
50 the public for any form of consideration; provides patrons with closed-circuit television
51 transmissions, films, motion pictures, video cassettes, slides, or other photographic
52 reproductions which are characterized by the depiction or description of "specified
53 sexual activities" or "specified anatomical areas;" and has a sign visible from the
54 public streets which advertises the availability of this adult type of photographic
55 reproductions. **[Ord. 2004-051] [Ord. 2009-040]**
- 56 **8) Adult Theater**
57 An establishment operated for commercial gain which consists of an enclosed
58 building, or a portion or part thereof or an open-air area used for viewing of adult
59 material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture
60 theater" are included within the definition of "adult theater". An establishment which
61 has "adult booths" is considered to be an "adult theater". **[Ord. 2004-051] [Ord.**
62 **2009-040]**
- 63 **9) Adult Video Store**

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(Updated 12/9/16)

- 1 See Adult Bookstore. [Ord. 2004-051] [Ord. 2009-040]
2
3 **10) Commercial Gain**
4 Operated for pecuniary gain, which shall be presumed for any establishment which
5 has received a business tax receipt. For the purpose of this Code, commercial or
6 pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051] [Ord. 2007-
7 **013] [Ord. 2009-040]**
8 **11) Educational Institution**
9 Premises or site within a municipality or within the unincorporated area of PBC upon
10 which there is a governmentally licensed child care facility for six or more children or
11 elementary or secondary (K-12) school, attended in whole or in part by persons
12 under 18 years of age. [Ord. 2004-051] [Ord. 2009-040]
13 **12) Employee**
14 Any person who works, performs, or exposes his/her specified anatomical areas in
15 an establishment, irrespective of whether said person is paid a salary or wages by
16 the owner or manager of the business, establishment, or premises. "Employee" shall
17 include any person who pays any form of consideration to an owner or manager of an
18 establishment, for the privilege to work performing or exposing his/her specified
19 anatomical areas within the establishment. [Ord. 2004-051] [Ord. 2009-040]
20 **13) Person**
21 Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s),
22 estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and
23 all other or any other similar entity. [Ord. 2004-051] [Ord. 2009-040]
24 **14) Religious Activities**
25 Any daily, weekly, or periodic activity associated with or that occurs at a religious
26 institution. [Ord. 2004-051] [Ord. 2009-040]
27 **15) Religious Institution**
28 A premises or site which is used primarily or exclusively for religious worship and
29 related religious ecclesiastical or denominational organization or established place of
30 worship, retreat, site, camp or similar facilities owned or operated by a bona fide
31 religious group for religious activities shall be considered a religious institution. [Ord.
32 **2004-051] [Ord. 2009-040]**

- | |
|--|
| 2. Delete definition of Residential Zoning District as it is already defined in the section dedicated to definitions in Article 1 of the Code. |
|--|

- 33
34 ~~**16) Residential Zoning District**~~
35 ~~Includes the following zoning districts which have not been designated in the~~
36 ~~comprehensive plan as commercial or industrial: [Ord. 2004-051] [Ord. 2009-040]~~
37 ~~a) AR-Agricultural Residential. [Ord. 2004-051] [Ord. 2009-040]~~
38 ~~b) RE-Residential Estate. [Ord. 2004-051] [Ord. 2009-040]~~
39 ~~c) RT-Residential Transitional. [Ord. 2004-051] [Ord. 2009-040]~~
40 ~~d) RS-Single Family Residential. [Ord. 2004-051] [Ord. 2009-040]~~
41 ~~e) RM-Multiple Family Residential (Medium Density). [Ord. 2004-051] [Ord. 2009-~~
42 ~~040]~~
43 ~~f) TND-Traditional Neighborhood Development. [Ord. 2004-051] [Ord. 2009-040]~~
44 ~~g) PUD-Planned Unit Development. [Ord. 2004-051] [Ord. 2009-040]~~
45 ~~**17) Specified Anatomical Areas**~~
46 ~~Less than completely and opaquely covered: [Ord. 2009-040]~~
47 ~~a) Human genitals and pubic region or; [Ord. 2004-051] [Ord. 2009-040]~~
48 ~~b) the opening between the human buttocks, i.e., the anal cleft or; [Ord. 2004-051]~~
49 ~~[Ord. 2009-040]~~
50 ~~c) that portion of the human female breast encompassed within an area falling~~
51 ~~below the horizontal line one would have to draw to intersect a point immediately~~
52 ~~above the top of the areola (the colored ring around the nipple); this definition~~
53 ~~shall include the entire lower portion of the female breast, but shall not include~~
54 ~~any portion of the cleavage of the human female breast exhibited by a dress,~~
55 ~~blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola~~
56 ~~is not so exposed or; [Ord. 2004-051] [Ord. 2009-040]~~
57 ~~d) human male genitals in a discernibly turgid state, even if completely and~~
58 ~~opaquely covered. [Ord. 2004-051] [Ord. 2009-040]~~
59 ~~**18) Specified Sexual Activities**~~
60 ~~a) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord.~~
61 ~~2004-051] [Ord. 2009-040]~~

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EXHIBIT J

COMMERCIAL USES
SUMMARY OF AMENDMENTS

(Updated 12/9/16)

- 1 b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy,
- 2 coprophilia, fellation, flagellation, masochism, masturbation, necrophilia,
- 3 pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy;
- 4 or **[Ord. 2004-051] [Ord. 2009-040]**
- 5 c) fondling or other erotic touching of human genitals, pubic region, buttock, anus,
- 6 or female breast; **[Ord. 2004-051] [Ord. 2009-040]** or
- 7 d) excretory functions as part of or in connection with any of the activities set forth in
- 8 subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and
- 9 Specified Sexual Activities. **[Ord. 2004-051] [Ord. 2009-040]**
- 10 c. **Exclusions**
- 11 Excluded from this definition are any educational institutions where the exposure of the
- 12 specified anatomical area is associated with a curriculum or program. **[Ord. 2004-051]**
- 13 **[Ord. 2009-040]**
- 14

3.	Language related to approval process, review and "Decision Relief" from licensing to be relocated to their own Supplementary Use Standard.
4.	Delete reference to Art. 2.D.2.E.1 and Art. 2.D.2.E.4 that relates to regulations on standards for Special Permit. Adult Entertainment use is no longer subject to Special Permit, therefore any reference to that approval needs to be removed from the Supplementary <u>Use</u> Standards applicable to this use.
5.	Clarify that all AE establishments, existing and new, are required to be licensed by the County for compliance with the PBC Adult Entertainment Ordinance and demonstrate licensing prior to the issuance of any Business Tax Receipt (BTR).
6.	Relocate standards related to existing nonconforming AE establishments to consolidate under a new subsection that clarifies the approval process for existing and new approvals.

- 15
- 16 d. **License per Palm Beach County Adult Entertainment Code**
- 17 1) An establishment that possesses an ~~a~~Adult ~~e~~Entertainment license as indicated in
- 18 Art. 4.B.2.C.1.n.1).c), is presumed to be an ~~a~~Adult ~~e~~Entertainment establishment.
- 19 ~~An adult entertainment use shall comply with the following supplementary use standards:~~
- 20 **[Partially relocated to standard a, Establishment, above]**A Special Permit for an adult
- 21 ~~entertainment establishment shall be issued or denied within 21 days of a determination~~
- 22 ~~of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special~~
- 23 ~~Permit, and the requirements of the Code. **[Partially relocated to new standard e.3,**~~
- 24 ~~Review and Approval Process, below]~~ The standards set forth in Art. 2.D.2.E.1 and
- 25 ~~Art. 2.D.2.E.4 shall not be applied to special permits for adult entertainment uses. A~~
- 26 ~~Person seeking a Special Permit or a Person holding a previously approved Special~~
- 27 ~~Permit has the right to immediately appeal a denial of application sufficiency for a Special~~
- 28 ~~Permit, denial of a Special Permit, or revocation or suspension of a permit, as applicable,~~
- 29 ~~to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance~~
- 30 ~~with the procedure and within the time provided by the Florida Rules of Appellate~~
- 31 ~~Procedure. **[Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]** **[Partially relocated to**~~
- 32 ~~new standard g, Decision Relief, below]~~
- 33 2) An Adult Entertainment use approved by the DRO, after this Ordinance is effective,
- 34 shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment
- 35 Code", Chapter 17, Article V of the Palm Beach County Code, as may be amended,
- 36 prior to issuance of a Business Tax Receipt.
- 37

7.	This amendment clarifies when the DRO approval process will be applicable to all AE establishments: those that were vested, those approved through Special Permit, and new facilities. The AE use includes two types of non-conformities: those now being made nonconforming due to change in the approval process from Special Permit to DRO; and, those originally envisioned in the settlement agreement. This amendment clarifies that those sites will be able to continue business operation unless the use exceeds any of the thresholds under Nonconformities as contained in Art. 1.F of the ULDC, in which case the use will be subject to DRO approval.
8.	Allow multiple government agencies to review AE applications as part of the DRO review process while still keeping to the same timeframe of 21 days of review as was applicable to the AE during the Special Permit approval. Specific provisions in Art. 2.D.1.C related to DRO review procedures clarify the review time for AE is not the same as any other DRO approval. In order to keep to the timeframe, this amendment provides authority to the Zoning Director to determine the specific agencies that are required to review an AE application as part of the DRO approval and allows the Zoning Division to determine if there is merit in imposing conditions of approval by an agency.
9.	Include reference to the sufficiency review in Article 2 to clarify the timeframe for such determination

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is ten days which is applicable to the review of an AE establishment.

e. Review and Approval Process

- 1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be subject to DRO approval.
- 2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.
- 3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Art. 2.A.1.G.4, Sufficiency Review. [Partially relocated from standard d, License, above]

f. Conditions

The Zoning Director shall take into consideration DRO Agency recommended conditions that clearly implement their specific Agency Code provisions.

10. Clarify that any decisions on Development Order applications for AE, including amendments to prior approvals subject to Special Permits or DRO, shall appeal to the Fifteenth Judicial Circuit of the State of Florida.
11. Clarify that decisions made to any legally created Adult Entertainment establishment have the right to appeal such decision.
12. Delete the term "section" to clarify the part of the Code that is specifically referred to when this term is used. The term Section is used in the construction of the Code to refer to large portions of regulations under every article. When the term is used indistinctly without this consideration it may be understood that the regulation that contains the term "section" relates to a vast area of standards when in reality it may just pertain to a very specific standard.

g. Relief from a Decision

A Person seeking a DRO approval or a Person holding a previously approved Special Permit or an Adult Entertainment Establishment License, has the right to immediately seek relief from a denial of application sufficiency for a DRO, denial of a DRO application, or revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. [Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016] [Partially relocated from standard d, License, above]

eh. Purpose and Intent

~~This Section is~~ The following standards are intended to provide for the proper location of ~~a~~Adult ~~e~~Entertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of ~~a~~Adult ~~e~~Entertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is also the intent of ~~this Section—these standards~~ to limit the secondary effects of ~~a~~Adult ~~e~~Entertainment uses. ~~The standards in this Section are intended and~~ to ensure that residential districts, religious uses, educational uses, parks and other commercial uses are located in areas free from the secondary effects of ~~a~~Adult ~~e~~Entertainment uses. The location of residential districts, religious uses, educational uses, parks and other commercial uses within viable, unlighted and desirable areas supports the preservation of property values and promotes the health, safety and welfare of the public. **[Ord. 2004-051] [Ord. 2009-040]**

fi. Findings of Fact

Based on the evidence and testimony presented at the October 5, 2004 preliminary reading and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in: the "Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects of Concentration of Adult Entertainment Establishments in the City of Los Angeles" conducted by the Los Angeles City Planning Department for the Los Angeles City Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for

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1 the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach
2 County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale
3 N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach
4 County" prepared for Palm Beach County by Duncan Associates, November 2003; the
5 "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
6 County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D.,
7 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of
8 Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for
9 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
10 information from Tampa, Florida detailing the effects of ~~a~~Adult ~~e~~Entertainment
11 establishments in the Tampa area; the BCC hereby finds the following: **[Ord. 2004-051]**
12 **[Ord. 2009-040]**

- 13 1) Commercial uses exist or may exist within unincorporated PBC where books,
14 magazines, motion pictures, prints, photographs, periodicals, records, novelties
15 and/or other devices that depict, illustrate, describe or relate to specified sexual
16 activities are possessed, displayed, exhibited, distributed and/or sold. **[Ord. 2004-**
17 **051] [Ord. 2009-040]**
- 18 2) Commercial uses exist or may exist within unincorporated PBC: **[Ord. 2009-040]**
- 19 a) Where the superficial tissues of one person are manipulated, rubbed, stroked,
20 kneaded, and/or tapped by a second person, accompanied by the display or
21 exposure of specified anatomical areas; **[Ord. 2004-041] [Ord. 2009-040]**
- 22 b) Where dancers, entertainers, performers, or other individuals, who, for any form
23 of commercial gain, perform or are presented while displaying or exposing any
24 specified anatomical area; or **[Ord. 2004-051] [2009-040]**
- 25 c) Where lap dancing occurs. **[Ord. 2004-051] [Ord. 2009-040]**
- 26 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to
27 the public's interest and the quality of life, tone of commerce, and the community
28 environment in PBC. **[Ord. 2004-051] [Ord. 2009-040]**
- 29 a) When the activities described in Art. 4.B.~~4.A.2.C.2.b.17~~-18), Specified
30 Anatomical Areas and Specified Sexual Activities, are presented in commercial
31 uses, other activities that are illegal, immoral, or unhealthful tend to accompany
32 them, concentrate around them, and be aggravated by them. Such other
33 activities include, but are not limited to, prostitution, solicitation for prostitution,
34 lewd and lascivious behavior, possession, distribution, and transportation of
35 obscene materials, sale or possession of controlled substances, and violent
36 crimes against persons and land. **[Ord. 2004-051] [Ord. 2009-040]**
- 37 b) When the activities described in Art. 4.B.~~4.A.2.C.2.b.17~~-18), Specified
38 Anatomical Areas and Specified Sexual Activities, are present in commercial
39 uses within PBC, they tend to blight neighborhoods, adversely affect neighboring
40 businesses, lower property values, promote crime, and ultimately lead residents
41 and businesses to move to other locations. **[Ord. 2004-051] [Ord. 2009-040]**
- 42 c) There is a direct relationship between the display and depiction of specified
43 anatomical areas as described in Art. 4.B.~~4.A.2.C.2.b.17~~-18), Specified
44 Anatomical Areas and Specified Sexual Activities, and an increase in criminal
45 activities, moral degradation and disturbances of the peace and good order of the
46 community, and the occurrence of these activities are hazardous to the health
47 and safety of those persons in attendance and tend to depreciate the value of
48 adjoining land and harm the economic welfare of the community as a whole.
49 These secondary effects are adverse to the public's interest and quality of life,
50 the tone of commerce and the community environment in PBC. **[Ord. 2004-051]**
51 **[Ord. 2009-040]**
- 52 4) Based upon these findings, the BCC finds that there are a sufficient number of
53 available locations for new ~~a~~Adult ~~e~~Entertainment uses within unincorporated Palm
54 Beach County. **[Ord. 2004-051] [Ord. 2009-040]**
- 55 5) Based upon these findings, it is in the interest of the health, safety, morals, and
56 general welfare of the citizens of PBC that ~~a~~Adult ~~e~~Entertainment uses are regulated
57 pursuant to the following standards. **[Ord. 2009-040]**
- 58

13. It is important to clarify that there is no variance relief from the location standards or any of the provisions applicable to AE in this article unless specifically indicated, as authority granted to the Zoning Commission in Art. 2, variances are not allowed for standards contained in Art. 4, Use Regulations.

14. Clarify Adult Entertainment separation distance from specific uses is applicable to any parcel of land

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regardless if they are located within the unincorporated Palm Beach County jurisdiction or not. This provision looks to protect such uses from the impacts that AE establishments may cause.

gj. Location Separation

There shall be no variance to the location standards contained herein. **[Relocated from General standard, below]**

1) General

An ~~a~~Adult ~~e~~Entertainment use shall be located ~~in-outside of~~ the ~~following~~-minimum distances ~~indicated below including properties within a municipality or within the unincorporated area of PBC; from the following uses. There shall be no variance to the locational standards in this Section.~~ **[Ord. 2004-051] [Ord. 2009-040] [Partially relocated to Location, above]**

a) Other Adult Entertainment Use

2,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

b) A Church or Place of Worship

1,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

c) An Educational Institution

1,000 feet. **[Ord. 2004-051] [Ord. 2009-040]**

d) A Public Park

500 feet. **[Ord. 2004-051] [Ord. 2009-040]**

e) A Residential Zoning District

(Which is ~~De~~esignated as Residential by any Local Comprehensive Plan).

500 feet. **[Ord. 2004-051] [Ord. 2009-040]**

f) A Cocktail Lounge

750 feet. **[Ord. 2004-051] [Ord. 2009-040]**

2) Measurement of Distance

The distance set forth ~~above in this Section~~ shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay housing the proposed ~~a~~Adult ~~e~~Entertainment ~~establishment use~~ to the nearest point on the property line of the relevant ~~church or p~~Place of ~~w~~Worship, ~~E~~ducational ~~i~~nstitution, ~~p~~Public ~~p~~ark, ~~or~~ residential zoning district. For the purpose of measuring the distance, also see Article 1.C, Rules of Construction and Measurement, between ~~a~~Adult ~~e~~Entertainment uses, the distance shall be measured by drawing a straight line between the nearest point on the perimeter of the exterior wall or bay of the proposed or existing ~~a~~Adult ~~e~~Entertainment establishment and the nearest point on the exterior wall or bay of another ~~a~~Adult ~~e~~Entertainment establishment. Measurement shall be made in a straight line, without regard to intervening structures or objects. **[Ord. 2004-051] [Ord. 2009-040]**

3) WCRA Overlay

Adult ~~e~~Entertainment is prohibited within the boundaries of the WCRAO, as per Article 3.B.14.E. WCRAO Sub-area Use Regulations. **[Ord. 2006-004] [Ord. 2009-040]**

15. Use Educational Institution reference instead of Elementary or Secondary School to match the provisions noted in the general location standard above and provide flexibility to include educational uses not anticipated or contained in the Code.

hk. Subsequent Development within Locational Standards

The subsequent approval of a development order for a ~~church or p~~Place of ~~w~~Worship, ~~elementary or secondary school~~ Educational Institution, ~~p~~Public ~~p~~ark, ~~or~~ residential district within the distances outlined ~~in this Section above~~ shall not change the status of the ~~a~~Adult ~~e~~Entertainment use to that of a nonconforming use. **[Ord. 2004-051] [Ord. 2009-040]**

il. Landscaping

A Type 2 incompatibility buffer, pursuant to Article 7.F, Perimeter Buffer Landscape Requirements with canopy trees spaced a minimum of 20 feet on center and a wall a minimum of six feet in height shall be installed along any property line that abuts a residential district. **[Ord. 2004-051] [Ord. 2009-040]**

jm. Lighting

Outdoor low-intensity lighting shall be provided that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures that do not exceed 16 feet in height from finished grade. **[Ord. 2004-051] [Ord. 2009-040]**

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16. On November 28, 1988 the Palm Beach County Adult Entertainment Code, Ordinance 1988-31, became effective. This ordinance includes specific provisions to declare multiple Adult Entertainment businesses that at the time were in operation, as valid nonconforming uses. This amendment simply rectifies reference to the 1988 date by placing the date under the standards that pertains to business operation.

kn. Nonconformity

1) Establishment of Nonconformity

~~Any An aAdult eEntertainment use shall be deemed a nonconforming use, provided the establishment and the standards of this Section shall not apply if the adult entertainment use on November 28, 1988.~~ [Ord. 2004-051] [Ord. 2009-040]

a) Location

Was in operation as an aAdult eEntertainment use, generally known and held out in the neighborhood and community as an aAdult eEntertainment establishment, and was open to the public as an aAdult eEntertainment establishment use on November 28, 1988; and, [Ord. 2004-051] [Ord. 2009-040]

b) Business Tax Receipt

Possessed a valid and current business tax receipt authorizing the general type of use, which would correspond to the aAdult eEntertainment use being claimed as nonconforming on November 28, 1988; and, [Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]

17. Delete reference that requires nonconforming AE establishments to have been subject in the past to an application for the use and be in compliance with the Code. Existing nonconforming sites were vested and identified as such by the PBC license which was issued by the County for compliance with the AE Ordinance.

18. Clarify that Adult Entertainment establishments with Special Permits issued after August 15, 1992 and up to the effective date of this ordinance are considered nonconforming uses. This change is made to cover all possible scenarios where Adult Entertainment sites have obtained approval prior to the proposed change in this amendment from Special Permit to DRO.

c) Adult Entertainment License

~~Applied for an adult entertainment use under the terms of this Code, shall submit Submitted~~ an application for an aAdult eEntertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051] [Ord. 2009-040]

d) Any Special Permit submitted between August 16, 1992 and the effective date of this Ordinance.

2) Standards for Nonconformance

A nonconforming aAdult eEntertainment use as determined in Article ~~4.B.1.A.2.k~~ ~~4.B.2.C.2.n~~, Nonconformity, above shall be subject to the following ~~sSupplementary Use S~~standards, in addition to Article 1.F, Nonconformities. [Ord. 2004-051] [Ord. 2009-040]

a) Landscape Buffer

The aAdult eEntertainment ~~use~~ shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, Perimeter Buffer Landscape Requirements, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the aAdult eEntertainment license by the occupational licensing department. [Ord. 2004-051] [Ord. 2009-040]

b) Building Permit

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the aAdult eEntertainment use, the requirements of Article 7, Landscaping, shall apply to the entire site of the aAdult eEntertainment use. [Ord. 2004-051] [Ord. 2009-040]

3) Modification or Improvement to Site Elements

When an aAdult eEntertainment establishment has been determined to be a non-conforming use, or is located within a non-conforming structure, modifications or improvements to conforming or non-conforming site elements or exterior architecture shall be permitted. The total cost associated with these improvements will not be used in determining the allowable improvements to the interior of the structure, pursuant to Art. 1.F.1. [Ord. 2015-006]

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lo. Accessory Food Service in Industrial Districts

In the IL and IG Zoning districts, food service may be permitted allowed as an accessory use to Adult Entertainment, only in conjunction with and during the hours of operation for an adult theater or an adult dancing establishment. [Ord. 2015-006]

mp. Collocated Cocktail Lounge

A ~~e~~Cocktail ~~L~~Lounge may be Permitted by Right allowed as a collocated use permitted by right only when operated in conjunction with and during the hours of operation for an ~~a~~Adult Entertainment dancing establishment. [Ord. 2015-006]

Reason for amendments to Adult Entertainment in the Matrix: [Zoning]
19. Change the use approval from Special Permit to DRO in the same zoning districts where the use is currently allowed. The approval shown in this Use Matrix will be applicable to any new Adult Entertainment (AE) site or nonconforming sites triggering thresholds contained in Art. 21.F, Nonconformities. This change will allow multiple government agencies to review AE applications and site plans to be provided through the DRO process.



162. Auction

HISTORY: The Auction use was first referenced in the 1973 Code (Ord. 1973-2) as Enclosed and Open & Vehicular Auction, specifically addressing parking. The use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1998-011, 2001-001 (Outdoor) 2003-067, 2009-040 (Outdoor and Enclosed Supplementary Use Standards are consolidated), 2010-005, 2010-022, 2011-016 and 2012-003.

Reason for amendments: [Zoning]
1. Revise the definition to clarify auction activities to include display of merchandise and bidding.
2. Delete the Temporary standard addressing auctions. The Temporary Auction will be addressed as a Typical Use for Special Events.
3. Partially relocate Enclosed and Outdoor Supplementary 4 <u>Use</u> Standards to a new Use Type standard. Add additional standards for an Indoor Auction to address instances where an outdoor display area may be allowed. Staff recognizes that occasional outdoor display of merchandise (artwork, cars, etc.) is customary to an indoor auction.
4. Establish AGR standard to limit auctions to activities related to the display, bidding and selling of farm equipment and supplies.
5. Delete reference to <u>Traditional Marketplace Development (TMD)</u> and <u>Lifestyle Commercial Center (LCC)</u> limiting enclosed auctions to the <u>Urban/Suburban (U/S)</u> Tier. The Use Matrix will identify the location of an auction in those districts.

a. Definition

An establishment engaged in the display and sale of merchandise to the highest bidder in an enclosed building or outdoor site. [Ord. 2009-040]

~~a. Temporary~~

~~A temporary auction shall comply with the Special Event supplementary use standards, Article 2.D.2, Special Permit.~~

b. Use Types

1) Indoor

All activities, display and sale of merchandise shall occur within an enclosed building, unless stated otherwise. An Indoor Auction may include an outdoor display area subject to the following: [Ord. 2009-040] [Partially relocated from old standard b, Enclosed, below]

- a) The merchandise shall be relocated to the interior of the enclosed building prior to the end of each business day;*
- b) Shall not exceed ten percent of the GFA of the enclosed building;*
- c) Shall comply with the minimum setbacks requirements of the applicable Zoning District; and,*
- d) Shall not be located in any required parking spaces, loading or vehicular use areas, fire lanes, or landscape buffers. The outdoor display area shall not encroach upon pedestrian pathways, sidewalks or ADA accessible routes.*

2) Outdoor

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An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on-site. [Ord. 2007-001] [Ord. 2009-040] [Partially relocated from old standard c, Outdoors, below]

c. Zoning District - AGR

An Auction shall be limited to only farm equipment and supplies.

b. Enclosed

~~All activities, display and sale of merchandise shall occur within an enclosed building. [Ord. 2009-040] [Partially relocated to new standard b.1), Indoor, above]~~

c. Outdoors

~~An auction with all or a portion of the activity, display and sale of merchandise occurring outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001] [Ord. 2009-040] [Partially relocated to new Standard b.2), Outdoor, above]~~

d. TMD and LCC Districts

~~Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-005]~~

Reason for amendments to Indoor Auction in the Use Matrix: [Zoning]	
6.	Change the approval process in the Community Commercial (CC) standard Zoning District from a Class B Conditional Use to DRO
7.	Change the approval process in the General Commercial (CG), Commercial Recreation (CRE), and IRO with a CH FLU designation from DRO approval to Permitted by Right;
8.	Change the approval process in the Light Industrial (IL) Zoning District from Class A Conditional Use to Permitted by Right (P) and in the General Industrial (IG) Zoning District from Class B Conditional Use to P;
9.	Change the approval process from Requested Use (R) (shown in the Use Matrix as "A") to P in the COM Pod of a PUD;
10.	Change the approval process from DRO to P in a MUPD with an IND FLU designation; and, Add the use to the IND/L and IND/G Pods of a PIPD as a P.
11.	The activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.
Reason for amendments to Outdoor Auction in the Use Matrix: [Zoning]	
12.	Add the use to the CG and CRE as a Class A Conditional Use for consistency with PDD's with Commercial FLU, Pod or Use Areas.
13.	Change the approval process in IL from Class A Conditional Use to P and in IG from Class B Conditional Use to P. The revision was made for consistency with other industrial zoning districts.
14.	Change the approval process from P to Class A Conditional Use in the COM Pod of a PIPD for consistency with other commercial zoning districts.

17. Auto Paint and Body Shop

HISTORY: The Auto Paint and Body Shop use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2001-028, 2003-067, 2010-005, 2010-022, 2011-016, and 2013-018.

Reason for amendments: [Zoning]

1. ~~The use to be relocated to~~ is consolidated with Heavy Repair and Maintenance due to similarities in repair activity that may create adverse impacts.

~~An establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.~~

a. Enclosed Structure

~~All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.~~

b. Architecture

~~Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

Reason for amendments to Auto Paint and Body Shop in the Use Matrix: [Zoning]	
2.	Approval process to be consolidated with to General <u>Heavy</u> Repair and Maintenance approval.

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203. Bed and Breakfast

HISTORY: The Bed and Breakfast use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1995-024, 1997-064, 2001-029, 2003-067, 2007-001, and 2007-013.

Reason for amendments: [Zoning]

1. Update the use definition by clarifying the use is intended to be for transient lodging for consistency with F.S. 509.242(f), definition of Bed and Breakfast Inn contained in the Public Lodging Establishments classification as noted below. Bed and breakfast inn. A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

The change also includes expansion of food service not only to breakfast but other meals. The Statute definition does not limit the food service to breakfast and provides more meal options through the Department of Business and Professional Regulations that allows the use to provide preparation of food through Public Food Service establishment license.
2. Delete standard that requires the use to have no impact on adjacent properties in terms of noise, traffic or light. Similar provisions are currently addressed in the Code under Art. 5.E.4, Nuisances.
3. Since the use is located in residential zoning districts where permanent signs are not allowed and in order to reduce impacts in the residential areas, this provision expands upon the limited dimension of the sign to clarify the maximum height of allowable signage is three feet and to include the business name.
4. Modify standard that allows to a Single Family structure to ensure building safety or to provide compatibility with surrounding structures. The proposed language allows such modifications to be interior, exterior or both to comply with Building Code and Fire Rescue regulations.

a. Definition

An owner-occupied ~~s~~Single ~~f~~Family dwelling that offers transient lodging and breakfast meal services only to paying guests.

a. Adverse Effect

~~A bed and breakfast shall not adversely affect the immediate neighborhood nor create noise, light or traffic conditions detrimental to neighboring residents.~~

b. Signage

One sign, a maximum of eight square feet in sign face area, and three feet in height, indicating the business name and contact information only may be allowed. [Partially relocated from old standard e, Signage, below]

bc. Existing Structures Dwelling Modifications

Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.

5. Delete the Guest Register Supplementary Use Standard as duties of operators for a Bed and Breakfast since this is a requirement contained in F.S. 509.101 (2), Maintenance of guest register, enforced by the Division of Hotels and Restaurants of the Department of Business and Professional Regulations.

6. Delete Supplementary Use Standard that requires the Health Department and the Building Code to be applied to this use prior to business tax receipt. Bed and Breakfast requires Health Department and Building Division sign off of Business Tax Receipts.

c. Guest Register

~~The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~

d. Health Department and Building Code

~~Prior to the issuance of a business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements. [Ord. 2007-013]~~

e. Signage

Notes:

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~~One sign, a maximum of eight square feet, a listing name and contact information only.~~
[Partially relocated to new Standard b, Signage, above]

97. Prohibit social activities such as receptions or weddings at Bed and Breakfast sites. Social services provided by this use will create a negative impact on adjacent residential sites in terms of traffic or nuisances. Limited opportunities will be provided for Bed and Breakfast to operate these services when approved as Special Event use subject to the standards and approval process applicable to it.

g. Events

~~Activities such as weddings, receptions, or social events shall be prohibited, unless approved as Special Event.~~

Reason for amendments to Bed and Breakfast in the Use Matrix: [Zoning]

48. Clarify the existing approval process from Special Permit (S) to DRO (D) Approval where the use is currently permitted. Special Permits are typically issued for a specified period of time and are not permanent in nature. The DRO approval process will allow Zoning staff and applicable County agencies to review applications, and provide feedback on the proposed application and site plan.

29. Delete the use from Planned Development Districts (PDDs) and Traditional Development Districts (TDDs) where Single Family Residential is not allowed. For those developments where Single Family is permitted, the use is not going to be able to comply with frontage and access location criteria.

~~21. Broadcast Studio~~

HISTORY: The Broadcast Studio use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010- 005 and 2011-016.

Reason for amendments: [Zoning]

1. Delete and consolidate the use with Multimedia Production which is an industrial use. These two uses have similar characteristics negating the need for both.

2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Code. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

~~An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.~~

a. SR-7 EDO

~~Accessory broadcast towers or antennae are prohibited. [Ord. 2010-022]~~

Reason for amendments to Broadcast Studio in the Use Matrix: [Zoning] Delete the approval process from the use matrix as the use has been consolidated with Multimedia Production use.

~~22. Building Supplies~~

HISTORY: The Building Supplies use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067, Ord. 2010-005 and Ord. 2013-008.

Reason for amendments: [Zoning]

1. Delete Building Supplies use as the concept of sales is already addressed in the Code by Retail Sales use and Wholesales, the first one considered commercial use while the second one is classified as industrial use. Regulations are already in place to address retail sales as accessory to industrial uses limited to 30 percent of the building floor area as contained in Art. 5, Supplementary Use Standards. If the use includes 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, institutions, industries, or professional businesses the activity is already addressed under Wholesales. Pending the level of intensity of the sale, the Code already has an existing use where this activity can be regulated.

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2. Delete duplicated provision related to outdoor storage for industrial uses as they are addressed as part of the Use Regulations Project under Art. 5, Supplementary Use Standards.

a. Retail

~~An establishment engaged in the retail sale of building supplies and home improvement products.~~

~~1) Only permitted as an accessory use in an Industrial Zoning District.~~

b. Wholesale

~~An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.~~

~~1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.~~

c. LCC District

~~Building supplies in an LCC shall be enclosed with no outdoor storage area. [Ord. 2010-005]~~

Reason for amendments to Building Supplies in the Use Matrix: [Zoning]

3. The Use Matrix does not clarify in terms of approval what would be the difference if the use is retail or wholesale while the first one pertains mainly to retail, the second one allows some manufacturing through fabrication of products. The existing approval process for Wholesaling and Retail Sales as separate uses will address any confusion. Delete all approval processes from the use matrix as the use is deleted from Art. 4, Use Regulations.

23. Butcher Shop, Wholesale

HISTORY: The Wholesale Butcher Shop use definition and Supplementary Use Standards were first added to the Code through Ord. 2001-100. The definition and Supplementary Use Standard were amended by Ord. 2003-063 and 2010-00

Reason for amendments: [Zoning]

1. Delete the use from the Use Matrix and relocate the cutting and packing of meat under Manufacturing and Processing. Manufacturing and Processing use proposed to recognize existing uses to be legal nonconforming use. This use is listed now as a typical use under Wholesale use.

a. Definition

~~An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~

a. Frontage

~~A wholesale butcher shop shall front on and access from an arterial street.~~

b. Deliveries

~~If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.~~

c. Storage and Disposal

~~No outdoor storage, disposal of waste, or by product shall be permitted.~~

d. Slaughtering

~~Slaughtering, rendering and dressing shall be prohibited.~~

e. 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] [Relocated to Article 5.B, Accessory and Temporary Uses]~~

Reason for amendments to Wholesale Butcher Shop in the Use Matrix: [Zoning]

2. Delete the use approval process from the Use Matrix as the use is removed from the Code. Activities associated with cutting and packing of meat should be under Manufacturing and Processing while slaughtering, rendering and dressing are addressed through Heavy Industry.

254. Car Wash

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HISTORY: The Car Wash use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1998-011, 2001-001, 2001-029, 2003-067, 2006-004, 2006-036, 2008-036, 2010-005, 2010-022, 2011-016, and 2012-027.
Reason for amendments: [Zoning]
1. Delete Location Criteria. The Use will be exempt from location criteria as Car Washes typically do not have intense impacts.
2. Delete the Auto Detailing standard as the use approval has been changed from Class A Conditional Use to DRO Approval.
3. Add Collocated standard to allow for an <u>Automatic</u> Car Wash to be located in the same zoning district a Convenience Store or Retail Gas and Fuel Sales use to be Permitted by Right. In these instances, a Car Wash use is already a Class A but if collocated would be Permitted <u>by Right</u> .
4. Revise Accessory Use standard to clarify instances when an accessory Automatic Car Wash may be approved by the DRO. The standard also clarifies auto detailing or any extended services would be prohibited.
5. Delete Loudspeakers standard as nuisances related to noise will be addressed in Article 5.E.4.B, Noise Limitations and Prohibitions.
6. Delete the IRO standard as the use approval will be addressed by Article 4, Use Matrix.

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a. Definition

A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

b. Typical Uses

~~A Car Wash may include but is not be limited to: an automatic, full-service, hand wash, or self-service car wash.~~

a. Location Criteria

1) Intersection Criteria

~~A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

2) Separation Criteria

~~A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]~~

b. Auto Detailing

~~Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. [Ord. 2006-004]~~

c. Collocated – CG, PDD with CH FLU Designation

~~A Carwash collocated with a Retail Gas and Fuel Sales may be Permitted by Right when collocated with a Retail Gas and Fuel Sales establishment.~~

ed. Accessory Use – CL FLU Designation

~~An ~~a~~Automatic ~~e~~Car ~~w~~Wash shall ~~may~~ be allowed as an accessory use to ~~a an~~ ~~an~~ ~~auto~~ ~~service~~ ~~Station~~ ~~or~~ ~~Convenience~~ ~~Store~~ ~~with~~ ~~gas~~ ~~sales~~ Retail Gas and Fuel Sales subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited. [Ord. 2006-004]~~

d. Loudspeakers

~~No outdoor speaker or public address systems audible off-site shall be permitted. [Ord. 2006-004]~~

ee. LCC District

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

f. Infill Redevelopment Overlay (IRO)

~~A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to Car Wash in the Use Matrix: [Zoning]
7. Add the use to the Neighborhood Commercial (CN) as a Class A Conditional Use and in the <u>Multiple Use Planned Development (MUPD)</u> with a <u>Commercial Low (CL)</u> FLU designation. The addition of the use is consistent with other low-intensivye Commercial Zoning Districts and PDD's with Commercial FLU, Pod or Use Areas.

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8. Change the approval process:
- From Class B Conditional Use to DRO Approval in the [Commercial General \(CG\)](#) Zoning District;
 - From Class A Conditional Use to DRO Approval in the [Infill Redevelopment Overlay \(IRO\)](#) with a [Commercial High \(CH\)](#) FLU designation;
 - From a Requested Use to DRO in the [Commercial \(COM\)](#) Pod of a [Planned Unit Development \(PUD\)](#), [Mixed-Use Planned Development \(MXPDP\)](#) with a CH FLU designation, and LCC with a CH FLU designation, Neighborhood Center (NC) of a [Traditional Neighborhood Development \(TND\)](#), and TMD except the AGR Preserve area; and,
 - From a Requested Use to a DRO in the MUPD with a CH FLU designation.

265. Catering Service

HISTORY: The Catering Service use definition and Supplementary [Use](#) Standards were first established as a principal use in 1997 through Ord. 1997-064. The use was referenced in Or. 1992-020 under Specialty Restaurant use contained specific provisions for Catering Service related to the parking and approval process. The Supplementary [Use](#) Standards were amended by Ord. 1992-020, 1997-064, 2001-028, 2001-029, 2001-062, 2001-100, 2003-067, 2006-004, 2006-036, 2007-001, 2009-040, 2010-005, 2011-016, and 2012-027.

Reason for amendments: [Zoning]

1. Expand the definition by clarifying that food service for events is the main purpose of this use.
2. Limit the use square footage in the CN Zoning District to avoid large Catering Services in areas expected to serve neighborhood oriented needs.
3. Clarify the use may be accessory to a Restaurant when limited to preparation of food consistent with the limitation of square footage for accessory uses in non-residential zoning districts. This standard also limits three delivery vehicles if the Catering Service is accessory to a Restaurant. If additional vehicles are required, the operation will not be considered as accessory and should be treated as a principal use, and subject to the design elements such as parking that apply to that use.
4. Establish new provisions associated to the location of delivery vehicles to be screened from view when located within 100 feet from residential FLU or use.
5. Relocate and consolidate Flex Space to Article 5.B, Accessory and Temporary Uses.

a. Definition

An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises. ~~A catering service may also provide personnel, serving equipment, and decorations.~~ **[Relocated to Accessory Services, below]**

b. Zoning District - CN

The use shall be limited to 3,000 square feet of GFA.

ac. Restaurant Accessory Use

Catering Service shall may be allowed Permitted by Right as an accessory use to a ~~Restaurant limited to food preparation.~~ The accessory use of more than shall be limited to three delivery vehicles shall be subject to approval by the DRO

d. Accessory Services

A Catering Service may also provide personnel, serving equipment, and decorations. **[Relocated from Definition, above]**

e. Delivery Vehicles

Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use, unless blocked from view by other existing structures.

b. 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]~~ **[Relocated to Article 5.B, Accessory and Temporary Uses]**

Reason for amendments to Catering Services in the Use Matrix: [Zoning]

6. Allow the use in commercial and industrial FLU and pods of Planned Development Districts (PDDs) or Traditional Development Districts (TDD) as follows: Commercial pod of PUD; MUPD with CL, CH, [Commercial Recreation \(CR\)](#), and Industrial (IND) FLU designation; MXPDP with CH FLU designation;

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Commercial, Industrial Light (IND/L) and Industrial General (IND/G) pods of PIPD; LCC with CH FLU designation; ~~an~~ Neighborhood Center (NC) of TND in the Urban/Suburban, Exurban and Rural Tiers; and, TMDs in the Urban/Suburban Tier and development area of the AGR Tier, to be ~~p~~Permitted by ~~R~~Right. Catering Service looking to incorporate events or commercial activities shall be located in commercial zoning districts.

796. Cocktail Lounge, ~~Cocktail~~

HISTORY: The Cocktail Lounge use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1994-023, 1995-008, 1998-011, 1999-037, 2000-015, 2001-001, 2003-067, 2006-004, 2006-036, 2007-013, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning] No additional substantive revisions have been made to the Cocktail Lounge use.

1. Revise the definition to relocated references to bars, taverns, etc. to the newly established Typical Uses standard.
2. Revise the CN standard to increase the square footage limitation from 1,500 to 3,000 for consistency with the area applicable to uses in that zoning district.
3. Delete the Commercial High Office (CHO) standard. Accessory uses will be addressed by the Accessory Uses Supplementary Standards.
4. Delete the Outdoor standard as the separation distance is already addressed by the Separation Requirements Supplementary Use Standard.
5. Relocate language from the Definition to clarify the distinction between a Restaurant and Cocktail Lounge.

a. Definition

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.~~ **[Relocated to Standard b., Typical Uses, below]** ~~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.~~ **[Relocated to new Standard f., Restaurant, below]**

b. Typical Uses

A Cocktail Lounge may include but ~~is not be~~ limited to: ~~taverns, bars, nightclubs, and similar uses.~~ **[Relocated from Standard a., Definition, above]**

a. Separation

~~A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.~~ **[Relocated to Standard e., d., Accessory Use Separation Requirements, below]**

c. Zoning Districts

b.1) CN District

A Cocktail Lounge shall not exceed ~~1,500~~ 3,000 square feet of GFA.

c. CHO District

~~Shall be contained in an office, hotel or motel structure and shall be limited to a total floor area that does not exceed ten percent of the GFA of the entire structure, unless approved as a requested or Class A conditional use.~~

d.2) CG District and PDDs

Shall meet the ~~s~~Separation ~~criteria above~~ Requirements below, unless approved as a ~~requested or~~ Class A ~~e~~Conditional ~~u~~Use.

d. Accessory Use

~~An accessory Cocktail Lounge to an office, Hotel, or Motel shall not exceed ten percent of the GFA. [Ord. 2006-004] [Partially relocated from Art. 4.B.1.A.72, Hotel, Motel, SRO, and Rooming and Boarding House, Lounge]~~

e. Outdoor Areas

~~Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from adjacent residential districts or uses.~~

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e. Separation Requirements

A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a parcel of land with a residential FLU designation or use ~~residential district~~ and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. 562.45, as amended. Measurement shall be taken from the rear of the structure to property line of a residential use or FLU designation. [Relocated from ~~Standard a. Separation~~, above]

f. Restaurant

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. [Relocated from Definition, above]

Reason for amendments to Cocktail Lounge in the Use Matrix: [Zoning]
6. Delete Cocktail Lounge use from <u>Commercial High Office (CHO)</u> Zoning District and MUPD with a CHO FLU Designation. Cocktail Lounge is an accessory use and will be addressed by the Supplementary <u>Use Standard</u> .
<u>7. Add Cocktail Lounge to the DEV/ AGR of a TMD as the district is intended to support commercial uses.</u>

367. Convenience Store

HISTORY: The Convenience Store use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1998-011, 1999-037, 2001-001, 2003-067, 2008-015, 2009-040, 2010-005, 2010-018, 2010-022 and 2011-016.

Reason for amendments: [Zoning]
1. Increase the maximum square footage and establish Collocated Restaurant standard to acknowledge industry changes.
<u>2. Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of a Convenience Store in the NR, NRM, NG, and NC Sub-areas of WCRAO.</u>
<u>23. Provide Include</u> standard that provides an opportunity for the Board of County Commissioners (BCC) to hear at the same time applications with collocated Convenience Store and Retails Gas and Fuel Sales which allows a comprehensive view of the application. Convenience Store is DRO approval or Permitted by Right in most of the zoning districts where the use is allowed while Retails Gas and Fuel Sales is Class A Conditional use approval.

a. Definition

An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.

ab. Floor Area

A maximum of ~~5,000~~ 7,000 square feet of GFA.

c. Overlay – WCRAO

Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

bed. Zoning Districts - CN and CC District

Shall comply with Article 5.E.1, Major Intersection Criteria.

de. Collocated Use

A Convenience Store that is collocated with a Retail Gas and Fuel Sales shall be reviewed and approved concurrently.

Reason for amendments to Convenience Store in the Use Matrix: [Zoning]
3. No changes to the approval process are being recommended.

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37. Convenience Store with Gas Sales

HISTORY: The Convenience Store with Gas Sales use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. This use is redundant to other uses including but not limited to Retail Gas and Fuel and Convenience Store, among others. Similar provisions for Auto Service Station were sunset in 2001 (Ord. 2011-016) and replaced with a simpler Retail Gas and Fuels use, due to a decline of traditional gas stations that sold fuel and provided limited towing and repair services, which was partially caused by the transition to Convenience Stores with Gas Sales. Increased expansion of collocated uses with the sale of motor vehicle fuels, including Restaurants and expanded square footage for convenience items or other General Retail Sales uses, have further eroded the need to retain the C-store with Gas Sales use, allowing for the deletion of redundant standards addressed under other uses.

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

a. Floor Area

~~A maximum of 5,000 square feet.~~

b. Approval Criteria

~~A convenience store with gas sales shall be subject to the approval criteria of Art. 4.B.1.A.18.a, Approval Criteria. [Ord. 2006-004]~~

c. Location Criteria [Ord. 2006-004]

~~1) Intersection Criteria~~

~~A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Article 5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

~~2) Separation Criteria~~

~~A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]~~

~~3) Major Intersection Criteria for CL FLU~~

~~A convenience store with gas sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2013-001]~~

~~4) Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)~~

~~A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]~~

~~5) I-95 Interchange Exemption~~

~~A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]~~

d. Water

~~Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. [Ord. 2006-004]~~

e. Parking

~~1) Location~~

~~A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. [Ord. 2006-004]~~

~~2) Parking for Accessory Automatic Car Wash~~

~~Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]~~

f. Collocated Restaurant

~~A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]~~

~~g. TMD and LCC Districts, and IRO Projects~~

~~Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004] [Ord. 2010-005]~~

h. WCRA Overlay

~~Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E WCRAO Sub-area Use Regulations. [Ord. 2006-004]~~

i. Infill Redevelopment Overlay (IRO)

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A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. ~~[Ord. 2010-005]~~

j. Nonconformities

~~For a Convenience Store with Gas Sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]~~

Reason for amendments to Convenience Store with Gas Sales in the Use Matrix: [Zoning]

2. This use classification is being sunset due to industry changes in the types of uses that are typically collocated with establishments which sell motor vehicle fuel.

41. Day Labor Employment Service

HISTORY: The Day Labor Employment Service use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067 and 2006-004.

Reason for amendments: [Zoning]

1. Delete Day Labor Employment Service use as the concept fits the definition of Office use. Some of the standards that relate an office for temporary labor service in the Westgate Community Redevelopment Agency Overlay (WCRAO) are relocated to the use Office, Business or Professional.

~~An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades. [Ord. 2006-004]~~

a. Location

~~Day labor employment services are prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Partially R]elocated to Art. 4.B.2.C.25.d.1, Office, Business or Professional, Employment Agencies, Westgate Overlay use – Day labor employment services shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be as follows: [Ord. 2006-004]~~

- 1) 1,000 feet from any non-industrial use; and
- 2) 1,000 feet from any other day labor service.

b. Hours of Operation

~~No service shall commence business prior to 7:00 a.m. nor continue business later than 6:00 p.m.~~

c. Minimum Building Size

~~No service shall operate in any building that has less than 10,000 gross square feet.~~

d. Loitering

~~No outdoor loitering, waiting, or seating shall be permitted on the site. [Partially R]elocated to Art. 4.B.2.C.25.d.2, Office, Business or Professional, Employment Agencies, Outdoor Activities use~~

e. Loudspeakers

~~No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.~~

f. Records

~~The service shall maintain all business records on the premises for inspection by PBC.~~

g. Advertising

~~Advertising shall be limited to one sign with a maximum face area of 12 square feet and six feet in height.~~

h. Development Standards

~~All services shall adhere to the non-residential development standards of Article 3.C, STANDARD DISTRICTS.~~

Reason for amendments to Day Labor Employment Service in the Use Matrix: [Zoning]

2. Delete the approval from the Use Matrix as the use has been consolidated with Business or Professional Office. Outdoor standards associated to this particular use have been relocated and consolidated with Business or Professional Office use, which help address any issues that could be subject of concern by adjacent residents or discussed at public hearings.

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428. Dispatching ~~Office Service~~

HISTORY: The Dispatching Office use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Use Standards were amended by Ord. 2001-001, Ord. 2003-067, Ord. 2010-005 and Ord. 2010-022.

Reason for amendments: [Zoning]

1. Review the use definition of Dispatching Service by clarifying its main purpose is to provide communication services that assist in the coordination and operation of businesses that are mobile. Expand the list of typical uses by including other common businesses covered by this use definition

a. Definition

An establishment ~~providing services off-site to households and businesses using land-based communication for receiving and transmitting messages associated with the tracking of vehicles and equipment, or coordinating mobile or transportation operations, which may include storage of dispatched vehicles or equipment. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.~~ **[Partially Relocated to Standard b. Typical Uses, ~~standard~~ below]**

b. Typical Uses

A Dispatching Service ~~use may include but is not limited to janitorial, pest control or emergency services; and, taxi, limousine or courier operations.~~ **[Partially Relocated from Definition, above]**

2. Provide thresholds that allow the use to be subject to DRO approval instead of Class A Conditional use when impacts to the outdoor areas and adjacent residential properties are reduced. Such thresholds include a maximum of three vehicles associated to the business to be allowed; indoor storage of vehicles; or, outdoor storage of vehicles separated 250 feet from residential use or FLU designation.

3. Allow the use to be Permitted by Right when limited to an office for the dispatching operation.

ac. CG, CH/MUPD Districts Approval Process

1) CH FLU Designation and Commercial Pod of PIPD

A Dispatching Service may be allowed subject to DRO approval in the following situations:

- a) ~~A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested; or,~~
- b) ~~All dispatched vehicles are stored indoor; or,~~
- c) ~~Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.~~

2) A dispatching service without vehicles on-site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.

Reason for amendments to Dispatching Service in the Use Matrix [Zoning]

4. Change the approval process of the use in CG Zoning District from Class B Conditional Use to Class A Conditional Use approval. The change is made to provide consistency with the approval of the use in MUPD and MXPD with CH FLU designation where the use is allowed.

5. Allow the use to be Permitted by Right in MUPD with IND FLU designation for consistency with the approval of the use in other industrial zoning districts.

6. Change the use approval from Permitted by Right to Class A Conditional in the Commercial pod of PIPD for consistency with the use approval in commercial zoning districts.

439. Dog Daycare

HISTORY: The Dog Daycare use definition and Supplementary Use Standards were first referenced as part of the 2001 ULDC (Ord. 2001-015). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2005-002, 2006-036, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Revise the definition to clarify that overnight care of domestic dogs would be considered a ~~e~~Commercial ~~k~~Kennel.

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2.	Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an Animal Care and Control (ACC) Operational Permit .
3.	Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
4.	Establish new Outdoor Areas standard to recognize occasional walking and relief of animals is common. The standard also clarifies the location limitations and supervision requirements.

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- a. Definition**
An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.
- a. Use Approval**
~~Prior to review by DRO, approval shall be obtained from PBCACC. [Ord. 2006-036]~~
- b. ACC Permit**
The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.
- bc. Waste Disposal**
A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
- c. Number of Dogs**
~~The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. [Ord. 2006-036]~~
- d. Runs and Drop-Off**
Facilities shall be subject to the following standards:
 - 1) ~~Outdoor runs, outdoor play areas, and yards, etc., shall be prohibited;~~
 - 2) ~~Adequate drop-off areas shall be provided; and~~
 - 3) ~~Three drop off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.~~
- e. Outdoor Areas**
~~Outdoor activities may be allowed and shall be under the restraint or control of a person by means of a leash. shall be prohibited except as follows:~~
 - 1) Shall be personally supervised and under the restraint or control of a person by means of a leash;
 - 2) Shall only be allowed within areas designated for such activities on the Final Site Plan, unless Dog Daycare is sole use of property; and,
 - 3) Waste shall be picked up immediately and disposed of properly within the establishment.

Reason for amendments to Dog Daycare in the Use Matrix: [Zoning]	
5.	Add the use to the Commercial Community (CC) Zoning District, COM Pod of a PUD <u>as</u> a DRO Approval, and in the MUPD with an IND FLU as a Permitted by Right.
6.	Change the approval process in the CG standard Zoning District from Class A Conditional Use to DRO Approval.
7.	Change the approval process where the use is allowed in PDDs and TDDs as Requested Use to a DRO approval.
8.	Change the approval process in the IRO with a CLO and CHO FLU designation from a General Land Use change (L) to DRO approval.
9.	The changes are consistent with other commercial and industrial zoning districts and with PDD's with Commercial, Industrial FLU, Pod, Tiers or Use Areas. Additionally, the activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.

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5510. Financial Institution

HISTORY: The Financial Institution use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and s Supplementary Use s Standards were amended by Ord. 1998-011, 2001-001, 2007-013, 2009-040, 2010-005, 2010-022, and 2013-021.	
Reason for amendments: [Zoning]	
1.	Split existing Financial Institution use into three distinct variations to improve ease of use. This allows for the elimination of Table 4.B.1.A - Financial Institution Development Thresholds and

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Approval Processes, which was established under Supplementary Use Standards to address the myriad of different but de minimis differences in Financial Institution configurations.

- Financial Institution: Brick and mortar establishment are generally allowed in most all Commercial or Mixed Use districts. Separating from the other variations will allow for the use to be shown as Permitted by Right or subject to Development Review Officer (DRO) approval in most scenarios.
- Financial Institution with Drive Thru's: Allows for use to be shown as prohibited in district where drive thru's were previously prohibited.
- Financial Institution – Freestanding ATM. This use is also permitted in most all Commercial or Mixed Use districts, subject to DRO approval. Again, separating from the other characteristics simply enables the approval process for the use to be more accurately reflected in the Use Matrix.

a. Definition

An establishment engaged in deposit banking. ~~Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive-thru only facilities. Freestanding ATMs shall be considered a Financial Institution. [Ord. 2013-021]~~ [Partially relocated to Standard b, Typical Uses, standard below; new Financial Institution with Drive Thru Facilities; and new Financial Institution - Freestanding ATM]

b. Typical Uses

A Financial Institution ~~use may include but is not be limited to; commercial banks, savings institutions, and credit unions. [Ord. 2013-021]~~ [Partially rRelocated from Definition, above]

c. Approval Process - CC District, CLO PDD, and Commercial Pod of PUD

A Financial Institution 5,000 square feet or less in the CC Zoning district, CLO PDD, or Commercial Pod of a PUD, may be Permitted by Right. [Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes, below]

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND

A Financial Institution in the CN and CLO Zoning districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet. [Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes, below]

a. Development Thresholds and Approval Process

A Financial Institution ~~financial institution, including freestanding ATMs, shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2013-021]~~

Table 4.B.1.A – Financial Institution Development Thresholds and Approval Processes

Zoning District	Development Thresholds				Approval Process
	GFA		Drive-thru (1)	Freestanding ATM	
<u>CN and CLO [Partially relocated to Standard d, above]</u>	5,000 s.f. max	and	Prohibited	Prohibited	DRO
<u>CC and CHO; CL and CLO PDDs; COM Pod of PUD; [Partially relocated to Standard c, above]</u>	5,000 s.f. max	and	Prohibited	Permitted	Permitted by Right Freestanding ATM, DRO
<u>CC; and, CL and CLO PDDs, and COM Pod of PUD [Partially relocated to Art. 4.B.2.A.11.b]</u>	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	DRO
<u>CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs</u>	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	Permitted by Right Freestanding ATM, DRO
<u>UC or UI (2)</u>	N/A	and	Any number of drive thru lanes (3)	Permitted	DRO (2)
<u>CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs</u>	> 5,000 s.f.	or	> 3 drive thru lanes	Permitted	Class A or Requested Use Freestanding ATM, DRO
[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2013-021]					
Notes:					

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1-	An ATM lane shall not be considered a drive thru lane for purposes of development thresholds. [Relocated to Financial Institution with Drive Thru Facilities]
2-	Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses (Related to PRA Use matrix). [Ord. 2011-016]
3-	Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. [Ord. 2011-016]

b. Freestanding ATMs

~~All freestanding ATMs shall be subject to the following requirements:~~ **[Ord. 2013-021]**

- ~~1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County;~~ **[Ord. 2013-021]** **[Partially Relocated to Art. 4.B.2.C.12.c.1, new Financial Institution – Freestanding ATM, Thresholds]**
- ~~2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather;~~ **[Ord. 2013-021]** **[Relocated to Art. 4.B.2.C.12.c.2, new Type 3 Financial Institution – Freestanding ATM, Thresholds]**
- ~~3) Customer access to the interior of the structure shall be prohibited; and,~~ **[Ord. 2013-021]** **[Relocated to Art. 4.B.2.C.12.c.3, new Financial Institution – Freestanding ATM, Thresholds]**
- ~~4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas.~~ **[Ord. 2013-021]** **[Relocated to Art. 4.B.2.C.12.c.4, new Financial Institution – Freestanding ATM, Thresholds]**

c. TMD and LCC Districts

~~Drive up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.~~ **[Ord. 2010-005]**
[Relocated to new uses Art. 4.B.2.C.11.c, Financial Institution with Drive Thru Facilities, Zoning Districts - TDD and LCC and Art. 4.B.2.C.12.b, Financial Institution - Freestanding ATM, Zoning Districts - TDD and LCC]

d. Infill Redevelopment Overlay (IRO)

~~A financial institution with no drive thru lanes; or, a financial institution with drive thru lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO.~~ **[Ord. 2010-005]**

Reason for amendments to Financial Institution in the Use Matrix: [Zoning]	
2.	Simplify approval process in accordance with revisions limiting this defined use to brick and mortar establishments distinct from those with drive thru facilities or stand alone ATMs.

11. Financial Institution with Drive Thru Facilities

Reason for amendments: [Zoning]	
1.	Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary <u>Use</u> Standards and improve ease of use for the Use Matrix.
2.	Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.). Subsequently, the relocation of those existing thresholds was not carried forward for most Commercial High FLU designation based districts.

a. Definition

A Financial Institution which includes drive thru teller facilities.

b. Approval Process

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

A Financial Institution 5,000 square feet or less, and with three drive thru lanes or less, may be ~~permitted~~ allowed subject to DRO Approval, in the following Zoning districts:

- a) CC;
- b) PDD or LCC with CLO future land use designation; and,

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c) TMD in the Rural, Exurban and AGR Tiers.

[Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]

2) Single Drive Thru ATM Exception

A maximum of one drive thru ATM lane shall not be considered a drive thru lane for purposes of determining the threshold above. **[Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]**

c. Zoning Districts - TDD and LCC Districts

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005]**
[Relocated from ~~Art. 4.B.2.10.c,~~ TMD and LCC Districts, under Financial Institution]

Reason for amendments to Financial Institution with Drive Thru Facilities in the Use Matrix: [Zoning]

3. Simplify approval processes for Financial Institution with Drive Thru where located in districts with a Commercial High (CH) future land use designation. Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.).

5512. Financial Institution – Freestanding ATM

HISTORY: The Financial Institution use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary Use Standards and improve ease of use for the Use Matrix.

a. Definition

An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.

b. Zoning Districts - TDD and LCC Districts

~~Drive-up teller unit~~ A Freestanding ATM with a drive thru ATM lane shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. **[Ord. 2010-005]** **[Relocated from Art. 4.B.2.10.c, TMD and LCC Districts]**

c. Thresholds

All Freestanding ATMs shall be subject to the following requirements: **[Ord. 2013-021]**

- 1) The owner or operator shall maintain at least one manned full service Financial Institution within Palm Beach County; **[Ord. 2013-021]** **[Partially relocated from Financial Institution, Freestanding ATMs]**
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; **[Ord. 2013-021]** **[Relocated from Financial Institution, Freestanding ATMs]**
- 3) Customer access to the interior of the structure shall be prohibited, except for transparent glass security enclosures; **[Ord. 2013-021]** **[Partially relocated from Financial Institution, Freestanding ATMs]**
- 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and, **[Ord. 2013-021]** **[Partially relocated from Financial Institution, Freestanding ATMs]**
- 5) Shall be limited to a maximum of one drive thru ATM lane. **[Relocated from Art. 4.B.2.10.b Freestanding ATMs]**

Reason for amendments to Financial Institution – Free Standing ATM in the Use Matrix: [Zoning]

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2. Relocate provisions for approval processes from deleted Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes, to newly created Financial Institution – Freestanding ATM, to improve ease of use. The Freestanding ATM provision is subject to specific standards and inclusion under other types of Financial Institutions requires cumbersome tables to clarify different approval processes.



5713. Flea Market, Enclosed Indoor

HISTORY: The Enclosed Flea Market use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1999-037, 2003-067, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. No changes are being made to the use.

a. Definition

~~A-R~~ Retail sales within a building permanently enclosed by walls and roof, in which floor space is rented to individual merchants to display and sell goods.

Reason for amendments for Flea Market Indoor in the Use Matrix: [Zoning]

2. Change the approval process to Permitted by Right where the use is allowed as a Class B or Class A Conditional Use. An Indoor Flea Market is generally considered a retail sales use and indoors.



5814. Flea Market, Open Outdoor

HISTORY: The Open Flea Market use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1999-037, 2003-067, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Delete the Sanitary Facilities standard as the Health Department would provide a formal review for this use.

a. Definition

An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

a. Sanitary Facilities

~~Sanitary facilities shall be provided in compliance with Health Department regulations.~~

Reason for amendments to Open Flea Market in the Use Matrix: [Zoning]

2. Delete the use from the Industrial Light (IL) Zoning District. The use is not allowed in any other Industrial Zoning District.



4815. Gas and Fuel Sales, Retail

HISTORY: The Retail Gas and Fuel use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~s~~Supplementary Use Standards were amended by Ord. 1997-064, 2001-001, 2001-029, 2003-067, 2006-004, 2010-005, 2010-022, 2011-016, and 2012-027.

Reason for amendments: [Zoning]

1. Reintroduce prior standard recognizing Prior Approvals for Auto Service Station or Convenience Store with Gas Sales which did not meet the separation requirements prior to adoption of such standards, shall not be considered non-conforming for what is shown on the Development Order. Further ~~Ruther~~ clarifies that these sites may also expand subject to compliance with landscaping and traffic safety standards. This is intended to ensure that any non-conforming buffers or unsafe vehicular access points are not carried forward onto a subsequent Development Order as part of any expansion of the use.

2. Delete the requirement for the BCC to make a separate finding regarding compatibility, scale and

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	other similar requirements <u>by revising to require consideration as part of the typically addressed through either</u> Standards for Conditional Uses, or where permitted through Administrative Approval such as Development Review Officer (DRO), other established standards such as incompatibility buffers or other landscaping, limits on hours of operation, vehicle stacking, architecture, parking, pedestrian and vehicular circulation, etc.
3.	Establish limits for Commercial Pod of a PUD where located internal to the PUD. Prior to the 90's several PUDs were approved with Commercial Pods that were located along the periphery of the development, or Arterials or Collectors which bisected the development, resulting in Commercial Pods that generally function as stand-alone commercial centers serving more than just the residents of the PUD. The new limitation is intended to correspond to changes made in the 1990's ULDC which limited Commercial Pods to locations internal to the development primarily intended to serve those residents.
4.	Establish standard to allow limited Retail Gas and Fuel as an accessory use to Wholesale or similar uses, which might include traditional motor vehicle fuels or others, such as Compressed Natural Gas, which are not typically sold from Commercial locations.

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a. Definition

An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord. 2011-016]

b. Nonconformities

1) Automotive Service Station or Convenience Store with Gas Sales

A prior approval for an Automotive Service Station or Convenience Store with Gas Sales, shall correspond to Retail Gas and Fuel Sale, and any other collocated uses such as Convenience Store, or Light or Heavy Repair and Maintenance. [Ord. 2011-016] [Partially relocated from Previously Approved Auto Service Stations, below]

2) Approvals Prior to Establishment of Location Criteria

An Automotive Service Station or Convenience Store with Gas Sales that was a conforming use on the effective date of Ordinance 2001-029 (August 3, 2001), shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.

c. Approval Process – IRO District with CH FLU Designation

Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be allowed subject to approved by the DRO approval. [Ord. 2010-005] [Ord. 2011-016] [Partially Relocated from Art. 4.B.1.A.15.g, Infill Redevelopment Overlay (IRO) Approval Process Exceptions, below]

da. Additional Standards for Approval Criteria

Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall make a finding that the use is appropriately located. In addition to the Standards of Art. 2.B.2.B, Standards for Conditional Uses and Development Order Amendments, or Art.2.B.2.G.3, Standards (Type 2 Waiver), when considering a Development Order application for a Conditional Use, DOA or Type 2 Waiver, making the determination that the use is appropriately located, the BCC shall consider whether or not: [Ord. 2011-016]

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

ef. Zoning Districts – TMD and LCC

Retail Gas and Fuel Sales shall only be ~~permitted~~ allowed on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located at the side or rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated from Art. 4.B.2.15.f, TMD and LCC Districts, below]

fb. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel ~~Sales establishments, Convenience Store with Gas Sales, or any combination thereof,~~ may be ~~permitted~~ allowed at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004] [Ord. 2011-016]

2) Separation Criteria

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1 A Retail Gas and Fuel Sales establishment shall be separated from any other Retail
2 Gas and Fuel ~~Sales establishment, or Convenience Store with Gas Sales~~ pursuant to
3 Art. 5.E.2.C.1. ~~[Related to Separation Criteria].~~ **[Ord. 2006-004] [Ord. 2011-016]**

4 **3) Major Intersection Criteria for CL FLU in U/S Tier**

5 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel Sales with a CL FLU
6 designation shall comply with Article 5.E.1, Major Intersection Criteria. **[Ord. 2006-**
7 **004] [Ord. 2011-016]**

8 **4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**

9 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel Sales shall be located within
10 1,000 feet of the intersection of one ~~Collector collector~~ and ~~Arterial arterial~~ street, or
11 two ~~Arterial arterial~~ streets, as listed in the Florida Department of Transportation
12 (FDOT) PBC Federal Functional Classification Table. **[Ord. 2006-004] [Ord. 2011-**
13 **016]**

14 **5) WCRA Overlay**

15 Retail Gas and Fuel Sales is prohibited in the NR, NRM, ~~and~~ NG ~~and NC~~ ~~Sub-~~
16 areas, ~~as~~ per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004]**
17 **[Ord. 2011-016].**

18 **6) Exceptions**

19 **a) I-95 Interchanges Exemption**

20 A parcel with a Commercial High (CH) future land use designation within 0.50
21 miles of an I-95 Interchange shall be exempt from the Location Criteria of 1)
22 Intersection Criteria, and 2) Separation Criteria, listed above. **[Ord. 2012-027]**

23 **b) MUPD**

24 Retail Gas and Fuel Sales located within an MUPD may be exempt from the
25 Location Criteria ~~of~~ for 1) Intersection Criteria, and 2) Separation Criteria, where
26 in compliance with the following:

27 (1) Required Perimeter Landscape Buffers, where located between all Retail
28 Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or
29 parcel of land with a residential FLU designation or use, unless obstructed
30 from view by other existing structures; and,

31 (2) Direct access from any perimeter R-O-W abutting the MUPD shall be
32 prohibited. All access shall be from entrances established for the overall
33 MUPD, and comply with minimum standards for ingress/egress, stacking,
34 turn-lanes, and pedestrian connectivity.

35 **g. Accessory Use**

36 Retail Gas and Fuel Sales may be allowed as an accessory use to Wholesale Gas and
37 Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:

38 1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;

39 2) Maximum of four fueling positions;

40 3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in
41 height, or 25 square feet of sign face area.

42 4) Wholesale Gas and Fuel Sales may include regional corporate headquarters or
43 maintenance facility for a State regulated public utility that sells natural gas or other
44 similar fuels.

45 **c. Collocated Uses**

46 ~~Other uses, such as general repair and maintenance, general retail sales, restaurants,~~
47 ~~and car washes may be collocated with retail gas and fuel subject to the Supplementary~~
48 ~~Use Standards applicable to the Collocated Use. **[Ord. 2006-004] [Ord. 2011-016]**~~

49 **d. Parking for Accessory Automatic Car Wash**

50 ~~Parking for an accessory automatic car wash may be exempt from the parking~~
51 ~~requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements,~~
52 ~~subject to DRO approval. **[Ord. 2006-004]**~~

53 **e. Additional Accessory or Collocated Use Standards**

54 **1) Enclosed Repair**

55 ~~All repair activities shall be conducted within an enclosed structure. No outdoor~~
56 ~~storage of disassembled vehicles, or parts thereof, shall be permitted on site. **[Ord.**~~
57 ~~**2011-016]** **[Relocated** to Art. 4.B.2.A.29 and 30, General Repair and~~
58 ~~Maintenance]~~

59 **2) Delivery Vehicle s**

60 ~~Parking of delivery vehicles shall be permitted only within a designated loading~~
61 ~~space. Overnight parking of delivery vehicles on-site shall be prohibited.~~

62 **3) Vehicle Testing**

63 ~~Vehicles shall not be tested off-site on residential streets.~~

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- 4) Loudspeakers**
No outdoor speaker or public address systems audible off-site shall be permitted.
- f. ~~TMD and LCC Districts~~**
~~Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located in the rear or side of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated to Standard e, new Zoning Districts – TMD and LCC, above]~~
- g. ~~Infill Redevelopment Overlay (IRO) Approval Process Exceptions~~**
~~Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016] [Partially Relocated to new Standard c, Approval Process - IRO District with CH FLU Designation, above]~~
- h. ~~Previously Approved Auto Service Stations~~**
~~A prior approval for an Automotive Service Station shall correspond to Retail Gas and Fuel. An Auto Service Station that complies with the requirements for Retail Gas and Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be subject to the Additional Accessory or Collocated Use standards above. [Ord. 2011-016] [Partially relocated to new Standard b.1, Nonconformities, Automotive Service Station or Convenience Store with Gas Sales, above]~~
- i. ~~Nonconformities~~**
~~For Retail Gas and Fuel or a Automotive Service Station, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016] [Partially relocated to new Nonconformities, above]~~

Reason for amendments to Retail Gas and Fuel in the Use Matrix: [Zoning]
5. Delete from industrial districts, as: <ul style="list-style-type: none"> industrial districts aren't intended for general commercial uses such as everyday automobile fuel sales; facilities necessary to provide vehicle fuel for commercial vehicles typically frequenting industrial districts may be <u>permitted allowed</u> through the Truckstop use; and, additional provisions have been added to recognize limited accessory retail in conjunction with Wholesale Fuel or other similar industries.

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64-16. Green Market, Permanent

HISTORY: The use was introduced to the Code as Green Market through Ordinance 1998-011 in the Agricultural Reserve (AGR) Zoning District. The definition and Supplementary <u>Use</u> Standards were amended by Ord. 2003-067, Ord. 2007- 001, Ord. 2010-005, Ord. 2010-022, and Ord. 2012-027 when the use was split <u>into</u> permanent and temporary. The existing provisions were applied to Temporary Green Market while Permanent Green Market was completely new to the Code by the last ordinance.
Reason for amendments: [Zoning]
1. Eliminate the approval process from the definition. The application and approval process for the Permanent Green Market are different from the Temporary Green Market. The Permanent type is limited to 3 days of any week subject to DRO approval, while the Temporary one is subject to a Special Permit <u>and limited to operating only six months out of the year.</u>
2. Establish criteria for where Permanent Green Markets can be located. The new standards will address minimizing negative impacts of this use being located near a residential neighborhood.
3. Introduce accessory Green Market to Community Vegetable Garden subject to DRO approval, limited to Countywide Community Revitalization Team (<u>CCRT</u>) and the Westgate Community Redevelopment Area Overlay (<u>WCRAO</u>). This amendment looks to provide opportunities for organized community areas to provide access to food grown by the residents of those areas.
4. Include a new standard that limits <u>the use</u> to three days a week for the operation of this use . This standard looks to avoid permanent location of temporary structures in what is now a permanent use. By allowing it to operate longer periods of time may represent a nuisance or safety issue.
5. Delete the 150 square foot stand limitation, as this is a threshold for Building <u>Permit</u> per Building Code requirement.

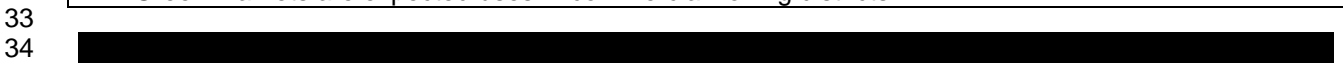
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- 1 **a. Definition**
2 ~~An area permanently designated on a Preliminary or Final Site Plan for the g~~Gathering of
3 vendors ~~on weekends and holidays~~, for the purpose of selling fresh unprocessed fruit,
4 vegetables, flowers, and consumable items such as coffee, bread and prepared food on
5 a retail basis. [Ord. 2012-027]
6 **ab. Lot Size**
7 A minimum of one acre with the exception of lots located in the WCRAO where a
8 minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]
9 **c. Location**
10 ~~Vehicular access shall be from Arterial, Collector or Local Commercial streets.~~
11 **d. Accessory Uses - Green Market**
12 ~~A Green Market may be allowed as an accessory use to a Community Vegetable Garden~~
13 ~~subject to DRO approval and the following:~~
14 1) ~~The use shall be located in CCRT areas or the WCRAO;~~
15 2) ~~The use shall be operated by a CCRT neighborhood organization or the WCRA;~~
16 3) ~~Items for sale shall be limited to those grown or prepared by neighborhood residents.~~
17 4) ~~Shall be limited to weekends and holidays between the hours of 7:00 a.m. and 7:00~~
18 ~~p.m.~~
19 5) ~~A Community Vegetable Garden that complies with the above accessory use~~
20 ~~standards for Green Market, may be considered a Public and Civic Use for the~~
21 ~~purposes of determining compliance with 7.F, Perimeter Buffer Landscape~~
22 ~~Requirements.~~
23 **be. Duration**
24 ~~Weekends and recognized federal holidays only. [Ord. 2012-027] The use shall operate~~
25 ~~no more than three days a week.~~
26 **ef. Vendor Stands**
27 ~~Each vendor stand shall not exceed 150 square feet.~~ The stand shall remain
28 transportable and shall be removed from the site at the close of the market each
29 ~~weekend, or holiday where applicable week.~~ Motor vehicles such as vans or small trucks
30 may be ~~permitted~~ allowed subject to the preceding removal requirements. [Ord. 2012-
31 027]
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Reason for amendments to Permanent Green Market in the Use Matrix: [Zoning]
6. Change the approval process in the CN and CC Zoning Districts from Class B Conditional Use approval to DRO approval. The use is limited to one acre which requires a larger parcel for CN when compared with the minimum lot size of 0.5 acre needed for that district. This type of use is desired to be located in close proximity to residential areas, therefore the change in the approval process for these zoning districts looks to encourage the use in those areas.
7. Correct scrivener's error related to the approval of the use in the IRO with <u>Commercial Low Office (CLO)</u> and CHO FLU designation to indicate DRO <u>approval required</u> . Currently the approval is identified with the letter "L" which does not represent any approval in the Code.
8. Allow the use in the Commercial pod of PUD, MUPD and MXPD with CH FLU designation, MUPD with CL designation, and Commercial pod of <u>Planned Industrial Park District (PIPD)</u> subject to DRO approval. The change is made for consistency with the approval of the use in CG, IRO and LCC. Green Markets are expected uses in commercial zoning districts.



36 **7217. Hotel, or Motel, ~~SRO, and Rooming and Boarding House~~**

HISTORY: The Hotel, Motel, SRO, and Rooming and Boarding House use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.
Reason for amendments: [Zoning]
1. Remove Single Room Occupancy (SRO) and Rooming and Boarding House from Hotel or Motel. This change relates to Florida Statute 509.013 that excludes from the definition of public lodging establishments any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students and faculty; and, any rooming house, boarding house, or other living or sleeping facility.
2. Delete language that references multiple Use Matrices to indicate approval processes as they are consolidated now in one table.
3. Delete standards related to lot size, lot width and calculation of sleeping units applicable to

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	commercial zoning districts consistent with Commercial Low (CL), Commercial High Office (CHO), and Commercial High (CH) Future Land Use (FLU) designation.
	<ul style="list-style-type: none"> Commercial zoning districts consistent with CL, CHO and CH FLU designation are required to have one acre minimum lot size as required in the Zoning District Property Development Regulations (PDR) in Art. 3. This standard is deleted to eliminate duplication. Delete standard that requires a minimum of 100 feet of lot width in commercial zoning districts consistent with CL, CHO and CH FLU designation. As contained in the PDRs for the standard zoning districts where the use is allowed, the minimum lot width required is already 100 feet. In MUPD or MXPD with CH or CHO FLU designation, and LCC the minimum lot width is 200 feet. Delete requirement that limits the number of rooms to be based on the total site area. Building coverage and FAR should dictate the size of the building for the zoning district in which the use is located and therefore the number of rooms to be provided by this use.
4.	Delete standard that allows Boarding and Rooming Homes in Multifamily Residential (RM) Zoning District when located in High Residential (RH) FLU designation. It eliminates the introduction of uses that are dictated by intensity or non-residential uses in residential areas.
5.	Clarify the use may be Permitted by Right when located in the CH FLU designation of a Traditional Marketplace Development (TMD) in the Urban/Suburban (U/S) Tier. This change is proposed for consistency with the approval of the use in similarly intense commercial zoning districts and to help clarify it is only applicable to CH FLU since TMDs are also allowed in CL FLU.

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- a. Definition**
An establishment ~~requiring a typically~~ licensed by the State of Florida, used, maintained or advertised as a place where furnished sleeping accommodations are supplied ~~to the guest for a short term rent period of time to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. [Ord. 2006-004]~~
- a. Commercial Districts and AZO Overlay**
~~If permitted by Table 3.B.2.B, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]~~
 - 1) Lot Size**
~~A minimum of one acre or the minimum required by the district, whichever is greater.~~
 - 2) Lot Width**
~~A minimum of 100 feet or the minimum required by the district, whichever is greater.~~
 - 3) Sleeping Units**
~~A maximum of one per 1,000 square feet of lot area.~~
- b. RM District**
~~A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited. [Partially relocated to Art. 4.B.2.C.35, Zoning District, under Rooming and Boarding House]~~
- cb. Approval Process**
 - 1) CRE District**
~~A hotel, motel, SRO, boarding or rooming house shall~~ May only be located in a RR FLU designation subject to as a Class A Conditional use.
 - 2) TMD District - U/S Tier**
The use may be Permitted by Right when located in the CH FLU designation.
- dc. Zoning District - PO District**
 - ~~**1) Existing Hotel**~~
 - 1)** An existing hotel located in the PO District shall be considered a conforming use. **[Ord. 2009-040]**
 - 2) Collocated Hotel**
 - a) Approval Process - PARK FLU**
A hotel may be permitted allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval. **[Ord. 2015-006]**
 - b) Park Resource Base**
The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational or other similar purposes. Such resource base shall be operational prior to approval of a hotel, or approved and permitted concurrently with a hotel. **[Ord. 2015-006]**

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- c) **Conceptual Master Plan**
A hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners. [Ord. 2015-006]
- d) **Frontage and Access**
The Regional Park in which a hotel is located shall have frontage on ~~and access from~~ an Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from any ~~local~~ residential street abutting the park. [Ord. 2015-006]
- e) **Site Plan – Affected Area**
When a site plan is not required for the overall park site, the required site plan for the hotel shall regulate only the development area for the hotel and access related thereto. [Ord. 2015-006]

7.	Expand the list of typical accessory services that are incidental to a Hotel, <u>or</u> Motel or SRO so there is no confusion that they are part of the functionality of the use and not to be considered accessory uses.
8.	Relocate <u>the</u> standard that limits accessory Cocktail Lounge to ten percent of a Hotel, <u>or</u> Motel or SRO gross floor area (<u>GFA</u>) along with the standards that apply to Lounge for consistency with the construction of the Code.

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- ed. Accessory Uses/Services**
Hotels and motels may ~~include typical accessory uses~~ provide services and facilities, such as ~~fitness centers, food and beverage, recreational, meeting or conference rooms, conference centers, ballrooms and laundry restaurants and lounges.~~
- f. Lounge**
~~An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord. 2006-004]~~ **[Partially Relocated to Art. Article 4.B.2.C.642, Cocktail Lounge, Accessory Use]**

Reason for amendments to Hotel, Motel and SRO in the Use Matrix: [Zoning]	
9.	Delete the approval process of the use in RM Zoning District which was intended to be applicable to sites located in High Residential (RH) FLU designation and only for Boarding and Rooming House as indicated in a standard.
10.	Change the use approval process in the CHO Zoning District from Class B Conditional Use to Class A Conditional Use for consistency with the approval of the use in MUPD with CHO FLU designation.
11.	Change the approval process in the CG Zoning District, MUPD, MXPD and LCC with CH FLU designation from Class A Conditional Use approval to Permitted by Right. This use is intended to be located in intense commercial areas. Existing provision contained in the Code such as landscape help address any impacts of the use to adjacent residential areas.
12.	Delete the approval process in the CRE Zoning District which is currently shown from DRO to reflect approval contained in standard that allows the use only in CRE consistent with RR FLU designation. The approval in the Supplementary Use Standard is also consistent in MUPD with CR FLU designation. CRE Zoning District is consistent with Rural Residential ten (RR-10), Commercial Recreation (CR) and Industrial (IND) FLU designations reason why it clarified in the Supplementary Use Standards.
13.	Allow the use in TMD Urban Suburban and Exurban/Rural Tiers subject to Class A Conditional Use approval as this zoning district looks to promote mixed uses.

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74-18. Kennel, Type #2 (Commercial)

HISTORY: The Type 2 Kennel use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type 2 and Type 3), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.
Reason for amendments: [Zoning]
1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
3. Revise Accessory Residential Use standard to clarify that a Type 2 Commercial Kennel may have an accessory SFD in the AGR.

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4. Delete standard that allows a Type 2 Commercial Kennel in a Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial and Commercial Pod.

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a. Definition

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. **[Ord. 2006-036]**

b. ACC Permit

~~The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. A Type 2 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.~~

a. Limitations of Use

~~A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). **[Ord. 2006-036]**~~

~~4)c. Lot Size~~

~~A minimum of two acres. **[Ord. 2006-036]**~~

~~2)d. Frontage~~

~~A minimum of 100 feet fronting on and access from a collector or arterial street. **[Ord. 2006-036]**~~

~~3)e. Outdoor Runs~~

~~a1) Setbacks~~

~~Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a parcel of land with a residential FLU designation or district use, or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. **[Ord. 2006-036] [Ord. 2008-037]**~~

~~b2) Fencing and Screening~~

~~A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque or screened from view of adjacent properties or R-O-W, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. **[Ord. 2006-036] [Ord. 2015-031]**~~

~~e3) Waste Disposal~~

~~A Type ~~# 2 Commercial~~ Kennel shall meet the **PBCHD** ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. **[Ord. 2015-031]**~~

~~4) AZO Overlay~~

~~Shall be a permitted use only if associated with services provided to passengers and airport employees. **[Ord. 2006-036]**~~

~~bf. Accessory Residential Use - AGR District~~

~~A Type II kennel may be operated A Single Family dwelling unit may be permitted by Right as an accessory use to a Type 2 Commercial Kennel in the AGR Zoning eDistrict in conjunction with a residence. **[Ord. 2006-036] [Ord. 2009-040]**~~

~~c. PIPD~~

~~A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b. **[Ord. 2008-037]**~~

Reason for amendments to Type 2 Kennel in the Use Matrix: [Zoning]

5. Add the use in the COM Pod of a PIPD as a DRO Approval;
Change the approval process from:

- Class B Conditional Use to DRO Approval in the CC Zoning District;
- Requested Use to DRO Approval in the COM Pod of a PUD, MUPD with a CH FLU designation, and MXPDP with a CH FLU designation and LCC with a CH FLU designation ; and,

Delete the Use from the IL and IG Zoning Districts.
A Type 2 Commercial Kennel with outdoor runs would be addressed by the existing Supplementary Use Standards to mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).

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74-19. Kennel, Type ~~III~~3 (Commercial)

Notes:

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EXHIBIT J
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(Updated 12/9/16)

1

HISTORY: The Type 3 Kennel use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type 2 and Type 3), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.
Reason for amendments: [Zoning]
1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
3. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
4. Delete the Approval Process standard as the Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Commercial Use Matrix.
5. Delete standard that allows a Type 3 Commercial Kennel in a Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial (<u>IND/L</u>) and Commercial (<u>COM</u>) Pod.

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a. Definition

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]

a. Limitations of Use

~~A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]~~

b. ACC Permit

~~The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. A Type 3 Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.~~

~~1)c. Maximum Square Footage~~

~~Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in any other permitted district zoning district the use is allowed. [Ord. 2006-036]~~

~~2) Number of Animals Permitted~~

~~Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]~~

~~3)d. Standards~~

~~All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]~~

~~4)e. Waste Disposal~~

~~A Type III Commercial kKennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]~~

~~5) AZO Overlay~~

~~Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]~~

b. Approval Process

~~A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]~~

c. PIPD

~~A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4 b. [Ord. 2007-001]~~

Reason for amendments to Type 3 Kennel in the Use Matrix: [Zoning]
6. Add the use as a P in the COM Pod of a PIPD; Change the approval process from: <ul style="list-style-type: none"> Class A Conditional Use to DRO Approval in the CC Zoning District;

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- Class B Conditional Use to P in the CG Zoning District;
 - DRO Approval to P in the IRO with a CL and CH FLU designation;
 - PDDs and TDDs where the use is allowed from Requested Use to P; and,
- Delete the Use from the IL and IG Zoning Districts.

A Type 3 Commercial Kennel is completely enclosed and would mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).

~~75. Kiosk~~

HISTORY: The Kiosk use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010-005, and 2011-016.

Reason for amendments: [Zoning] Delete the use from the ULDC. A kiosk or similar use will be considered a structure.

1. ~~The structure will need to comply with Article 5.B, Accessory and Temporary Uses.~~ Portions of the Kiosk use will be consolidated into Retail Sales.

~~75. Kiosk~~

~~A freestanding outdoor unmanned structure which offers products for sale.~~ [Partially relocated to new Art. 4.B.2.C.34, Unmanned Retail Structure]

~~a. Uses~~

~~Shall be limited to the sale of general retail and convenience items only.~~ [Partially relocated to new Art. 4.B.2.C.34, Unmanned Retail Structure]

~~b. Setbacks~~

~~Shall comply with the requirements of the district in which it is located.~~

~~c. Architecture Compatibility~~

~~Shall be architecturally compatible with the principle structure or the closest structure within the development.~~

~~d. Parking~~

~~Shall not occupy required parking spaces.~~

~~e. Landscaping and Buffering~~

~~Shall be landscaped consistent with the provisions of Article 7, LANDSCAPING, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.~~ [Partially relocated to new Art. 4.B.2.C.34, Landscaping and Buffering]

~~f. Maximum Number of Freestanding Structures~~

~~1) Standard Districts~~

~~One kiosk per project.~~ [Partially relocated to new Art. 4.B.2.C.34, Size and Number]

~~2) Planned Development Districts~~

~~Two kiosks per project.~~

~~g. Size~~

~~A maximum of 100 square foot per kiosk.~~ [Partially relocated to new Art. 4.B.2.C.34.f.9, Size]

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

2. The Approval Process is being deleted from the Use Matrix.

~~7720. Landscape Service~~

HISTORY: The Landscape Service use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~e~~SSupplementary Use ~~e~~SStandards were amended by Ord. 1993-004, 1997-064, 1998-011, 1999-037, 2001-062, 2003-067, 2007-013, and 2011-001.

Reason for amendments: [Zoning]

1. Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.

Notes:

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EXHIBIT J
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| 2. | Delete exception for landscape buffer when adjacent to fFarm wWorker qQuarters . A Landscape Service is a Commercial use requiring appropriate buffering where adjacent to residential uses. |
| 3. | Relocate and consolidate standards for where Landscape Service is permitted as an Accessory Use in conjunction with revisions in the Use Matrix to address inconsistencies. |

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- a. Definition**
An establishment engaged in ~~the provision of landscape maintenance or~~ installation or maintenance of landscaping services.
- b. Typical Uses**
~~Landscape Service Lawn Service may include but is not limited to typically includes services, such as~~ lawn mowing, ~~trimming of trees, shrubs or hedges~~ trimming, fertilizer application, leaf blowing, and landscape design or, and landscape installation.
- a. AR District in RSA**
~~A landscape service as a principal use shall be located on a collector or arterial street on a minimum of three acres. [Ord. 2007-013]~~ **[Partially relocated to new Art. 4.B.2.C.20.c, Accessory Use – AR and AGR Districts]**
- b. AGR District**
~~Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation. [Ord. 2007-013]~~ **[Partially relocated to new Art. 4.B.2.C.20.c, Accessory Use – AR and AGR Districts]**
- c. Landscape Buffer**
~~An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.~~
- d. Storage**
~~Outdoor storage of debris shall be prohibited.~~ **[Partially relocated to new Art. 4.B.2.C.20.d, Storage]**

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| 4. | Establish minimum acreage requirement for Accessory Landscape Service in the AR district in the Urban Service Area (USA), to coincide with acreage subject to DRO approval, thus ensuring Accessory Use is properly site planned for ease of future Code Enforcement, if necessary. |
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- ce. Accessory Use – AR and AGR Districts**
May be allowed as an accessory use to a Retail or Wholesale Nursery, subject to the following: retail or wholesale nursery on a minimum of three acres.
 - 1) Owner or Operator**
Shall be under the same ownership as the owner or operator of the Nursery.
 - 2) Frontage and Access**
Shall be located on a parcel with frontage on an Arterial or Collector Street. Access from a ~~Local~~ Residential Street shall be prohibited.
 - 3) Minimum Acreage**
Minimum acreage shall be as follows:
 - a) AR District in the RSA, and AGR District: Three acres; [Partially relocated from Art. 4.B.2.C.x.a, AR District in RSA]
 - b) AR District in the USA: Five acres.
- df. Yard Waste Storage – Yard Waste**
~~The storage of vegetative debris shall be prohibited, except as follows: Landscape service with storage of yard waste shall front on a collector or arterial street, and shall comply with the following requirements: [Ord. 2011-001]~~
 - 1) Accessory Use**
The storage of yard waste shall be limited to vegetative debris generated by landscape maintenance performed by the owner or operator of the Landscape Service. The storage of yard waste from other sources shall be prohibited, unless permitted otherwise by this Code.
 - 2) Access**
Access from a ~~Local~~ Residential Street shall be prohibited.
 - 3) Setbacks**
Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from any parcels of land adjacent property with a residential ~~use or~~ FLU designation or use. **[Ord. 2011-001]**
 - 4) Standards**

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- a) Only one yard waste storage area ~~shall may~~ be ~~permitted-allowed~~ on-site; [Ord. 2011-001]
- b) Shall not exceed 30 by 40 feet; [Ord. 2011-001]
- c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face ~~property parcel of land~~ with a residential ~~FLU designation or use or FLU designation~~; [Ord. 2011-001]
- d) Yard waste piles shall not exceed the height of the wall; ~~and~~, [Ord. 2011-001]
- e) Surface of the storage area shall be paved with concrete and have positive drainage; ~~and~~, [Ord. 2011-001]
- f) ~~Yard waste that is not generated by the landscape service shall be prohibited on site. [Ord. 2011-001]~~

eg. Home Occupation

A ~~limited Landscape Service use landscape service~~, not including yard waste, ~~or~~ landscape installation services, ~~or other similar uses requiring heavy equipment~~, may be ~~approved-allowed~~ as a ~~Home Occupation, home occupation~~ subject to the requirements of ~~Art. 4.B.1.E.8 Article 4.B.1.A.70~~, Home Occupation, and ~~this section, subject to~~ the following ~~exemptions or requirements~~: [Ord. 2007-013] [Ord. 2011-001]

1) Buffers

The use shall be exempt from incompatibility buffer requirements. [Ord. 2007-013]

2) AR District in RSA

A landscape service may be ~~permitted-allowed~~ subject to the limitations of Art. ~~4.B.1.E.8 4.B.1.A.70~~, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: [Ord. 2007-013]

- a) A maximum of three persons living outside of the home may be employed under the home occupation, ~~provided the employee vehicles are parked on-site on an improved driveway or within a screened storage area~~. [Ord. 2007-013]
- b) The use shall also be exempt from the outside storage limitations of ~~Art. 4.B.1.E.8.j Article 4.B.1.A.70.i~~, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment ~~associated with landscape installation services~~, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and [Ord. 2007-013]
- c) Storage areas shall be screened from view from any R-O-W or ~~parcel of land with a residential FLU designation or use parcel~~ through the use of ~~opaque fences, walls or~~ existing or newly planted native vegetation, provided the material provides an opaque screen within one year of the issuance of the ~~Business Tax Receipt business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures.~~ [Ord. 2007-013]

Reason for amendments to Landscape Service in the Use Matrix: [Zoning]
5. Delete use from the AGR district. Existing Supplementary <u>Use</u> Standards establish that the use is only permitted where accessory to a Nursery, subject to additional standards.
6. Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.

7821. Laundry Service

HISTORY: The Laundry Service use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.

Reason for amendments: [Zoning]
1. Expand the list of typical uses by including other common businesses covered by this use definition. Identify the different types of Laundry Services based on the scale of service as the Supplementary <u>Use</u> Standards are not inclusive of commercial or industrial-scale laundry service centers.
2. Allow the use to be P Permitted by R Right in all commercial zoning districts and the commercial pod of PIPD with a maximum of 3,000 SF. Above this area, the use is subject to Public Hearing which allows for additional review by other agencies to address potential impacts caused by this use. As a result of this new standard, the existing provisions for CC Zoning District and Commercial pod of PIPD to be limited to 5,000 SF and TMD and LCC to be limited to 3,000 SF have been removed.

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3. Clarify that Laundry Service in industrial zoning districts is expected to be of high intensity mainly to serve the hospitality industry. Therefore, additional provisions including customer pick up or drop off areas are not allowed in order to reduce traffic impact that could be created by providing commercial characteristics to the use. In addition, as the use would require delivery vehicles, this amendment also includes provisions to provide at least one loading space and to prohibit the storage of vehicles associated with the business in required parking spaces that are provided for the public or employees only.
4. Include a requirement to provide use approval by the county Environmental Resource Management (ERM) Department for uses that are Permitted by Right prior to building permit approval. This provision will allow reviewers to enforce environmental regulations that the use may be subject to such as well protection. All other approval processes such as Class A Conditional Use or DRO already provide an opportunity for multiple agencies, including ERM, to review the application.

a. Definition

An establishment that provides washing, drying, dry-cleaning, or ironing services or 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.

a. CN District

~~Shall not exceed 3,000 square feet of GFA.~~ [Relocated to Zoning District - CN, below]

b. Typical Uses

~~Typical uses A Laundry Service may include but is are not limited to coin laundry establishments, laundromats, neighborhood cleaners and dry cleaners, and industrial cleaning facilities serving commercial cleaners or the hospitality industry.~~

c. Approval Process

1) In all commercial zoning districts including Commercial pod of PIPD and PUD, where the use is allowed, the use may be:

- a) Permitted by Right if less than 3,000 square feet of GFA.
- b) Allowed subject to DRO Approval if less than 5,000 square feet of GFA.

2) **Industrial Districts, Except Commercial Pod of a PIPD**

May be allowed subject to DRO approval if less than 15,000 square feet of GFA.

d. Zoning District - CN

~~The use shall not exceed 3,000 square feet of GFA.~~ [Relocated from CN District, above]

b. CC District and Commercial Pod of a PUD

~~Shall not exceed 5,000 square feet of GFA.~~

c. TMD and LCC Districts

~~A laundry service shall not exceed 3,000 square feet of a GFA.~~ [Ord. 2010-005]

d. Approval

~~A laundry service over 15,000 square feet shall require approval of a Class A conditional use or requested use, whichever is applicable.~~

e. Zoning Districts - Industrial Except Commercial Pod of a PIPD

- 1) The use shall be limited to facilities serving the hospitality industry and commercial cleaner centers; and,
- 2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated machinery.

f. Business Vehicles

~~Shall not be parked or stored in required parking spaces.~~

g. Environmental Approval

~~Prior to issuance of a building permit, Laundry Service Permitted by Right shall provide documentation demonstrating that the use is approved by ERM.~~

- Reason for amendments to Laundry Service in the Use Matrix: [Zoning]**
5. Indicate the most restrictive approval process in the Use Matrix by changing Permitted by Right or DRO to Class A Conditional use in CC, CG, IL, IG, Zoning Districts, Infill Redevelopment Area (IRO) with CL and CH FLU designations MUPD with CL and CH FLU designation, MXPDP with CH FLU designation, Industrial Light and Commercial pods of PIPD, LCC with CL and CH FLU designation, Neighborhood Center (NC) of Traditional Neighborhood Development (TND), and Urban/Suburban, Exurban/Rural and Agricultural Tiers of Traditional Marketplace Development (TMD). New standards allow the use to be subject to a lesser approval process when the square footage is less than 15,000 square feet.
6. Remove the use from districts that do not support the commercial or industrial use being open to the public, including RVPD, MHPD, and CHO.

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7. Add the use to MUPD with Industrial (IND) FLU designation and General Industrial (IND/G) pod of PIPD subject to Class A Conditional Use approval, to support industrial-scale Laundry Service that serves commercial businesses and the hospitality industry.

141. Live/Work

HISTORY: The Live/Work use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~Supplementary~~ Use Standards were amended by Ord. 2010-005.

Reason for amendments: [Zoning]

1. This use is redundant to other uses established in the Code, and incorrectly establishes a limitation that is better addressed through Building Code, whereas the latter would limit the collocation of certain uses within the same space (e.g. you would not likely be permitted to have a loft apartment in the same space as a Restaurant).

~~Live/Work — a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code. [Ord. 2010-005]~~

a. Mixed Use Designation

~~The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district. [Ord. 2010-005]~~

b. Final Site Plan

~~To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit. [Ord. 2010-005]~~

c. Residential Limitations

~~Non-residential uses or other similar activities other than home office shall be prohibited within the residential unit portion. [Ord. 2010-005]~~

Reason for amendments to Live/Work in the Use Matrix: [Zoning]

2. Use has been deleted, see Reason above.

8222. Marine Facility Marina

HISTORY: The Marina use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2010-005.

Reason for amendments: [Zoning]

1. The use was relocated from Recreation Uses, ULDC Supp. 20 Art.4.B.1.A.82, Marine Facility Classification to Commercial Use Classification.

2. Revise definition to:

- Partially relocate typical uses to a new Supplementary Use Standard for clarification purposes;
- Clarify uses are related to the boating public. Boatyards are commonly industrial in nature and may adversely impact surrounding areas; and
- Relocate *Boat Facility Siting Plan* language. The threshold of slips for Marina is not an element of the definition but a Supplementary Use Standard.

3. Relocate *Boat Units* Supplementary Use Standard.

a. Definition

A commercial ~~facility establishment~~ related to boating, located on a navigable waterway. ~~Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels. [Partially relocated to new Standard b, Typical Uses of or Activities, below] 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]~~ **[Relocated to Standard d-g, Boat Siting Facility, below]**

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b. Typical Uses or Activities

~~A Marina, Typical uses or activities may include, but is not be limited to, servicing, fueling, pumping-out, chartering, launching, dry-storage of boats and boating equipment, dockage, yacht clubs, charter boat operations, and boatels.~~ **[Partially relocated from Standard a., Definition, above]**

a. Boatel Units

~~A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.~~ **[Partially rRelocated to Standard ed, Boatel Units, below]**

bc. Setbacks

Dry storage of boats and other ~~m~~Marina related uses may be setback zero feet from the water's edge.

ed.a.Boatel Units

~~A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one unit per 1,000 square feet of dry land for each unit.~~ **[Partially rRelocated from Standard a., Boatel Units, above]**

de. Boat Facility Siting Plan

~~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] [Relocated from the Definition, above]**

Reason for amendments to Marina in the Use Matrix: [Zoning]
4. Delete the approval process from Commercial High Office (CHO) Standard Zoning District, MUPD Zoning District with CHO FLU and MXPD Zoning District with CHO FLU. The CHO district is primarily intended for business and professional office parks.
5. Delete the approval process from IRO Zoning District with a CL FLU designation. Marinas are considered too intense in the CL FLU and therefore eliminating the use is being eliminated from all CL FLUs in all zoning districts for consistency.
6. Change the approval process from a Class B Conditional Use to Class A Conditional Use in the General Commercial (CG) Zoning District for consistency with MUPD Zoning District with a CH FLU.

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8623. Medical or Dental Office

HISTORY: The Medical or Dental Office use definition and Supplementary Use 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 Ord. 1995-008, 1998-011, 2003-067, 2005-002, 2007-001, 2010-009, 2011-001, 2011-016, and 2012-027.

Reason for amendments: [Zoning]
1. Revise definition to clarify aspects of Ambulatory Surgical Center and Urgent Care Center are included.
2. Establish Typical Uses standard to incorporate Ambulatory Surgical and Urgent Care Centers.

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a. Definition

An establishment where patients, who are not lodged overnight, are admitted for examination, ~~elective surgical care, immediate but not emergent care~~ or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. **[Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]**

b. Typical Uses

~~A Medical or Dental Office may include, but is not be limited to, an Ambulatory Surgical Center or Urgent Care Center.~~

c. INST FLU Designation

~~A Medical or Dental Office may be permitted~~ **allowed** subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: **[Ord. 2011-001] [Ord. 2012-027]** **[Relocated from Standard c., INST FLU Designation, below]**

1) ~~SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005;~~ **[Ord. 2012-027]** **[Relocated from e-4) INST FLU Designation, below]**

2) ~~SCA 2008-015, Jog/Joe Delong Institutional, Ord. 2008-005;~~ **[Ord. 2012-027]** **[Relocated from e-2) INST FLU Designation, below]**

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3) *SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]*
[Relocated from ~~e-3~~, INST FLU Designation, below]

4) *LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]* [Relocated from ~~e-4~~, INST FLU Designation, below]

5) *LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]* [Relocated from ~~e-5~~, INST FLU Designation, below]

ad. CN Zoning Districts – CN, CLO and CHO

May ~~be Permitted by Right when less than~~ not exceeding ~~exceed~~ 3,000 square feet of GFA ~~if approved as a Class A conditional use.~~

be. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]

1) Floor Building Area

a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted allowed subject to the approval process for a ~~an~~ Medical or ~~a~~ Dental ~~an~~ Office. [Ord. 2005-041]

b) An ambulatory surgical center greater than 10,000 square feet of GFA ~~may be~~ only be allowed permitted in developments with a CH FLU designation, subject to ~~BCC approval as a Class A or Requested Use~~ Conditional Use approval. [Ord. 2005-041]

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted allowed to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]

c. INST FLU Designation

~~A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027]~~ [Relocated to Standard c., INST FLU Designation, above]

1) ~~SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027]~~ [Relocated to Standard c.1), INST FLU Designation, above]

2) ~~SCA 2008-015, Jog/Joee Delong Institutional, Ord. 2008-005; [Ord. 2012-027]~~ [Relocated to Standard c.2), INST FLU Designation, above]

3) ~~SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]~~ [Relocated to Standard c.3), INST FLU Designation, above]

4) ~~LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027]~~ [Relocated to Standard c.4), INST FLU Designation, above]

5) ~~LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027]~~ [Relocated to Standard c.5), INST FLU Designation, above]

Reason for amendments to Medical or Dental Office in the Use Matrix: [Zoning]	
3.	Change the approval process in CN, CLO and CHO to Class A Conditional Use approval. The Use Matrix identifies the most restrictive approval <u>process</u> .
4.	Change the approval process from DRO Approval to Permitted by Right in the IRO with a CH and CHO FLU Designations. Medical or Dental Office <u>related</u> uses are the least intense use of the health related uses and is appropriately located in commercial districts.

24. Microbrewery

BACKGROUND/SUMMARY
Microbrewery is a new use in the Code. Interest has increased in Palm Beach County for the opportunity for the small-scale manufacturing and processing of alcoholic beverages with the ability for limited consumption on-site. Small-scale breweries have been considered to assist with the community, economic and social development of municipalities and counties increasing tourism and economies.

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The Unified Land Development Code (ULDC) does have similar uses that may be utilized for the Microbrewery use. Under current regulations, in order for the use to be allowed in commercial or industrial districts, the use of Flex Space, Cocktail Lounge or Restaurant is required. However the production of alcohol could also be considered an industrial use, Manufacturing and Processing which would not allow the retail sales of alcohol (unless utilizing Flex Space in certain districts). A ~~an~~ Microbrewery business model does not fit neatly into either use and Flex Space is limited in where the use may be allowed.

RESEARCH/FINDINGS

Staff reviewed several ordinances from other jurisdictions in Palm Beach County and Florida, and other States, including but not limited to, Colorado, North Carolina and Michigan that have added definitions and regulations for small-scale alcohol production. Research also consisted of inquiries to the Brewer's Association and the American Planning Association (APA). Staff also conducted site visits to several Microbreweries in the area including West Palm Beach (Accomplice Brewery), City of Stuart (Vine and Barley, Longneck Brewery) and Village of Tequesta (Tequesta Brewing Company). Preliminary research indicates definitions and regulations can vary. However, common regulations do focus on storage, size of the facility and proximity to sensitive uses.

In conclusion, staff is proposing the use to be allowed in commercial, mixed use and industrial districts with regulations to ensure compatibility, mitigation to potential adverse impacts and to encourage the new business model.

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Reason for amendments: [Zoning]	
1.	Establish new Microbrewery use to encourage small business related to industry trends in the production and on-site consumption of craft or specialty beer.
2.	Establish threshold to allow for smaller an Microbreweries to be administratively approved, as these facilities are less apt to result in adverse impacts to adjacent uses due to limited ability to produce or store large quantities of supplies or products, and can otherwise easily be accommodated within commercial or industrial districts.
3.	Establish standards to allow for limited tasting and accessory food service in industrial districts where the industry is most likely to locate, and further establish that when located in commercial districts the use includes retail sales and taprooms, but may also include Lounges and Restaurants as needed.
4.	Establish standards to further define taproom limitations, which may include beverages other than beer, to ensure the use does not become a Lounge.
5.	Where limited to taprooms, the use would not be subject to normal separation distances typically required for the more intense Lounge use, with exception to neighborhood-oriented commercial districts, or as otherwise required by Florida law.

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- a. Definition**
An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.
- b. Approval Process**
A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial and Mixed Use Zoning Districts, may be Permitted by Right.
- c. Zoning Districts – Commercial and Mixed Use Zoning Districts**
Where permitted, Microbreweries shall be subject to the following:
 - 1) Commercial Districts**
No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.
 - 2) Industrial Districts**
No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.
- d. Accessory Uses - Taproom**
A Microbrewery where allowed in industrial zoning districts, FLU and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:
 - 1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on-site;
 - 2) Guest taps, consisting of alcohol not produced on-site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;
 - 3) Food service may be permitted; and,
 - 4) Hours of operation shall be limited from 5 p.m.-10 p.m. weekdays and 11 a.m.-10 p.m., weekends.

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e. Separation Distance

- 1) A Microbrewery with accessory taproom shall not be located within 500 feet from a School as required by F.S. 562.45, as periodically amended.
- 2) A Microbrewery in a MUPD with a CL FLU designation shall be separated a minimum of 750 feet from another Microbrewery.

Reason for amendments to Microbrewery in the Use Matrix: [Zoning]
6. Add the use to the CG, UC1, UC2 Zoning Districts; UI1, IRO with a CH FLU, COM Pod of a PUD, MUPD with a CL & CH FLU, MXPD with a CH FLU, COM Pod of a PIPD, and LCC with a CH FLU as a Class A Conditional Use approval. The most restrictive is being identified in the Use Matrix as the Supplementary <u>Use</u> Standards would allow for a less restrictive approval.
7. Add the use to the IL, IG Zoning Districts and to MUPD with IND FLU, IND/L & IND/G Pods of a PIPD as a DRO approval.

86. Monument Sales, Retail

HISTORY: The Retail Monument Sales use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2011-016.
Reason for amendments: [Zoning]
1. Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales. A Supplementary <u>Use</u> Standards will be established to address outdoor storage <u>and display</u> .

~~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.~~

Reason for amendments to Retail Monument Sales in the Use Matrix: [Zoning]
2. Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a " typical use " to Retail Sales.

9425. Office, Business or Professional

HISTORY: The Business of Professional Office use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.
Reason for amendments: [Zoning]
1. Simplify the use definition by addressing typical uses as a separate standard.
2. Expand the list of typical uses by including other common businesses or facilities covered by this use definition.
3. Delete reference to Class A Conditional Use approval for Business or Professional Office in CL, CLO and CC Zoning Districts as the Use Matrix is reflecting the most restrictive approval process. The use standard is indicating now that the existing square footage limitations will allow the use to be Permitted by Right.

a. Definition

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.~~ [Partially relocated to Standard b. Typical Uses, standard below]

b. Typical Uses

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A Business or Professional Office ~~use may include but is not be limited to:~~ *property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and business offices of private companies, utility companies, public agencies, and trade associations.* **[Partially relocated from Definition, ~~standard above~~]**

ac. Maximum Floor Area Approval Process

The use may be Permitted by Right if limited to the following ~~square footage:~~

1) ~~CN District~~

1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District, ~~unless approved as a Class A conditional use.~~

2) ~~CLO District~~

2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District , ~~unless approved as a Class A conditional use.~~

3) ~~CC District~~

3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District, ~~unless approved as a Class A conditional use.~~

4.	As a result of the deletion of Day Labor Employment Service use, some standards related to that use are consolidated under office. Clarify that employment agencies for temporary manual labor are subject to regulations to mitigate impacts on the surrounding areas. In addition, the prohibition of Office Business or Professional <u>Office</u> oriented to be Employment Agencies in the Westgate Community Redevelopment Area Overlay (WCRAO) is retained.
5.	Current provisions associated with temporary employment services look to prevent nuisances that may be caused by the use. Such standards <u>s</u> do not allow outdoor loitering, waiting or seating areas. This amendment looks to provide an option to provide such areas subject to architectural elements <u>requirements</u> that help beautify the site and reducine <u>reducine</u> the impact that these activities may cause.
6.	Delete standard that clarifies office is accessory to industrial zoning districts. A specific provision in the Supplementary Use Standards under this use clarifies when an office is not considered this use.
7.	Relocate standard that limits office to 1,500 square feet in the Lake Okeechobee Scenic Trail Overlay to the provisions in Art. 3 that pertain to that overlay.

d. Employment Agencies

*Business or Professional Offices s that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades, shall be subject to the additional standards: **[Partially relocated from Art. 4.B.1.A.41, Day Labor Employment Service]***

1) Westgate Overlay

*Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. **[Partially relocated from Art. 4.B.1.A.41, Day Labor Employment Service]***

2) Outdoor Activities

*~~No oOutdoor loitering, waiting, or seating shall be permitted prohibited on -site.~~ Outdoor seating areas may be allowed provided the site includes one or more ~~of the~~ architectural focal points such as fountains, architectural shaded structures or gazebos. **[Partially relocated from Loitering, under Art. 4.B.1.A.41, Day Labor Employment Service]***

b. ~~IL an IG Districts~~

Limited to an accessory use only.

c. ~~LOSTO~~

*Within the ~~LOSTO~~, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit. **[Partially Relocated to Art. 3.B.6.D, Leate~~LOSTO~~, Lake Okeechobee Scenic Trail Overlay, Accessory Office]***

8.	Delete standard that limits General Retail and Personal Service uses to be accessory to Business te <u>or</u> Professional Office and limited to ten percent of the Office GFA. Specific Provisions under Personal Services address the plan policy provision that limits the use to be accessory to office in the CLO and CHO FLU designation. In any other zoning district, where the uses are allowed, Personal Services and Retail Sales can coexist as collocated uses.
9.	Delete standard that addresses large scale office associated to corporate headquarters which have been addressed under Data and Information Processing part of the industrial use classification.

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10. Include a standard that clarifies when an office of a temporary nature or the space used for the administration or operation of a business shall not be confused with Business and Professional Office use. Specific standards in Art. 5. Supplementary Use Standards are provided to distinguish from this use.

d. Use Limitations

1) Accessory Uses

~~A general retail and personal service uses not exceeding ten percent of the GFA of the building may be allowed as an accessory use. All such uses shall be completely internal to the building and shall not have a separate external entrance or any exterior signage.~~

e. Office of an Industrial Nature

~~An establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.~~

e. Accessory Office

Business or Professional Office Supplementary Use Standards shall not apply to:

- 1) A temporary office in temporary structures associated with the construction of a building or real estate sales;
- 2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrix.

Reason for amendments to Business of Professional Office in the Use Matrix: [Zoning]

11. Change the approval process from Permitted by Right to Class A Conditional use in CN, CLO and CC Zoning Districts, to indicate the most restrictive approval process currently contained in the Supplementary Use Standards. The specific standard contains square footage thresholds in those zoning districts to allow the use subject to DRO approval. The threshold looks to promote the size of the use more consistent with neighborhood scale.

12. Change the approval process from DRO to Permitted by Right in the CH and CHO FLU designation of IRO as these zoning districts are intended to include mix use development for which Business or Professional Office is essential.

95. Parking Garage/Structure

HISTORY: The Parking/Garage Structure use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Delete and consolidate with Commercial Parking Lot as "Commercial Parking", with an emphasis on ensuring consistency of existing and revised Supplementary Use Standards that previously did not apply to Commercial Parking Garages.

~~A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:~~

- a. ~~Article 6.A.1.D.18, Parking Structure Standards; and~~
- b. ~~Article 7.G.2.F, Parking Structures.~~

Reason for amendments to Parking Garage/Structure in the Use Matrix: [Zoning]

2. Use has been deleted, see Reason above.

9626. Parking Lot, Commercial

HISTORY: The Commercial Parking Lot use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067.

Reason for amendments: [Zoning]

1. Revise definition to allow consolidation with deleted Commercial Parking Garage use by deleting

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term "lot" and replacing with "establishment", which encompasses both lots, garages, or other unanticipated structures.
2. Delete redundant prohibition on other uses. Additional uses may be collocated on the same site where permitted in the applicable district, subject to required Approval Process and Supplementary Use Standards.
3. Amend prohibition against Commercial Parking "adjacent" to residential uses by revising as follows: <ul style="list-style-type: none"> ▪ Delete term adjacent and replace with "within 200 feet" to address scenario's where residential may be separated by a R-O-W, or a narrow non-residential parcel which does not adequately buffer the residential use (e.g. a 25' or 50' wide lot would sever "adjacent"). ▪ Establish minimum standards for buffering. ▪ Prohibit access from a local residential street. While many uses require or have frontage on Arterials or Collectors, this does not preclude secondary access points from local Residential Streets in all instances (e.g. an existing access point would not be permitted to be carried forward onto a new Development Order approval for Commercial Parking).
4. Delete references to long trailers or vehicles in the Light Industrial (IL) Zoning district. The storage of trailers, commercial vehicles or equipment in Industrial districts would be permitted allowed under the Contractor Storage Yard use classification.

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a. Definition

An establishment lot used for temporary parking or storage for motor vehicles as a principal use, for a fee, and subject to:

a. Principal Use

~~Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.~~

b. Proximity to Residential

Commercial Parking A commercial parking lot shall not be located within 200 feet of on a parcel adjacent to a of land with a residential ~~use or FLU designation or use~~ district, except as follows:

- 1) The Perimeter Landscape Buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and,
- 2) Building openings used by vehicles and unglazed ~~Unglazed architectural or vehicle~~ openings shall not face a parcel of land with a residential FLU designation or use.

c. Storage

~~Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.~~

c. Access

Access from a ~~Local~~ Residential Street shall be prohibited.

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Reason for amendments to Commercial Parking Lot in the Use Matrix: [Zoning]
5. Delete provision allowing for use within the Light Industrial (IL) Zoning district, as Commercial Parking is intended to accommodate automobiles, and the storage of commercial vehicles or equipment would fall under the Contractor Storage Yard use classification.
6. Delete from districts primarily intended to allow commercial uses that serve surrounding neighborhoods.

9727. Pawnshop

HISTORY: The Pawnshop use definition and Supplementary Use Standards were first referenced as part of the 2001 ULDC (Ord.2001-029). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2010-005, 2010-022, and 2011-016.
Reason for amendments: [Zoning]
1. Staff is not proposing any substantive changes to the Pawnshop use. The deletion of consignment activities is consistent with Florida Statute in that a "pawnbroker may also engage in the business of purchasing goods which includes consignment and trade."

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a. Definition

~~The~~ An establishment location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. ~~Consignment activities are excluded from this definition.~~

ab. Separation Distance

Shall be located a minimum of 2,000 feet from another pawnshop.

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bc. Setbacks

Shall be setback a minimum of 150 feet from any ~~property line abutting a parcel of land with a residential FLU designation or use or an area designated as residential by a Local Plan.~~

ed. Hours of Operation

Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

Reason for amendments to Pawnshop in the Use Matrix: [Zoning]
2. Staff is not proposing any approval process changes to the Pawnshop use.



9828. Personal Services

HISTORY: The Personal Services use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary Use Standards were amended by Ord. 2003-067 and Ord. 2011-016.

Reason for amendments: [Zoning]
1. Simplify Personal Services use definition by deleting language that relates to accessory retail sales as provisions in Art. 5, Supplementary <u>Use</u> Standards already establishes regulations that limit accessory uses to be limited to 30 percent of the principal use Gross Floor Area (GFA).
2. Simplify the use definition by addressing typical uses as separate standard and expand the list by including other common activities or facilities covered by this use definition. This amendment also includes the relocation of Music Schools as a typical use of a Vocational Institution.
3. Clarify provision that makes the use subject to Class A Conditional in the CN Zoning District when the GFA is above 3,000 sf. The Use Matrix is reflecting the most restrictive approval process while the standard is amended to indicate the use Permitted by Right when below the threshold. Neighborhood or community oriented zoning districts are expected to be within that square footage limitation unless issues are discussed at a public hearing.
4. Clarify the use is Permitted by Right accessory to Business or Professional Office as well as Medical or Dental Office in CLO and CHO Zoning Districts and MUPD and MXPD with CLO and CHO FLU designation. The square footage will be limited to the provisions for non-residential accessory uses as contained in Art. 5, to be limited to maximum 30% of the principal use, in this case office.

a. Definition

An establishment engaged in the provision of ~~frequently or recurrently recurrent~~ services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services ~~which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~ [Ord. 2011-016] [Relocated to Standard b. Typical Uses, below]

b. Typical Uses

Personal Services may ~~Typical uses include~~ but are not limited to art, music and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons. [Relocated from Definition, above]

ac. Approval Process - CN and CLO Districts

~~A maximum-~~ The use may be Permitted by Right in the CN Zoning Districts, when limited to 3,000 square feet of GFA, ~~unless approved as a Class A conditional use.~~

d. Accessory Use

Personal Service may be Permitted by Right as accessory to Business or Professional Office; or, Medical or Dental Office in CLO and CHO Zoning Districts and PDDs with CLO and CHO FLU designation.

be. Sale or Dispensing of Controlled Substances

The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales. [Ord. 2011-016]

Reason for amendments to Personal Service in the Use Matrix: [Zoning]
5. Indicate the most restrictive approval process by changing from Permitted by Right to Class A Conditional Use in the CN Zoning District. Existing limitation in the square footage to 3,000 SF allows the use to be Permitted by Right in that Zoning District.

Notes:

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6. Delete the use from CHO Zoning Districts, MUPD and MXPDP with CHO FLU designation. The Comprehensive Plan allows Personal Services in CLO and CHO FLU designation only as accessory use to office. The approval process change simply clarifies direction indicated by the Comprehensive Plan policies for Commercial Office Uses.

~~**100. Printing and Copying Services**~~

HISTORY: The Printing and Copying Services use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1998-011, 2009-040, 2010-005 and 2011-016.

Reason for amendments: [Zoning]

1. Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales.

~~An establishment engaged in retail photocopy, reproduction, or blueprinting services.~~

~~**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 Printing and Copying Services in the Use Matrix: [Zoning]

2. Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales.

~~**107.Repair and Maintenance, General**~~

HISTORY: The General Repair and Maintenance use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Use is being split into new Light Repair and Maintenance and Heavy Repair and Maintenance to improve ease of use.

~~An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. [Partially relocated to Art. 4.B.2.C.29.a, Definition, under Heavy Repair and Maintenance]. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops. [Partially relocated to Art. 4.B.2.C.30.a, Definition, under Light Repair and Maintenance]~~

~~**a. CC District**~~

~~A maximum of 5,000 square feet of GFA. [Ord. 2005 – 002] [Relocated to Art. 4.B.2.C.30.d, Zoning Districts – CN and CC District and Commercial Pod of PUD, under Light Repair and Maintenance]~~

~~**1) Use Limitations**~~

~~Limited to minor repairs and services including alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted. [Partially relocated to Art. 4.B.2.C.29.b, Typical Uses, under Heavy Repair and Maintenance]~~

~~**b. Enclosed Repair Activities**~~

~~All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002]~~

~~**c. Storage**~~

~~There shall be no outdoor storage of disassembled vehicles or parts except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002] [Partially~~

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relocated to Art. 4.B.2.C.29.g, Outdoor Parking or Storage, under Heavy Repair and Maintenance]

d. Industrial

~~In the IL and IG districts, and PDDs with an IND-FLU designation, outdoor storage and/or repair activities, shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002] [Partially relocated to Art. 4.B.2.C.29.e.1, Nuisances, under Heavy Repair and Maintenance]~~

e. Setbacks

~~No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure. [Ord. 2005 – 002] [Partially relocated to Art. 4.B.2.C.29.d, Setbacks, under Heavy Repair and Maintenance]~~

f. Bay Door Orientation

1) Residential

~~Service bay doors shall not face any residential district, FLU designation, or use, except as follows: [Ord. 2005 – 002] [Ord. 2014 – 025] [Partially relocated to new Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

~~a) Bay doors facing to an arterial or collector street a minimum of 80 feet in width shall provide a R-O-W buffer upgraded to include a minimum six foot high landscape barrier. [Ord. 2014 – 025] [Partially relocated to new Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

~~b) Bay doors facing a residential zoning district, FLU, or use may be allowed subject to one of the following standards: [Ord. 2014 – 025]~~

~~(1) If separated by a local commercial street, the R-O-W buffer shall be upgraded to include a minimum six foot high landscape barrier and a wall. [Ord. 2014 – 025] [Partially relocated to new Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

~~(2) If separated by a parcel with a nonresidential use such as utilities, canal R-O-W, easements, FDOT or County drainage a minimum of 80 feet in width shall provide a Type 3 Incompatibility Buffer with double the number of trees and a two and one half foot high berm. [Ord. 2014 – 025] [Partially relocated to new Art. 4.B.2.B.1, General Standards for Commercial Uses]~~

2) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)

~~Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord. 2010-022]~~

g. No Loudspeakers

~~No outdoor speaker or public address system that is audible off-site shall be permitted. [Ord. 2005 – 002]~~

h. Vehicle Testing on Residential Streets

~~Vehicles shall not be tested off-site on residential streets. [Ord. 2005 – 002] [Partially relocated to Art. 4.B.2.C.29.e.2, Vehicle or Equipment Testing on Residential Streets, under Heavy Repair and Maintenance]~~

i. WCRA Overlay

~~Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Relocated to Art. 4.B.2.C.29.c, Overlays - WCRAO, under Heavy Repair and Maintenance]~~

j. Infill Redevelopment Overlay (IRO)

~~A repair and maintenance general use located on a parcel with a CH-FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning]
2. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.

29. Repair and Maintenance, Heavy

Reason for amendments: [Zoning]
1. Establish new Heavy Repair and Maintenance to provide clarify that types of repairs likely to generate adverse impacts to adjacent properties are limited to specific industrial or commercial

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districts.
2. Relocate deleted Auto Paint and Body use into this new use classification, due to similarities.
3. Provide additional clarification of types of vehicles or equipment repaired, or <u>and</u> repair activities to improve ease of use for customers and staff.
4. Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking <u>spaces</u> , drive isles or abutting streets is a common Code Enforcement issue.
5. Consolidate and relocate Bay Door Orientation standards to Art.5.

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- a. Definition**
An establishment engaged in the repair and maintenance of automobiles, recreational vehicles, boats, motorcycles, personal watercraft; or the repair and maintenance of heavy equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or, media blasting, paint stripping, and paint or body work. [Partially relocated from ~~Art. 4.B.2.C.29, Definition, under General Repair and Maintenance~~]
- b. Typical Uses**
Heavy Repair and Maintenance may include ~~Typical uses include~~ but is not limited to:
 - 1) Machine shops, welding services, engine and transmission shops, radiator shops;
 - 2) Paint or body shops, collision damage repairs and frame straightening, fiberglass repair, media blasting or paint stripping, powder coating, and steam cleaning;
 - 3) Garages for general engine type repair including rebuilding, repairing or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or electronic systems, propulsion systems, drive train, and steering systems; or, [Partially relocated from ~~Art. 4.B.2.C.29.a.1), Use Limitations, under General Repair and Maintenance~~]
 - 4) Any Light Repair and Maintenance Use, which involves any of the above or requires outdoor storage or activities.
- c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)**
Heavy Repair and Maintenance uses are prohibited in the NR, NRM, ~~and~~ NG and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Partially relocated from ~~Art. 4.B.2.C.29.i, WCRA Overlay, under General Repair and Maintenance~~]
- d. Setbacks**
No repair or maintenance building, structure or activity shall be ~~permitted~~ allowed within 100 feet of ~~any property line adjacent to a~~ parcel of land with a residential FLU designation or use ~~district. [Relocated from ~~Art. 4.B.2.C.29.e, Setbacks, under General Repair and Maintenance~~]~~
- e. Nuisances**
 - 1) **Enclosed Repair Activities**
All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation, where in compliance with Art. 5, Supplementary Standards for Outdoor Activities. [Ord. 2005 – 002] [Relocated from ~~Art. 4.B.2.C.29.f, Bay Door Orientation and ~~Art. 4.B.2.C.29.d, Industrial, under General Repair and Maintenance~~~~]
 - 2) **Vehicle or Equipment Testing on Residential Streets**
Testing of vehicles or equipment shall be prohibited on residential streets. [Ord. 2005 – 002] [Partially relocated from ~~Art. 4.B.2.C.29.h, Vehicle Testing on Residential Streets, under General Repair and Maintenance~~]
- g. Outdoor Parking or Storage**
 - 1) The outdoor storage of disassembled vehicles, equipment or parts shall be ~~prohibited~~, except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002] [Partially relocated from ~~Art. 4.B.2.C.29.c, Storage, under General Repair and Maintenance~~]
 - 2) All vehicles or equipment shall be parked in designated storage areas, except for the following:
 - a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and,
 - b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning]
6. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.

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30. Repair and Maintenance, Light

Reason for amendments: [Zoning]	
1.	Establish new Light Repair and Maintenance to <u>provide</u> clarify that types of repairs less likely to generate adverse impacts to adjacent properties and allowances in additional commercial districts intended to provide services to surrounding neighborhoods.
2.	Provide additional clarification of types of vehicles or equipment repaired, or repair activities to improve ease of use for customers and staff.
3.	Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking, drive isles or abutting streets is a common Code Enforcement issue.
4.	Consolidate and relocate Bay Door Orientation standards to Art.5.

a. Definition

An indoor establishment engaged in the minor repair or maintenance of automobiles, light duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household furniture. [Partially relocated from **Art. 4.B.2.C.29**, General Repair and Maintenance, and **Art. 4.B.2.C.31**, Limited Repair Services, under General Repair and Maintenance]

b. Typical Uses

Light Repair and Maintenance establishments may ~~Typical uses include~~ but are not limited to tune-up stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire installation and service, alignment shops, replacement of brake linings, and lawn mower repair and maintenance. [Partially relocated from **General Repair and Maintenance**]

c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Light Repair Maintenance uses are prohibited in the NR, NRM, ~~and~~ NG and NC ~~Sub-~~ areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Partially relocated from Art. 4.B.2.C.29.i, WCRA Overlay]

d. Zoning Districts – CN and CC District and Commercial Pod of PUD

Shall be limited to a maximum of 5,000 square feet of GFA. [Ord. 2005 – 002] [Partially relocated from **Art. 4.B.2.C.29.a**, CC District, under General Repair and Maintenance]

e. Accessory Use

Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy Repair and Maintenance.

f. Setbacks

No repair or maintenance building, structure or activity shall be ~~permitted~~ allowed within 100 feet of any parcel of land with a residential FLU designation or use ~~property line adjacent to a residential district.~~ [Relocated from **Art. 4.B.2.C.29.e**, Setbacks, under General Repair and Maintenance]

g. Nuisances

1) Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure. [Ord. 2005 – 002] [Relocated from **Art. 4.B.2.C.29.f**, Bay Door Orientation and **Art. 4.B.2.C.29.d**, Industrial, under General Repair and Maintenance]

2) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles, equipment or other similar shall be prohibited on residential streets. [Partially relocated from **Art. 4.B.2.C.29.h**, Vehicle Testing on Residential Streets, under General Repair and Maintenance]

h. Outdoor Parking or Storage

1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited. [Ord. 2005 – 002] [Partially relocated from **Art. 4.B.2.C.29.e**, Storage, under General Repair and Maintenance]

2) All vehicles or equipment shall be stored in designated storage areas, except for the following:

a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and,

b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

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Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning]
5. Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance [uses](#) to improve ease of use.



40831 Repair Services, Limited

HISTORY: The Limited Repair Services use definition and Supplementary [Use](#) Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary [Use](#) Standards were amended by Ord. 1993-004, 2003-067, 2005-002, and 2010-005.

Reason for amendments: [Zoning]

1. Revise definition and list of typical uses to clarify permitted repair services limited to minor items that occur within indoor spaces with no outdoor storage.
2. Deletion of references to golf carts, mopeds and lawnmowers recognizes that this industry in South Florida primarily serves commercial landscape services, or otherwise involves outdoor storage of inventory, spare parts, or other bulky goods. Also recognizes trends in increased size of golf carts and lawnmowers over those previously manufactured in decades past. The repair of these types of equipment or vehicles will be relocated to the new Light Repair and Maintenance category, to ensure that the approval processes or outdoor storage requirements are commensurate with the nature of the activity.
3. Revised definition of use allows for the deletion of the 10,000 gross floor area (GFA) threshold for the Community Commercial (CC) and other districts with a Commercial Low (CL) (e.g. Neighborhood Serving) future land use (FLU) designation.

a. Definition

An establishment engaged in the minor repair of personal apparel or household appliances, ~~furniture~~, and similar items, ~~excluding repair of motor vehicles~~. ~~Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.~~ **[Partially relocated to Standard b, Typical Uses, below]**

b. Typical Uses

Limited Repair Services may ~~Typical uses include~~ but are not limited to ~~apparel repair and alterations, small appliance repair (excluding major appliances such as washers and dryers, refrigerators, stoves and dishwashers), bicycle repair, clock and watch repair, and shoe repair shops.~~ **[Partially relocated from Definition, above]**

~~**a. CC District and Districts with a CL FLU Designation**~~

~~A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use. [Ord. 2005 – 002]~~

c. Zoning Districts - ~~b.~~ CN District, Commercial Pod of PUD, and TND Neighborhood Center

Shall be limited to a maximum of 3,000 square feet of GFA.

de. Enclosed Repair Activities

All repair activities shall be conducted within an enclosed structure, ~~except in the IL and IG districts or PDDs with an IND FLU designation.~~ **[Ord. 2005 – 002]**

e. Storage

Outdoor storage shall be prohibited.

d. Industrial

~~In the IL and IG districts and PDDs with an IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]~~

e. LCC District

~~Repairs of motors such as golf carts, mopeds and lawn mowers is prohibited. [Ord. 2010-005]~~

Reason for amendments to Limited Repair Services in the Use Matrix: [Zoning]

4. Delete use from the General Industrial (IG) Zoning district to recognize need to preserve those lands for Heavy Industrial or other similar uses, or to mitigate any adverse impacts between heavy truck traffic and potential for increased small vehicle traffic emanating from customers dropping off household goods. Note also, use is not currently permitted in the Heavy Industrial Pod of a Planned Industrial Park Development ([PIPD](#)), which is inconsistent with allowing in the IG district.

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40932 Restaurant, Type 1

HISTORY: The Type 1 Restaurant use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.

Reason for amendments: [Zoning]

1. Revise the definition to delete the traffic generation information and references to drive-~~thru~~ through lanes. Engineering Division reviews all traffic related issues (trips).
2. Establish the Accessory Alcohol Sales Supplementary Use Standard to clarify accessory alcohol sales. The licensing of types of sales is regulated by the State of Florida.

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-~~thru~~ through sales to patrons in automobiles for take-out who place orders through a window or remote transmission device; or sales to patrons for take-out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. ~~Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. Type I restaurants with drive through lanes generate visual impacts on the surrounding area as well as additional traffic in comparison to a Type I restaurant without a drive through. However, if in compliance with the exception criteria listed below the impacts can be mitigated.~~ [Ord. 2006-004] [Ord. 2012-027]

b. Approval Process

1) DRO Approval

A Type 1 restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet. [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016] [Relocated from ~~the~~ Approval Process, below]

2) Permitted by Right

A Type 1 restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]

a) GFA including outdoor dining areas does not exceed 1,500 square feet; and [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]

b) All district specific requirements are addressed; [Ord. 2006-004]

c. Tier Specific - Exurban and Rural

A Type 1 Restaurant shall comply with the following: [Ord. 2009-040]

1) Shall not be the sole use on the property; [Ord. 2009-040]

2) Shall be located in a MUPD or TDD; [Ord. 2009-040]

3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, [Ord. 2009-040]

4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. [Ord. 2009-040] [Relocated from Exurban and Rural Tiers, Standard below]

d. Zoning Districts – TMD and LCC

A Type 1 Restaurant shall ~~not~~ be limited to: [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]

1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]

2) Located in an outparcel or freestanding building; or [Ord. 2005-002] [Ord. 2007-001]

3) A drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005-002] [Ord. 2006-004] [Relocated from TMD and LCC Districts, Standard below]

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1 **e. Accessory Alcohol Sales**

2 A Type 1 Restaurant may include the on-premise sale, service and consumption of
3 alcoholic beverages as an accessory use.

4 **aef. Location Criteria**

5 A Type ~~1~~ restaurant with a drive-through shall be subject to the following: **[Ord. 2006-**
6 **004] [Ord. 2007-001]**

7 **1) Intersection Criteria**

8 A maximum of two Type ~~1~~ restaurants shall be permitted at an intersection in
9 accordance with Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004]**

10 **2) Separation Criteria**

11 A Type ~~1~~ restaurant shall be separated from any other Type ~~1~~ restaurant in
12 accordance with Art. 5.E.2.C.2. **[Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]**

13 **3) Exceptions**

14 **a) Design Criteria**

15 A Type ~~1~~ restaurant may be exempt from the location criteria if the site is
16 designed to: address the additional trips associated with a drive through
17 restaurant; as well as enhance pedestrian circulation, safety and accessibility
18 while limiting vehicular circulation using exemplary site design and architectural
19 treatment that incorporates the following: **[Ord. 2006-004] [Ord. 2012-027]**

20 **(1a)** Drive through facilities, including queuing and by-pass lanes that run parallel
21 and are visible from adjacent streets, shall provide additional landscaping to
22 mitigate views of the vehicular use areas. **[Ord. 2006-004] [Ord. 2012-027]**

23 **(2b)** If located in a non-residential Planned Development District or a commercial
24 pod, all the required parking spaces shall be located in close proximity to the
25 restaurant that they serve. Required parking shall not be separated from the
26 restaurant main entrance by a distance of more than 150 feet. The applicant
27 may request an increase to this distance up to a maximum of ten percent of
28 the dimensional requirement through a Type ~~1~~ Waiver; **[Ord. 2006-004]**
29 **[Ord. 2012-027]**

30 **(3e)** If located in standard Zoning Districts and required by the Zoning Director,
31 cross-access shall be provided to all abutting parcels that have Commercial
32 FLU designation. If required, the cross-access easement shall be recorded
33 prior to Final Approval by the DRO. The Zoning Director may elect not to
34 require the cross-access easement based on review of the existing or
35 approved use for the abutting property. **[Ord. 2012-027]**

36 **(4e)** Consideration shall be given to site design that promotes a safe pedestrian
37 environment and addresses vehicular circulation and maneuvering. A
38 restaurant located on a single parcel with a standard Zoning District is
39 allowed continuous vehicular circulation: **[Ord. 2012-027]**

40 **(a4)** on all four sides of the building if the site is limited to only one access
41 point to the subject property; or, **[Ord. 2012-027]**

42 **(b2)** on all three sides of the building if site is limited to two access points to
43 the subject property. **[Ord. 2012-027]**

44 **(5e)** Landscape plans and architectural elevations shall be required as part of any
45 application for a Conditional ~~or Requested~~ Use, or any DOA affecting the
46 items listed herein. **[Ord. 2006-004]**

47 **b) MUPD**

48 Type 1 Restaurant located within an MUPD may be exempt from the Location
49 Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in
50 compliance with the following:

51 **(1)** Required Perimeter Landscape Buffers, where located between all Retail
52 Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or
53 parcel of land with a residential FLU designation or use, unless obstructed
54 from view by other existing structures; and,

55 **(2)** Direct access from any perimeter R-O-W abutting the MUPD shall be
56 prohibited. All access shall be from entrances established for the overall
57 MUPD, and comply with minimum standards for ingress/egress, stacking,
58 turn-lanes, and pedestrian connectivity.

59 **b. Approval Process Exceptions**

60 **1) DRO Approval**

61 ~~A Type 1 restaurant without a drive-through may be approved by the DRO in a district~~
62 ~~where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F,~~
63 ~~Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, in a~~

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MUPD with a CL FLU designation, or in the UC or UI District, provided the GFA including outdoor dining areas does not exceed 5,000 square feet. ~~[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]~~ [Partially relocated to Standard b, Approval Process, above]

~~2) Permitted by Right~~

~~A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]~~

~~a) GFA including outdoor dining areas does not exceed 1,500 square feet; and [Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]~~

~~b) All district specific requirements are addressed; [Ord. 2006-004] [Partially relocated to Standard b, Approval Process, above]~~

efg. Major Intersection Criteria for CL FLU

A Type I restaurant with a CL FLU designation shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Article ~~4.B.1.A.109.b.1) 4.B.2.C.32.b.1)~~, DRO Approval, Article ~~4.B.1.A.109.b.2) 4.B.2.C.32.b.2)~~, Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Article ~~4.B.1.A.109.a.3) 4.B.2.C.32.e.3)~~, Exceptions. ~~[Ord. 2006-004] [Ord. 2009-040]~~

d. TMD and LCC Districts

~~A Type I Restaurant shall not: [Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005] [Relocated to Zoning Districts - TMD and LCC, above]~~

~~1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Partially relocated to Standard d, Zoning Districts - TMD and LCC, Standard d, Zoning Districts above]~~

~~2) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or [Ord. 2005-002] [Ord. 2007-001] [Relocated to Standard d, Zoning Districts - TMD and LCC, above]~~

~~3) Have a drive thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005-002] [Ord. 2006-004] [Partially rRelocated to Standard d, Zoning Districts - TMD and LCC, Standard d, Zoning Districts above]~~

eg. Outdoor Dining

Shall comply with the principal structure setbacks.

f. SR-7 EDO

~~Drive through uses are prohibited. [Ord. 2010-022]~~

g. Exurban and Rural Tiers

~~A Type I Restaurant shall comply with the following: [Ord. 2009-040]~~

~~1) Shall not be the sole use on the property; [Ord. 2009-040]~~

~~2) Shall be located in a MUPD or TDD; [Ord. 2009-040]~~

~~3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, [Ord. 2009-040]~~

~~4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. [Ord. 2009-040] [Relocated to Standard c, Tier Specific - Exurban and Rural, Standard e, Tier Specific above]~~

h. Infill Redevelopment Overlay (IRO)

~~A Type I restaurant located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to Type 1 Restaurant in the Use Matrix: [Zoning]
2. No changes to the approval process are being proposed.



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44433. Restaurant, Type #2

HISTORY: The Type 2 Restaurant use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.
Reason for amendments: [Zoning]
1. Revise the definition to delete the traffic generation information. Engineering Division reviews all traffic related issues (trips).
2. Delete Accessory a portion of Alcohol Sales <u>Supplementary Use Standard as the State of Florida provides the regulatory framework to address alcohol licensing.</u> Accessory Alcohol sales will be addressed by Article 5.
3. Establish Outdoor Dining standard to clarify the setback requirements.

a. Definition

An establishment with no drive-thru ~~through~~, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. ~~Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.~~ [Ord. 2006-004] [Ord. 2007-001]

b. Approval Process – DRO Approval

1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

A Type 2 Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type 2 Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Use Limitations and Approval Process, Standard below]

2) CHO District; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Use Limitations and Approval Process, Standard below]

3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone

A Type 2 Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Use Limitations and Approval Process, Standard below]

c. Zoning Districts - TND, TMD, and LCC

Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Partially relocated from ~~Standard 4,~~ TND, TMD, and LCC Districts, below]

ad. Accessory Alcohol Sales

~~A Type # 2 Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions:~~ [Ord. 2006-004]

1) Accessory Use

~~Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.~~

2) Kitchen

~~The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.~~

3) Floor Area

Notes:

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A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

4) Special Permit Renewal

The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval

a) ~~CLO and CHO Districts; PDDs with a CLO or CHO FLU; TND_s NC~~

~~A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated to Standard b_r, Approval Process_s above]~~

b) ~~CHO District; and PDDs with a CHO FLU~~

~~If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated to Standard b_r, Approval Process_s above]~~

c) ~~CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone~~

~~A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated to Standard b_r, Approval Process_s above]~~

2) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. [Ord. 2006-004] [Ord. 2006-036] [~~Relocated to Catering Service Use~~]

3) ~~de~~ Accessory Take Out Service

Take out service ~~is permitted~~ may be allowed as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order services_s. [Ord. 2006-004] [Ord. 2006-036]

4) ~~TND, TMD, and LCC Districts~~

~~Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [~~Partially R~~elocated to Standard c_r, Zoning Districts - TND, TMD and LCC_s above]~~

ef. Outdoor Dining

Shall comply with the principal structure setbacks.

Reason for amendments to Type 2 Restaurant in the Use Matrix: [Zoning]

4. No changes to the approval process are being proposed.

113. Retail Sales, Auto Accessories and Parts

HISTORY: The Auto Accessories and Parts Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 2001 Ordinance (Ord.2001-028). The definition and Supplementary Use Standards were amended by Ord. 2003-067, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Delete Auto Accessories and Parts Retail Sales use as the concept of sales is already addressed in the Code by Retail Sales use. Staff is proposing to consolidate this use into General Retail Sales and will be identified as a "typical use" to Retail Sales.

~~An establishment providing retail sales of auto accessories and parts.~~

a. Architecture

~~Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

b. Disposal of Motor Oil

~~Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).~~

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c. LCC District

~~Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. [Ord. 2010-005]~~

Reason for amendments to Retails Sales, Auto Accessories and Parts in the Use Matrix: [Zoning]

2. Staff is proposing to consolidate this use into General Retail Sales.



11434. Retail Sales, General

HISTORY: The General Retail Sales use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, 1994-023, 1995-001, 1995-024, 1998-011, 1997-037, 2000-015, 2001-029, 2001-062, 2003-067, 2005-002, 2006-004, 2006-036, 2009-040, 2010-005, and 2010-022.

Reason for amendments: [Zoning]

1. Revise definition to partially relocate typical uses to a new standard. Typical uses reference is not a function of the definition. Consolidate several uses:
 - Relocate motorcycle and golf cart sales to Vehicle Sales and Rental. A separate Supplementary Use Standards will be established to clarify any additional regulations and approval process.
 - Create reference to the sale of building supplies and home improvement products under Typical Uses Standard to create some relationship with deleted "Building Supplies" use from this use classification.
 - Consolidate Auto Accessories and Parts, Convenience Store, Printing and Copying Services, ~~and Retail Monument Sales into~~ Retail Sales use as a Typical Use.
 - Consolidate Retail Monument Sales into Retail Sales and establish a Supplementary Use Standard to exempt the use from Outdoor Storage and Activities per Art. 5. The use allowed outdoor display areas as a principal use and the standard ensures the allowance of that common business practice.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Comprehensive Plan. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

a. Definition

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. ~~Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. [Ord. 2011-016] [Partially relocated to Standard b, Typical Uses, below]~~

b. Typical Uses

~~Retail Sales may include but are not be limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds. [Partially relocated from Definition, above]~~

dc. Zoning Districts

a-1) TND District

In a Neighborhood Center, ~~general r~~Retail ~~e~~Sales shall not exceed 5,000 square feet of GFA per establishment.

a) ~~A Maximum of~~ (40,000 square feet of GFA for a food store or 20,000 square feet of GFA for a food store when the TND is developed as part of a TTD).

b) In a multi-family building with more than 50 units, a "corner store" ~~is may be~~ allowed, provided it does not exceed 1,000 square feet of GFA and is integrated into the building and at a corner location.

b-2) TMD District

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- 1 a) ~~In a TMD, a single establishment shall not exceed the following: ~~flowing GFA~~~~
2 ~~per square foot:~~
3 (1) 100,000 square feet of GFA ~~per establishment~~ in the U/S tier;
4 (2) 50,000 square feet of GFA ~~per establishment~~ in the Exurban and Rural tiers;
5 and,
6 (3) 65,000 square feet of GFA in the AGR.
7 b) A drive-thru facility for a drug store is allowed **subject to the following:**
8 (1) ~~if~~ located in the rear of a building;
9 (2) Access shall be from an alley, an interior parking area, or a street not
10 designated as a Main Street; **and,**
11 (3) The drive-thru facility shall be covered by a canopy or the second story of a
12 building. **[Ord. 2005 – 002]**
- 13 ~~c.3) CN District~~
14 Shall be limited to a maximum of 3,000 square feet of GFA per ~~use~~ **establishment.**
- 15 ~~d. LOSTO~~
16 ~~Shall be limited to specialty shops selling merchandise such as hand-crafted items,~~
17 ~~nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption~~
18 ~~off the premises, hiking supplies such as backpacks and walking sticks, and outfitters~~
19 ~~renting equipment for recreational use including bicycles, skates, canoes, and kayaks~~
20 ~~and 3,000 square feet of total floor area shall be allowed subject to approval of a Special~~
21 ~~Permit. [Relocated to Art. 3.B.6. ~~DE~~, LOSTO, Lake Okechobee Scenic Trial Overlay,~~
22 ~~Additional Standards for Retail Sales]~~
- 23 ~~d. Outdoor Display Areas – Monument Sales~~
24 ~~An outdoor display area for the retail sale of monuments, gravestones, markers, or~~
25 ~~headstones for placement on graves shall be exempt from the provisions in Art. 5.B.3,~~
26 ~~Outdoor Storage and Activities when located in a designated display area on the Final~~
27 ~~Site Plan.~~
- 28 ~~e. Fireworks~~
29 The retail sale or storage of fireworks as a principal use in any commercial district is
30 prohibited.
31 1) **Exception**
32 Temporary sale of sparklers, subject to a ~~e~~**S**pecial ~~p~~**P**ermit.
- 33 ~~f. SR-7 EDO~~
34 ~~Shall be prohibited as a principal use. [Ord. 2010-022]~~
- 35 ~~g. Sale or Dispensing of Controlled Substances - Pharmacy~~
36 A pharmacy shall be subject to the following: **[Ord. 2011-016]**
37 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30)
38 day period can be derived from the sale of controlled substances that are identified in
39 Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. §
40 893.035, 893.0355, or 893.0356, as determined by audits or information provided
41 through the Florida Department of Health or any other government agency having the
42 legal right to view such records. **[Ord. 2011-016]**

3.	<u>Consolidate existing language from Kiosk to Retail Sales, to better recognize retail uses while establishing new provisions for Unmanned Retail Structures that may dispense ice and water, as well as structures that hold packages temporarily when they are in the shipping process.</u>
4.	<u>Allow the use when accessory to specific uses in the Industrial Zoning Districts, when the Unmanned Retail Structure may reasonably support, and is compatible with, the specified uses even when industrial districts.</u>
5.	<u>Clarify which Art. 5.C, Design Standards specifically apply to freestanding Unmanned Retail Structures, and when an Unmanned Retail Structure may be exempt, in order to make it clear for applicants and staff how and when architecturally compatible design elements must be integrated.</u>
6.	<u>Utilize the existing language from the Kiosk use to determine the maximum building size and number of structures allowed per development or storefront.</u>
7.	<u>Ensure requirements that are addressed in alternative sections of the Code are not duplicated in the Supplementary Use Standards.</u>
8.	<u>Distinguish that Unmanned Retail Structures, when located within ten feet of a principal structure, shall have different limitations on signage than freestanding structures that are limited through Art. 8, Signage, and specify the particular standards that apply to those structures.</u>
9.	<u>Clarify that total sign face area shall not exceed eight square feet, regardless of Wall Sign limitations in Art. 8, Signage, in order to limit total signage to a reasonable scale based on the maximum total footprint of 100 square feet for each structure.</u>

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1 ...
2 **f. Unmanned Retail Structure**

3 An unmanned structure which stores or dispenses items for sale or rent, limited to
4 general retail and convenience products, such as ice and water; or, for the temporary
5 storage of packages that are in the shipping process, for customer pick up. [Partially
6 relocated from Art. 4.B.2.C.75, Kiosk]

7 **1) Accessory Use - Industrial Zoning Districts**

8 May be allowed as an accessory use to Data and Information Processing, Research
9 and Development, Government Services, or Wholesaling.

10 **2) Location**

11 Shall not obstruct more than 20 percent of the windows or architectural glazing on an
12 adjacent structure.

13 **3) Size and Number**

14 Shall not exceed a footprint or GFA of 100 square feet. Shall be limited to one
15 freestanding structure per development; or one per storefront when collocated with a
16 building in accordance with Design Standards below. [Partially relocated from Art.
17 4.B.2.C.75, Kiosk]

18 **4) Design Standards**

19 Shall comply with Art. 5.C.1.H, Guidelines for Nonresidential Design Elements,
20 except where in compliance with the following:

21 a) Structures or storage lockers less than six feet in height; and,

22 b) When located within ten feet of a principal structure; and,

23 c) When painted to match the wall color of the adjacent structure.

24 **5) Signage Limitations**

25 Wall signage may be allowed for buildings that meet the requirements for 5.C.1.H,
26 Guidelines for Nonresidential Design Elements. All other signage shall be limited to a
27 maximum of 20 percent or four square feet per side, whichever is less.

Reason for amendments to General Retail Sales in the Use Matrix: [Zoning]
--

3. No changes to the approval process are being proposed.

28
29
30
31 **35. Rooming and Boarding House**
32

HISTORY: This use has been historically located under Hotel, Motel, SRO, and Rooming and Boarding House. The use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.
--

Reason for amendments: [Zoning]
--

1. Remove Rooming and Boarding House from Hotel, <u>Motel, SRO and Rooming and Boarding House</u> or Motel and create a definition for Rooming House to identify the use operates in a Single Family dwelling structure only with no more than five number of guests.

2. Relocate existing standard from Hotel, <u>Motel, SRO and Rooming and Boarding House</u> or Motel that allows Boarding and Rooming Homes in Multifamily Residential (RM) Zoning District when located in High Residential (HR) FLU designation.
--

3. Add standard that allows a Single Family structure to be modified only when the building safety is involved or to make improvements to provide compatibility with surrounding structures. The proposed language allows such modifications to be interior, exterior or both to comply with <u>Florida</u> Building Code and Fire Rescue regulations.
--

33
34 **a. Definition**

35 A Single Family Residential dwelling with lodging for a maximum of up to five persons,
36 where meals may or may not be regularly prepared and served, and facilities such as
37 kitchen and bathrooms may be shared with other residents.

38 **b. Zoning District**

39 A Rooming and Boarding House ~~is~~ shall only be allowed ~~only~~ in the RM district with an
40 HR FLU designation. [Partially relocated from ~~Art. 4.B.2.C,~~ Hotel, ~~or Motel,~~ SRO, and
41 Rooming and Boarding House]

42 **c. Dwelling Modifications**

43 Only exterior alterations necessary to assure safety of the structure or enhance the
44 compatibility with the surrounding neighborhood. A Single Family dwelling may require

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structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.

Reason for amendments to Rooming or Boarding House: [Zoning]
4. Indicate Class A Conditional Use approval in the RM Zoning District. Currently, the Use Matrix shows that approval under Hotel or Motel use but the approval is only applicable to Rooming and Boarding therefore the approval is just relocated. The use is not proposed to be allowed in any other residential zoning district to avoid tentative introduction of non-residential uses in residential zoning districts due to possible conversion of the use to a more intense activity.



12036. Self-Service Storage

HISTORY: The Self-Service Storage use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and ~~e~~Supplementary Use ~~s~~Standards were amended by Ord. 1995-024, 1996-028, 1997-064, 1999-037, 2000-015, 2003-067, 2005-002, 2006-004, and 2011-001.

Reason for amendments: [Zoning]
1. Expand upon existing provisions recognizing two distinct types of Self Service Storage F facilities, Limited Access f acilities, which are typically air conditioned facilities comprised of smaller units located along internal corridors, with defined or secure external building access; and, Multi- a Access F facilities which have individual external loading access points. While the uses will be split in the Use Matrix to improve ease of use, the Supplementary r Use Standards will be retained under the general heading Self Service Storage, since most if not all of the standards apply to both.
<u>2.</u> <u>Correct scrivener's error that inadvertently implied that a Self Service Storage facility was allowed in Commercial Low Office and Commercial High Office FLU designation of an MUPD, which is inconsistent with the intended uses outlined in the Future Land Use Element (FLUE) of the Comprehensive Plan.</u>
<u>23.</u> Establish new provisions to coincide with amendment to Use Matrix to allow Limited Access f acilities in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
<u>24.</u> Establish standards to clarify orientation of storage doors or interior advertising visible through exterior fenestration to continue prior efforts to mitigate adverse architectural appearance or potential for nuisance when storage units are being accessed.
<u>45.</u> Expand option to allow for use of buildings and walls in lieu of Incompatible Landscape Buffer requirements by recognizing need to allow for Fire Rescue emergency access points, which are typically requested thus creating conflicts with existing option.
<u>6.</u> <u>Delete reference to Security Caretakers Quarters, which is already defined as a Collocated use where permitted.</u>

a. Definition

A facility consisting of individual, self-contained units that are leased for the storage of business, household or other personal goods.

1)a. Types Permitted

Self Service Storage facilities may typically include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following: [Partially relocated from ~~Art. 4.B.2.C.36.b.3.~~ Storage Units, below]

a1) Limited Access

Limited Access, ~~which is a multi-storied self-service storage~~ Self Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units ~~bays~~.

b2) Multi Access

Multi Access, ~~storage which is a one story~~ Self Service Storage self-service storage facility with multi-access points from the exterior of the building to individual storage units ~~bays~~.

b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

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1 ~~Self-Service Storage~~ is prohibited in the NR, NRM, and NG and NC ~~Sub-areas~~, as
2 outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]
3 [Relocated from Art. 4.B.2.C.36.g, WCRA Overlay, below]

c. Zoning Districts

1) ~~MUPD with CLO or CHO FLU Designation~~

a) ~~Outdoor Storage Area~~

A maximum of 30 percent of overall Self Service Storage square footage.
[Partially relocated from Art. 4.B.2.C.36.c.7)a), Outside Storage Area]

b) ~~Multi-Access Storage~~

Multi-access storage shall be prohibited when adjacent to a residential use or
vacant parcel with residential FLU designation. [Partially relocated from Art.
4.B.2.C.36.c.7)d), Multi-Access Storage]

c) ~~Lot Size~~

A minimum of three acres and a maximum of ten acres. [Partially relocated
from Art. 4.B.2.C.36.e.1), Lot Size]

d) ~~Height~~

A maximum of one story or 25 feet. [Partially relocated from Art.
4.B.2.C.36.c.7)c), Height and Art. 4.B.2.C.36.e.2), Height]

2) ~~Commercial Pod of PUD or Neighborhood Center of TND~~

Self Service Storage in Commercial Pods of a PUD or Neighborhood Center of a
TND, shall be limited as follows:

a1) Maximum of 50 percent of the overall GFA; and,

b2) Multi-Access shall be prohibited; and,

e3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self Service
Storage building square footage.

de. Accessory Uses

1) ~~Industrial Districts~~

Where permitted in Industrial districts, a Self Service Storage use may include
accessory retail use, limited to the rental and sale of retail items used for moving and
storage, such as hand trucks, cartons, tape and packing materials. [Partially
relocated from Art. 4.B.2.C.36.b.2), General, Limitations, below]

2) ~~Outdoor Storage~~

Outdoor Storage may be permitted subject to the following standards:

a) ~~Permitted Vehicles~~

Shall be limited to the storage of vehicles of the type customarily maintained by
households for personal use such as recreational vehicles or pleasure boats, or a
Home Occupation Vehicle, subject to the following: [Partially relocated from
Art. 4.B.2.C.36.b.6), Outside Storage]

b) ~~Location~~

The storage shall occur only within a designated area. [Relocated from Art.
4.B.2.C.36.b.6)a), Location (Related to Outside Storage)]

c) ~~Maximum Storage Area~~

The storage area shall not exceed 50 percent of the lot area. [Relocated from
Art. 4.B.2.C.36.b.6)b), Storage Area (Related to Outside Storage)]

d) ~~Screening~~

The storage area shall be completely screened from view from adjacent
properties and public streets by placement behind buildings, and opaque fences
or walls a minimum of six feet in height. [Partially relocated from Art.
4.B.2.C.36.b.6)c), Screening, (Related to Outside Storage)]

e) ~~Mobility~~

All vehicles and trailers shall be licensed for use on public streets. Recreational
vehicles, boats and personal watercraft may be permitted but shall be stored on
wheelod trailers. [Partially relocated from Art. 4.B.2.C.36.b.6)a), Location
(Related to Outside Storage)]

f) ~~Repair Prohibited~~

Vehicle repair shall be prohibited. [Relocated from Art. 4.B.2.C.36.b.6)e),
Repair (Related to Outside Storage)]

ef. Architecture

1) ~~Storage Unit Door Orientation~~

a) ~~First Floor Door Orientation~~

Storage unit doors shall not face a residential use or vacant parcel with a
residential FLU designation, or public street. [Partially relocated from Art.
4.B.2.C.36.b.9), General, Door Orientation, below]

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1 **b) Door Orientation on the Second Story or Above**

2 *Limited Access storage unit doors and access points located on the second story*
3 *or above shall be oriented toward the interior of the site where fenestration is*
4 *used to allow visibility into interior corridors. [Partially relocated from Art.*
5 *~~4.B.2.C.36.b.9), Supplemental Standards for Multi Access Facilities, Door~~*
6 *Orientation and Access, below] (Related to Supplemental Standards for*
7 *Multi Access Facilities]*

8 **2) Storage Access or Storage Unit Door Screening**

9 *Access points and storage doors shall be screened from all public streets, residential*
10 *uses or vacant parcels with a residential FLU designation, through the use of*
11 *buildings, walls, opaque vehicular gates which primarily remain closed, or other*
12 *similar barriers.*

13 **3) Fenestration**

14 *The use of fenestration purposely designed in conjunction with interior signage,*
15 *logos, lighting, or paint schemes intended to expand permitted exterior signage shall*
16 *be prohibited.*

17 **fg. Landscaping – Incompatibility Buffer Screening Requirements**

18 *Where an incompatibility buffer is required, the minimum six foot screening requirement*
19 *may be waived, subject to the following:*

20 **1) Facades**

21 *The exterior facades of storage structures present an unbroken, wall-like appearance*
22 *when seen from adjacent lots and streets. [Partially ~~relocated~~ from Art.*
23 *~~4.B.2.C.36.b.7)a)(1), Landscaping and Buffering, Wall Option, Facades, below]~~*

24 **2) Wall**

25 *Separate storage structures are connected by a solid opaque wall to give the*
26 *appearance of structural continuity. This option may be permitted where Fire Rescue*
27 *may require access for emergency purposes upon demonstration that any required*
28 *gates are designed and constructed to provide the same visual barrier as the*
29 *required wall. [Partially relocated from Art. ~~4.B.2.C.36.b.7)a)(2), Landscaping~~*
30 *and Buffering, Wall Option, Wall, below]*

31 **3) Access Isles**

32 *No aisle-ways or other vehicle access ways are located in the area between the*
33 *building and the adjacent property line. [Partially ~~relocated~~ from Art.*
34 *~~4.B.2.C.36.b.7)a)(3), Landscaping and Buffering, Wall Option, Access Isles,~~*
35 *below]*

36 **gh. Storage**

37 **1) Hazardous Materials Prohibited**

38 *The storage of flammable, hazardous or explosive materials, goods or products shall*
39 *be prohibited. [Partially relocated from Art. ~~4.B.2.C.36.b.3), General, Storage~~*
40 *Units, below]*

41 **2) Outdoor Storage Standards**

42 *Outdoor storage shall be subject to the following:*

43 **a) Permitted Vehicles**

44 *Shall be limited to the storage of vehicles of the type customarily maintained by*
45 *households for personal use such as recreational vehicles or pleasure boats, or a*
46 *Home Occupation Vehicle, subject to the following: [Partially relocated from*
47 *Art. 4.B.2.C.36.b.6), Outside Storage]*

48 **b) Location**

49 *The storage shall occur only within a designated area. [Relocated from Art.*
50 *4.B.2.C.36.b.6)a), Location (Related to Outside Storage)]*

51 **c) Storage Area**

52 *The storage area shall not exceed 50 percent of the lot area. [Relocated from*
53 *Art. 4.B.2.C.36.b.6)b), Storage Area (Related to Outside Storage)]*

54 **d) Screening**

55 *The storage area shall be completely screened from view from adjacent*
56 *properties and public streets by landscaping, fences, walls or buildings.*
57 *[Partially relocated from Art. 4.B.2.C.36.b.6)c), Screening (Related to*
58 *Outside Storage)]*

59 **e) Mobility**

60 *All vehicles and trailers shall be licensed for use on public streets. Other*
61 *vehicles, including recreational vehicles, boats and personal watercraft, shall be*
62 *stored on wheeled trailers. [Partially relocated from Art. 4.B.2.C.36.b.6)a),*
63 *Location (Related to Outside Storage)]*

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f) **Repair Prohibited**

Vehicle repair shall be prohibited. [Relocated from Art. 4.B.2.C.36.b.6)e),
Repair (Related to Outside Storage)]

hi. **Supplemental Circulation Standards for Multi-Access Facilities** [Partially relocated
from Supplemental Standards for Multi-Access Facilities, below]

1) **Interior**

The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic. [Partially Relocated from Art. 4.B.2.C.36.c.5)a), Supplemental Standards for Multi-Access Facilities, Circulation, Interior, below]

2) **Flow**

Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows. [Partially Relocated from Art. 4.B.2.C.36.c.5)b), Supplemental Standards for Multi-Access Facilities, Circulation, Flow, below]

i.) **Business Uses Prohibited**

Businesses shall be prohibited from operating within any Self Service Storage facility or storage unit or Outdoor Storage area, except as follows: [Partially relocated from Art. 4.B.2.C.36.b.3), Storage Units]

1) **Storage of Business Goods**

A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation. [Partially relocated from Art. 4.B.2.C.36.b.3), General, Storage Units, below]

2) **Home Occupation Vehicles**

A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi Access storage unit or Outdoor Storage area.

b. **General**

All self-service storage uses shall comply with the following:

1) **Location**

A self-service storage facility located in a CL-FLU designation shall not be located within 1,000 feet of another self-service storage facility. [Ord. 2005-002]

2) **Limitations**

A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials. [Ord. 2005-002] [Partially relocated to Standard d.1, Accessory Uses, above new Art. 4.B.2.C.36.e, Accessory Use]

3) **Storage Units** [Partially relocated to Standard g.1, Storage, Hazardous Materials Prohibited, above]

Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation. [Partially relocated to Standard a.1, Definition, Types Permitted, above Art. 4.B.2.C.36.b, Typical Uses, and Art. 4.B.2.C.36.h.1), Hazardous Materials Prohibited; Standard g.1, Storage, Hazardous Materials Prohibited, above; and Standard i.1, Business Uses Prohibited, Storage of Business Goods, above]

4) **Vehicle Rental**

Vehicle rental may be permitted subject to a Class A conditional use and shall be limited to the rental of trucks and trailers used for moving and accessory uses such as the installation of hitch and towing packages, and wash facility.

5) **Security Quarters**

A security or caretaker quarters use may be allowed on the site of a self-storage facility pursuant to Article 4.B, Supplementary Use Standards.

6) **Outside Storage**

Except as provided in this Section, all goods shall be stored entirely within enclosed buildings. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained for personal use shall be permitted within a self service storage facility provided the following standards are met: [Partially relocated to Standard d.2, Art. 4.B.2.C.36.x.2), Accessory Uses, Outdoor Storage, above]

a) **Location**

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- 1 ~~4) Height~~
2 A maximum of 35 feet.
- 3 ~~5) Circulation~~ [Relocated to Standard h.1, Supplemental Circulation Standards
4 for Multi Access Facilities, Circulation, above]
- 5 ~~a) Interior~~
6 ~~The minimum width of aisle ways between storage structure shall be 20 feet for~~
7 ~~one-way traffic, and 30 feet if two-way traffic between storage structure.~~
8 ~~[Partially relocated to Standard h.1, 5.B.1.A.2.i, Supplemental Circulation~~
9 ~~Standards for Multi Access Facilities, Interior, above]~~
- 10 ~~b) Flow~~
11 ~~Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist~~
12 ~~at a minimum of standard directional signage and painted lane markings with~~
13 ~~arrows. [Partially rRelocated to Standard h.2, 5.B.1.A.2.i, Supplemental~~
14 ~~Circulation Standards for Multi Access Facilities, Flow, above]~~
- 15 ~~6) Door Orientation and Access~~
16 ~~Bay doors and access points located on the second story or above shall be oriented~~
17 ~~toward the interior of the site. [Partially relocated to Standard e.1.b, Architecture,~~
18 ~~Storage Unit Door Orientation, Door Orientation on the Second Story or above,~~
19 ~~above] 5.B.1.A.2.h.1)a)(8) (Related to Dangerous Materials)]~~
- 20 ~~7) CLO, CHO, CLO/MUPD, and CHO/MUPD~~
- 21 ~~a) Outdoor Storage Area~~
22 ~~A maximum of 30 percent of overall square footage. [Partially relocated to Art.~~
23 ~~4.B.2.C.xx.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 24 ~~b) Door Orientation~~
25 ~~All bay doors shall be oriented toward the interior of the site. [Partially~~
26 ~~relocated to Art. 4.B.2.C.36.e.1), CLO or CHO Districts and CLO or CHO~~
27 ~~MUPD]~~
- 28 ~~c) Height~~
29 ~~A maximum of one story. [Partially relocated to Art. 4.B.2.C.36.e.1), CLO or~~
30 ~~CHO Districts and CLO or CHO MUPD]~~
- 31 ~~d) Multi-Access Storage~~
32 ~~Multi-access storage shall not be permitted on parcels in the CLO, and CHO~~
33 ~~districts and MUPD districts with a CLO or CHO FLU designation when adjacent~~
34 ~~to a residential district. [Partially relocated to Art. 4.B.2.C.36.e.1), CLO or~~
35 ~~CHO Districts and CLO or CHO MUPD]~~
- 36 ~~d. Supplemental Standards for Limited Access Facilities~~
- 37 ~~1) Lot Size~~
38 ~~A minimum of one acre.~~
- 39 ~~2) Loading~~
40 ~~A minimum of two off-street loading spaces shall be provided at each entry into the~~
41 ~~building. [Partially rRelocated to Table 6.A.1.B, Minimum Off Street Parking and~~
42 ~~Loading Requirements]~~
- 43 ~~e. CLO, CHO, and MUPD Districts~~
44 ~~Limited access self-service storage facilities in the CLO and CHO districts, and MUPD~~
45 ~~district with a CLO or CHO FLU designation, shall comply with the following regulations:~~
46 ~~[Partially relocated to Art. 4.B.7.C.36.e.1), CLO or CHO Districts and CLO or CHO~~
47 ~~MUPD]~~
- 48 ~~1) Lot Size~~
49 ~~A minimum of three acres and a maximum of ten acres. [Partially relocated to Art.~~
50 ~~4.B.2.C.36.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 51 ~~2) Height~~
52 ~~A maximum of 25 feet. The portion of a facility including a security or caretaker's~~
53 ~~quarters shall be limited to two stories and shall not exceed 30 feet in height to the~~
54 ~~highest point.~~
- 55 ~~3) Signage~~
56 ~~One freestanding or one wall sign.~~
- 57 ~~4) Frontage~~
58 ~~The facility shall front on and access from an arterial or collector street. [Partially~~
59 ~~relocated to Art. 4.B.2.C.36.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 60 ~~f. Multi-Access and Limited-Access Combinations~~
61 ~~A combination of multi-access and limited-access storage uses may be permitted within~~
62 ~~the same building or on the same site pursuant to the supplemental standards for both~~
63 ~~uses.~~

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g. WCRA Overlay

~~Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Relocated to Standard b, Art. 4.B.2.C.36.e, Overlay – Westgate Community Redevelopment Area Overlay (WCRAO), above]~~

Reason for amendments to Self-Service Storage in the Use Matrix: [Zoning]	
47.	Delete from General Industrial (IG) district and General Industrial (IND/G) pod of a Planned Industrial Park Development (PIPD), as these districts are typically reserved for heavy industrial uses and manufacturing. Self Service Storage is primarily intended to provide for additional household storage, where residential vehicular traffic would potentially be incompatible with heavy truck traffic typically expected in heavy industrialized areas.
28.	Allow for Limited Access in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
29.	Allow for use in Traditional Marketplace Development. This district is primarily intended to allow for mixed use or a traditional main street form of development, but could reasonably accommodate Self Service Storage uses for onsite residents or surrounding neighborhoods, with the added benefit of enhanced architectural or site design standards.

37. Single Room Occupancy (SRO)

HISTORY: This use has been historically located under Hotel, Motel, SRO, and Rooming and Boarding House. The use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.	
Reason for amendments: [Zoning]	
1.	Remove Single Room Occupancy (SRO) from Hotel or Motel to be its own use and provide a definition to differ from Rooming and Boarding House by indicating this use may include more than five persons, offering not only lodging but other services such as food preparation.
2.	Utilize existing Supplementary Use Standard under Hotel or Motel applicable to SRO too, that limits the use in the CRE Zoning District to be located only on sites with RR FLU designation. The Standard indicates currently Class A Conditional approval which is now shown in the Use Matrix and the standard clarifies this is applicable to RR FLU designation since since CRE is also consistent with CR and IND FLU designations.

a. Definition

~~An establishment with lodging for five or more persons housed in individual rooms, where meals may or may not be regularly prepared and served, and facilities such as kitchen and bathrooms may be shared with other residents.~~

b. Zoning District - CRE

~~SRO may only be allowed in the RR FLU designation. [Partially relocated from Art. 4.B.2.C.17, Hotel Motel]~~

Reason for amendments to SRO in the Use Matrix: [Zoning]	
3.	Indicate Class A approval process in the CRE Zoning District to reflect existing standard currently applicable to reflected in the original location under Hotel or Motel. A Supplementary Use Standard clarifies the use is limited to RR FLU designation which is for Rural Residential ten (RR-10).
4.	Allow the use in the Urban Redevelopment Area Overlay (URAO) subject to DRO approval as this area is intended to hold mixed uses.
5.	Allow the use in PDDs with CH FLU designation as well as the TMD Urban/Suburban Tier, Exurban and Rural Tiers subject to Class A Conditional Use approval. The use will be allowed in intense commercial areas only.

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~~128.Theater, Drive-In~~

HISTORY: Theater use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.
Reason for amendments: [Zoning]
1. Consolidate use with new Conference Center or Theater and Performance Venues to provide additional options of for similar uses.

- ~~An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.~~
- ~~a. CRE District~~
- ~~Shall not be allowed in a RR FLU designation.~~ [Relocated to Art. 4.B.2.C.389.c.1, Approval Process, under Conference Center or Theater and Performance Venues]

Reason for amendments to Theater in the Use Matrix: [Zoning]
2. Delete use approval process from the Use Matrix as the use is consolidated with new Conference Center or Theater and Performance Venues use.

~~12938.Theater ,Indoor and Performance Venue~~

HISTORY: This is an expanded use that includes Performance Venues, Drive-In Theater and Indoor Theater. Theater use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.
Reason for amendments: [Zoning]
1. Consolidate Indoor Theater <u>and Drive-In Theater</u> with Performance Venue as a new use to address location of facilities that allow for activities not included in Arena or Stadium or Amphitheater use. The current provisions are for theaters only, this use expands by including similar facilities.
2. Provide a list of typical uses by including common facilities covered by this use definition. Expand typical uses by clarifying that theaters for motion pictures are included within the Theater and Performance Venue use.
3. Make the use Permitted by Right in any zoning district where the Use Matrix allows it limited to 15,000 square feet when indoor. Impacts on adjacent sites would be minimal when the use is limited to operate indoor under 15,000 square feet. Site design elements such as parking, landscaping or signage would be addressed as part of the Building Permit application.
4. Allow the use to be Permitted by Right in the CN Zoning District because the use is limited to a maximum of 3,000 square feet for gross floor area in that district. There are multiple facilities under this threshold that are of a neighborhood scale such as movie theaters or symphony halls.

- ~~An establishment for showing motion pictures or live performances in an enclosed building.~~
- ~~a. Definition~~
~~An establishment that hosts live performances, viewings, seminars or exhibitions.~~
- ~~b. Typical Uses~~
~~Typical uses may include but are not limited to movie theaters, theaters, conference centers and exhibition halls.~~
- ~~ac. CRE District Approval Process~~
- ~~1) In the CRE Zoning District, the use shall not be allowed in a CRE district with an RR FLU designation. [Partially relocated from CRE District, under Drive-In Theater]~~
- ~~b. CC, CG, MUPD and LCC Districts~~
- ~~2) May be Permitted by Right if it is indoor and less than Indoor theaters not exceeding 15,000 square feet are a permitted use of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise. [Ord. 2010-005]~~
- ~~c. IL District~~
~~An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.~~
- ~~d. Building Area - CN Zoning District~~

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Shall be limited to 3,000 square feet of GFA.

Reason for amendments to Theater and Performance Venue in the Use Matrix: [Zoning]	
5.	Utilize the approval process of Indoor Theater as a reference to develop the approval process for this more comprehensive use.
6.	Make the use Permitted by Right in the CN Zoning Districts as a limitation of the facility is 3,000 SF which is the typical size of an expected structure serving residential neighborhoods.
7.	Show Class A Conditional Use <u>Approval</u> in the Use Matrix as the most restrictive process in the zoning districts where the use is currently allowed, with the exception of CN District. This clarification of the approval process is to be consistent with the existing Supplementary <u>Use</u> Standards for Indoor Theater that allows the use to be Permitted by Right when less than 15,000 square feet.
8.	Make the use Permitted by Right in the PO Zoning District as this type of use is very likely to be publicly owned or operated.

~~**135. Vehicle Sales and Rental**~~

HISTORY: The Vehicle Sales and Rental use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1993-004, 1996-028, 1997-014, 1997-064, 2000-015, 2001-029, 2003-067, 2006-004, 2009-040, 2010-005, and 2012-027.	
Reason for amendments: [Zoning]	
1.	Revise definition for consistency with terms used by the Florida Department of Motor Vehicles and related Florida Statutes.
2.	Establish two "types" of Vehicle Sales and Rental to allow for easier clarification of existing standards intended to limit larger motor vehicles or heavy equipment to Industrial Zoning districts, or Commercial districts with a Commercial High (CH) future land use designation, where appropriate.
3.	Establish limitation to limit Vehicle Sales and Rental to Neighborhood Rental Facilities in the Commercial Pod of PUD and the Neighborhood Center of a TND, to better reflect intent to serve surrounding neighborhoods and mitigate incompatible uses.
4.	The majority of terms used to describe the different types of vehicles or equipment assigned to the Light or Heavy Types of Vehicle Sales and Rental are sourced from Title XXIII, Motor Vehicles, of Florida Statutes, including F.S. 316.003, Definitions and F.S. 320.01, General Definitions. Note that where some definitions may not exist in a manner that would be intuitive for staff or customers, minor revisions are made, such as "light truck". Whereas F.S. do not explicitly define light duty trucks or SUVs, but rather use the simple definition of "truck" for trucks with a gross vehicle weight of less than 5,000 pounds, and multiple variations for those greater than, including heavy truck, truck tractor, bus, farm tractor, etc.
5.	Relocate "motorcycles" and "golf carts" from General Retail Sales to Vehicle Sales and Rental, to include a provision to allow for facilities limited to those vehicles to retain the original Permitted by Right approval process, while addressing the following: <ul style="list-style-type: none"> • Sale of these vehicles oftentimes includes many of the same characteristics regulated under Vehicle Sales and Rental, with relocation allowing for standards such as outdoor storage or display to be applied. • Under General Retail Sales, the location where merchandise may be displayed outdoors is restricted and must be removed and placed indoors or in a designated storage area after hours. Relocating to Vehicle Sales and Rental allows dealers to leave vehicles in designated "display areas" if desired. • Industry input received through the Use Regulations Project, included requests to allow the sale of motorcycles to use the lower parking ratios afforded to Vehicle Sales and Rental. Whereas General Retail Sales requires 5 spaces per 1,000 square feet, Vehicle Sales and Rental allows a lower ration of 4 spaces per 1,000 square feet of indoor showroom, and 1 space per 5,000 square feet of outdoor display. Staff concurs that these ratios are more appropriate for the sale of these types of vehicles.
6.	Typical Uses include terms referenced by the Florida Department of Highway Safety and Motor Vehicles licensing requirements, including: <ul style="list-style-type: none"> • Independent Dealers, which allows licensee to sell, retail or wholesale, used motor vehicles only. • Franchise Dealers, which allows the licensee to sell new motor vehicles under an agreement with the manufacturer, as well as used motor vehicles. • Wholesale Dealer, which limits licensees to buying, selling or dealing at wholesale with licensed

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	<p>dealers.</p> <ul style="list-style-type: none"> • Mobile Home Dealer, which allows the licensee to sell new or used mobile homes. • Mobile Home Broker, • New Recreational Vehicle Dealer, allows licensee to sell new and used recreational vehicles (subject to agreement with manufacturer). • Used Recreational Vehicle Dealer, allows licensee to sell used recreational vehicles. <p>Vehicle sales and rental does not include the following license types:</p> <ul style="list-style-type: none"> • Auction, allows licensee to sell, on behalf of licensed dealers, through a bid process. This would fall under the Auction use classification. • Salvage, allows licensee to deal in salvage or wrecked vehicles, but requires that the title to the vehicle be reassigned to an independent dealer for resale. This would fall under Heavy Repair and Maintenance.
7.	Note: ULDC Art. 6.B.1.B.1.G.1 [Related to Prohibitions] states “A street or driveway shall not be used for loading or unloading.” While such loading activities may occur in streets or driveways, the existing prohibition is sufficient for any Code Enforcement actions, and staff does not recommend adding any redundant standards.
8.	<u>Add provision to allow for limited Heavy Vehicle Sales and Rental of farm equipment in the Rural Tier. The Commercial High FLU designation is not permitted in this Tier, and the Commercial Low FLU designation is intended to provide for neighborhood serving uses. Staff recognizes that the sale or rental of Heavy Equipment where limited to farm equipment, where demonstrated as part of the Class A Conditional use process, would further efforts to support agriculture and Right to Farm in the Rural Tier.</u>

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~~An establishment engaged in the sale, rental, or lease of new or used motorized vehicles, equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~**a. Development Standards**~~

~~**1) Lot Size**~~
~~A minimum of three acres. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~**2) IL District**~~
~~A minimum of one acre. [Partially relocated to both new Heavy Vehicle or Equipment Sales and Rental]~~

~~**3) Accessory Uses**~~
~~Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located a minimum of 100 feet from any residential district. [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]~~

~~**4) Bay Doors**~~
~~Service bay doors shall not be oriented toward any adjacent property in a residential district or toward any adjacent public street. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~**5) Outdoor Activities**~~
~~There shall be no outdoor repair of vehicles or outdoor storage of disassembled vehicles or parts. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~**6) Sales Office**~~
~~No mobile home, recreational vehicle, or other vehicle shall be used as a sales office, storage space or as a dwelling unit.~~

~~**7) Car Wash**~~
~~Car wash facilities shall use a water recycling system.~~

~~**8) Loudspeakers**~~
~~No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.~~

~~**9) Loading Space**~~
~~Loading space shall be setback a minimum of 100 feet from an existing residential district, use or FLU designation. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

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10) Parking

~~Vehicles otherwise stated in this Section, all vehicular use areas for display, sale, rent, or storage shall comply with Article 6, PARKING. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

b. Display

~~Outdoor area storage and display areas shall be permitted, subject to the following requirements: [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

1) Bull Pen Storage

~~Vehicle may be stored outdoors on an improved parking surface without reference to parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales and display parking shall conform to Article 6, PARKING, except for space striping. Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. Vehicles shall not be stored or temporarily parked in a required parking space, handicap parking space, driveway, queuing area, fire lane, or other vehicle circulation area. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental, Standards for Display Areas]~~

2) Parking

~~A barrier shall be provided between vehicles or display and customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental, Standards for Display Areas]~~

3) Display

~~No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

4) Operating Conditions

~~No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

c. District and Overlay Limitations

1) CC, CG IL, and MUPD Districts

a) Truck and Trailer Rental

~~Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area. [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]~~

2) Indoor Vehicle Showroom Exception

~~An indoor vehicle sales and rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be allowed subject to DRO approval and the following criteria. [Ord. 2015-031] [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

a) Floor Area

~~A maximum of 30,000 square feet and 15 display vehicles. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

b) New Vehicles

~~Display shall be limited to new vehicles only.~~

c) Test Drives

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~~Test drives shall not be permitted from the indoor vehicle showroom or on-site.~~
[Partially relocated to new Light Vehicle Sales and Rental, Approval Process]

~~**d) Parking**~~

~~Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site.~~ [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]

~~**e) Vehicle Operations**~~

~~Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom.~~ [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]

~~**f) Maintenance and Repair**~~

~~Maintenance, repair, or painting shall not occur on-site.~~ [Ord. 2015-031]

~~**g) Stand-Alone Exception**~~

~~A stand-alone indoor vehicle sales and rental facility with lot frontage on an Arterial Street may be exempt from the limitations of a) through f) above, except for d), Parking, provided that all vehicle display, storage, detailing, or other collocated activities occur indoors.~~ [Ord. 2015-031] [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]

~~**3) IL District**~~

~~In the district vehicle sales and rental uses shall be limited to the following:~~
[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

~~**a) Accessory Use**~~

~~In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of walls, fences or landscaping. No vehicle shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area.~~
[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

~~**(1) Display**~~

~~Vehicles on display shall be located within 100 feet of a repair bay.~~
[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

~~**b) Automobile Rental**~~

~~Automobile rental shall be subject to Class A conditional use approval.~~ [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

~~**c) Mobile Home, RV, and Heavy Equipment Sales or Rental**~~

~~The sale or rental of mobile homes, recreational vehicles or heavy equipment shall be permitted subject to Class B conditional use approval.~~

~~**d) Rental Equipment**~~

~~Construction equipment, moving trailer, farm equipment, and farm implement and machinery sales and rental uses shall require DRO approval.~~ [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]

~~**4) WCRA Overlay**~~

~~Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E - WCRAO Sub-area Use Regulations.~~ [Ord. 2006-004] [Partially relocated to new Light Vehicle Sales and Rental and Heavy Vehicle or Equipment Sales and Rental]

~~**d. Temporary Sale**~~

~~The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the following additional standards.~~ [Partially relocated to new Temporary Sales]

~~**1) CG, IL, and MUPD Districts**~~

~~Temporary sale of vehicles shall be permitted.~~ [Partially relocated to new Temporary Sales]

~~**2) Lot Size**~~

~~A minimum of ten acres.~~ [Partially relocated to new Temporary Sales]

~~**3) Separation**~~

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~~A minimum of 50 feet from all buildings. [Partially relocated to new Temporary Sales]~~

~~**4) Duration**~~

~~Temporary sales shall be limited to five consecutive calendar days and shall be prohibited during the months of November and December. [Partially relocated to new Temporary Sales]~~

~~**5) Parking**~~

~~A maximum of 50 required off-street parking spaces may be utilized. No activities shall extend beyond the permitted area. [Partially relocated to new Temporary Sales]~~

~~**6) Signage**~~

~~Signage shall be permitted only in the designated event area. [Partially relocated to new Temporary Sales]~~

~~**7) Hours of Operation**~~

~~Hours of operation shall be from 8:00 a.m. to 9:00 p.m. [Partially relocated to new Temporary Sales]~~

~~**8) Location**~~

~~There shall be suitable access to the event area, subject to Zoning Division approval. [Partially relocated to new Temporary Sales]~~

~~**e. Neighborhood Vehicle Rental Facility**~~

~~A rental facility that is limited to a maximum of six vehicles stored on site. For the purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard pick up trucks, and minivans. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**1) Development Standards**~~

~~**a) Minimum Lot Size**~~

~~The lot size shall comply with the minimum required for the applicable zoning district. Legal non-conforming lots of record shall be able to develop a neighborhood vehicle rental facility provided all other minimum site development regulations can be met. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**b) Zoning Districts**~~

~~Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**c) Approval Process**~~

~~This use shall be subject to DRO approval. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**d) Parking**~~

~~The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. Vehicles shall not be parked in required or handicap spaces, driveways, queuing areas, fire lanes, or other vehicular circulation areas. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**e) Outdoor Activities**~~

~~Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on site. [Ord. 2009-040] [Partially relocated to new Light Vehicle Sales and Rental]~~

~~**f. Infill Redevelopment Overlay (IRO)**~~

~~A vehicle sales and rental use located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

39. Vehicle or Equipment Sales and Rental, Heavy

a. Definition

~~*An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used mobile homes or commercial vehicles, as may be defined by the Florida Department of Motor Vehicles, or equipment, including but not limited to the following: heavy trucks, truck tractors, road tractors, straight trucks, special mobile equipment, buses, school buses, farm tractors, farm implements, heavy equipment including construction and earth moving equipment, trailers, and semitrailers. [Partially relocated from Art. 4.B.2.C.39, Vehicle Sales and Rental]*~~

b. Typical Uses

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1 *Typical uses include independent dealers, franchise dealers, wholesale dealers, or*
2 *mobile home dealers or brokers, or, moving truck or trailer rental, , construction or farm*
3 *equipment sales or rental yards, and large implement sales or rental. [Partially*
4 *relocated from Art. 4.B.2.C.39, Vehicle Sales and Rental]*

5 **c. Approval Process**

6 **1) Moving Truck and Trailer Rental**

7 *Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may*
8 *be permitted as an accessory use to Retail Gas and Fuel Sales or a Large Scale*
9 *Commercial Development, subject to DRO approval.*

10 **2) IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD -**
11 **Rental Equipment**

12 ~~a) Rental Equipment~~

13 *The rental of construction equipment, moving trucks or trailers, farm equipment, and*
14 *farm implement and machinery sales and rental uses may be ~~permitted~~allowed*
15 *subject to DRO approval. [Partially relocated from Art.4.B.2.C.39.c.3)d), Rental*
16 **Equipment]**

17 **3) Rural Tier Farm Equipment - MUPD with CL FLU Designation**

18 *Heavy Vehicle or Equipment Sales and Rental limited to farm equipment that*
19 *supports the residents of the Rural Tier may be allowed in an MUPD with a CL FLU*
20 *designation, subject to Class A Conditional Use approval.*

21 **d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**

22 *Heavy Vehicle or Equipment Sales and Rental is prohibited in the NR, NRM, and NG*
23 *and NC Sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord.*
24 *2006-004] [Partially relocated from Art. 4.B.2.C.39.c.4), WCRA Overlay]*

25 **e. Lot Size**

26 **1) Commercial Districts**

27 *A minimum of three acres. [Partially relocated from Art. 4.B.2.C.x.b,*
28 **Development Standards]**

29 **2) IL District**

30 *A minimum of one acre. [Partially relocated from Art. 4.B.2.C.39.b, Development*
31 **Standards]**

32 **f. Accessory Uses - Industrial Districts**

33 *Retail sale of parts may be provided as an accessory use. Where permitted in Industrial*
34 *districts, limited Light Vehicle Sales and Rental, may be permitted as an accessory use to*
35 *Heavy Repair and Maintenance facilities, subject to DRO approval, and the following:*
36 **[Partially relocated from Art. 4.B.2.C.39.a.3), Accessory Uses]**

37 **a) Limited to vehicle sales of a maximum of five vehicles per lot. [Partially relocated**
38 **from Art. 4.B.2.C.39.c.3)a), Accessory Uses]**

39 **b) All storage spaces shall be located indoors, or setback a minimum of 100 feet from**
40 **the front and side street property lines, or in a location which is screened from view**
41 **from any public street by a combination of buildings or walls, or opaque fences or**
42 **landscaping. [Partially relocated from Art. 4.B.2.C.39.c.3)a), Accessory Uses]**

43 **c) Vehicles on display shall be located within 100 feet of a repair bay. [Partially**
44 **relocated from Art. 4.B.2.C.39.c.3)a), Accessory Uses]**

45 **g. Nuisances – Test Drives**

46 *Test drives of motor vehicles shall be prohibited on ~~Local~~ Residential Streets.*

47 **h. Storage or Display**

48 *Outdoor storage or display of vehicles or equipment shall only be permitted in areas*
49 *designated for storage or display on an approved Development Order, subject to the*
50 *following requirements: [Partially relocated from Art. 4.B.2.C.39.b, Display]*

51 **1) General**

52 **a) Vehicle Operating Conditions**

53 **(1) The storage or display of inoperable vehicles or equipment shall be**
54 **prohibited, with exception to designated storage areas permitted under an**
55 **approved Accessory or Collocated use.**

56 **(2) No vehicles or equipment shall be stored or displayed on-site except those**
57 **intended for sale, rental or lease. An exception shall be permitted for new**
58 **motor vehicle or equipment inventory owned by another dealership, provided**
59 **that such vehicles or equipment is of the same type approved for the subject**
60 **site. [Partially relocated from Art. 4.B.2.C.39.b.4), Operating Conditions]**

61 **b) Loading Spaces**

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Loadings spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation. [Partially relocated from Art. 4.B.2.C.39.j, ~~Parking~~ Loading Space]

c) Required Parking

Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

2) Standards for Bull Pen Storage

a) Location or Design

Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

b) Outdoor Storage

Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part. [Partially relocated from Art. 4.B.2.C.39.b.2), Display]

b) Barrier

A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO. [Partially relocated from Art. 4.B.2.C.39.j.3, Standards for Display Areas), General]

c) Design Standards

Display areas shall conform to Article 6, PARKING, except for space striping. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

4) Standards for Moving Truck and Trailer Rental

Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. [Partially relocated from Art. 4.B.2.C.39.c.1)a), Truck and Trailer Rental]

Reason for amendments to Vehicle Sales and Rental in the Use Matrix: [Zoning]
1. Reorganize approval processes based on new Type of Vehicle Sales, with the Light category generally permitted in most Commercial Zoning districts and Heavy is similarly limited to the CH FLU and Industrial districts.

40. Vehicle Sales and Rental, Light

a. Definition

An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats, and recreational vehicles, including but not limited to the following vehicles typically acquired for personal non-commercial use: [Partially relocated from Art. 4.B.2.C.39, Vehicle Sales and Rental]

- 1) *Automobiles, sport utility vehicles (SUVs) and light trucks or vans with a curb weight of 8,000 lbs. or less; or,*
- 2) *Boats, personal watercraft, recreational vehicles (RV), off-highway vehicles (OHV), motorcycles, golf carts, or swamp buggies.*

b. Typical Uses

Typical uses include independent dealers, franchise dealers, wholesale dealers, or new and used recreational vehicle dealers, auto and truck rental, and boat or personal watercraft rental and sales. [Partially relocated from Art. 4.B.2.C.39, Vehicle Sales and Rental]

c. Approval Process

1) Indoor Vehicle Showroom

Notes:

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EXHIBIT J

COMMERCIAL USES SUMMARY OF AMENDMENTS

(Updated 12/9/16)

1 *An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall*
2 *be exempt from the minimum three-acre lot size requirement, and may be permitted*
3 *subject to DRO approval and the following criteria. [Partially Relocated from Art.*
4 *4.B.2.C.39.c.2, Indoor Vehicle Showroom Exception]*

5 **a) Floor Area**

6 *A maximum of 30,000 square feet and 15 display vehicles. [Partially Relocated*
7 *from Art. 4.B.2.C.39.c.2, Indoor Vehicle Showroom Exception]*

8 **b) Test Drives**

9 *Test drives shall not be permitted from the indoor vehicle showroom or on-site.*
10 *[Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle Showroom*
11 *Exception]*

12 **c) Vehicle Operations**

13 *Display vehicles shall not operate engines during store hours. Engines shall only*
14 *be permitted to operate during the transport of vehicle into or out of the*
15 *showroom. [Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle*
16 *Showroom Exception]*

17 **d) Parking**

18 *Vehicles for sale or lease shall not be parked or displayed outside of the*
19 *showroom. [Partially Relocated from Art. 4.B.2.C.39.c.2, Indoor Vehicle*
20 *Showroom Exception]*

21 **e) Stand Alone Exception**

22 *Stand Alone with lot frontage on an Arterial Street or Planned Collector Street,*
23 *may be exempt from the limitations of a) through c) above, provided that all*
24 *vehicle display, storage, detailing, or other Collocated uses or activities occur*
25 *indoors. [Ord. 2015-031] [Partially Relocated from Art. 4.B.2.C.39.c.2,*
26 *Indoor Vehicle Showroom Exception]*

27 **2) Neighborhood Vehicle Rental Facility**

28 *A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG*
29 *zoning districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU*
30 *designation; or the Neighborhood Center (NC) of a TDD, subject to DRO approval*
31 *and the following: [Partially Relocated from Art. 4.B.2.C.39.e, Neighborhood*
32 *Vehicle Rental Facility]*

33 **a) Vehicle Limitations**

34 *A maximum of six vehicles stored on-site, limited to cars, SUVs, standard pick-up*
35 *trucks, and minivans. [Ord. 2009-040] [Partially Relocated from Art.*
36 *4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]*

37 **b) Minimum Lot Size**

38 *The lot size shall comply with the minimum required for the applicable zoning*
39 *district. Legal non-conforming lots of record shall be able to develop a*
40 *Neighborhood Vehicle Rental Facility provided all other minimum site*
41 *development regulations can be met. [Ord. 2009-040] [Partially Relocated*
42 *from Art. 4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]*

43 **c) Parking**

44 *The rental vehicles shall be parked in specifically designated spaces or located in*
45 *bull pen storage. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.39.e,*
46 *Neighborhood Vehicle Rental Facility]*

47 **d) Outdoor Activities**

48 *Maintenance, repair, detailing, washing, cleaning or related activities shall not be*
49 *conducted on-site. [Ord. 2009-040] [Partially Relocated from Art.*
50 *4.B.2.C.39.e, Neighborhood Vehicle Rental Facility]*

51 **d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**

52 *Light Vehicle ~~S~~ales and ~~R~~ental is prohibited in the NR, NRM, ~~and~~ NG and NC ~~S~~ub-*
53 *areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004]*
54 *[Partially relocated from Art. 4.B.2.C.39.c.4), WCRA Overlay]*

55 **e. Zoning Districts**

56 **1) Commercial Pod of PUD and Neighborhood Center of TND**

57 *Shall be limited to a Neighborhood Vehicle Rental Facility.*

58 **2) LCC and TMD**

59 *Shall be limited to Indoor Vehicle Showroom.*

60 **3) Districts with Commercial Low FLU Designation**

61 *The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the*
62 *standards for Accessory Uses.*

63 **4) IL District - Automobile Rental**

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EXHIBIT J
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(Updated 12/9/16)

Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval. [Partially relocated from Art. 4.B.2.C.39.3)b), Automobile Rental]

f. Lot Size

A minimum of three acres, excluding the following:

- a) Indoor Vehicle Showrooms,*
- b) Motorcycle or OHV sales and rental,*
- c. Boat or watercraft sales and rental when collocated with a Marina Facility; or*
- d) Where otherwise stated within this Sub-section.*

g. Accessory Uses – Marinas

Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an Accessory Use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three acre lot size requirement.

h. Nuisances – Test Drives

Test drives of motor vehicles shall be prohibited on ~~Local~~ Residential Streets.

i. Storage or Display

Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements: [Partially relocated from Art. 4.B.2.C.39.b, Display]

1) General

a) Vehicle Operating Conditions

(1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved Accessory or Collocated use.

(2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site. [Partially relocated from Art. 4.B.2.C.39.b.4), Operating Conditions]

b) Loading Spaces

Loadings spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation. [Partially relocated from Art. 4.B.2.C.39.j, Parking]

c) Required Parking

Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

2) Standards for Bull Pen Storage

a) Location or Design

Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

b) Outdoor Storage

Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) Standards for Display Areas

a) General

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part. [Partially relocated from Art. 4.B.2.C.39.b.2), Display]

b) Barrier

A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO. [Partially relocated from Art. 4.B.2.C.39.j.3, Standards for Display Areas), General]

c) Design Standards

Display areas shall conform to Article 6, PARKING, except for space striping. [Partially relocated from Art. 4.B.2.C.39.b)1), Bull Pen Storage]

Reason for amendments to Vehicle Sales and Rental in the Use Matrix: [Zoning]

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

1. Reorganize approval processes based on new Type of Vehicle Sales, with the Light category generally permitted in most Commercial Zoning districts and Heavy is similarly limited to the CH FLU and Industrial districts.

13641 Veterinary Clinic

HISTORY: The Veterinary Clinic use definition and Supplementary Use Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary Use Standards were amended by Ord. 1995-008, 1998-011, 1997-037, 2001-001, 2003-067, 2005-002, 2009-040, 2010-005, 2010-022, 2010-055, and 2011-016.

Reason for amendments: [Zoning]

1. Revise the Approval Process standard to clarify between optional and zoning district specific regulations.
2. Delete Extended Care as the definition addresses temporary boarding.

a. Definition

An establishment engaged in providing medical care, treatment and temporary boarding for animals.

a. District Specific Regulations

1) AR and AGR Districts

~~Shall be limited to livestock only and located on a minimum of five acres. [Ord. 2010-055]~~ **[Relocated to Standard c, Lot Size - AR and AGR Districts, below]**

2) CN District

~~Shall not have outdoor runs, nor occupy more than 3,000 square feet of GFA. [Ord. 2010-055]~~ **[Relocated to Standard d.1, CC and CN Zoning Districts, below]**

3) LCC and TDD Districts

~~Shall not include outdoor runs, nor occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]~~ **[Relocated to Standard d.2, MUPD with CL FLU Designation, LCC and TDD Districts, below]**

4) Infill Redevelopment Overlay

~~Shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. [Ord. 2010-005] [Ord. 2010-055]~~ **[Partially relocated to Standard d.c., Lot Size and d., Zoning District, and Standard d.3, Zoning District, Infill Redevelopment Overlay, below]**

b. Approval Process - AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU Designation Exceptions for Limited Facilities

~~A veterinary eclinic may be permitted by right in AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU designation any district where the use is permitted pursuant to Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, subject to the following limitations: [Ord. 2010-055]~~

- 1) GFA shall not exceed 5,000 square feet; and, [Ord. 2010-055]
- 2) Shall not include outdoor runs. [Ord. 2010-055]

c. Lot Size - AR and AGR Districts

~~Shall be located on a minimum of five acres. [Ord. 2010-055]~~ **[Partially relocated from Standard a., District Specific Regulations, AR and AGR Districts, above]**

d. Zoning District

~~A Veterinary Clinic shall not have outdoor runs and limited to the following:~~

1) CC and CN Zoning Districts

~~Shall not occupy more than 3,000 square feet of GFA. [Ord. 2010-055]~~ **[Partially relocated from District Specific Regulations, CN District, above]**

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

~~Shall not occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]~~ **[Partially relocated from District Specific Regulations, LCC and TDD Districts, above]**

3) Infill Redevelopment Overlay

~~Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel. [Ord. 2010-005] [Ord. 2010-055]~~ **[Partially relocated from Standard a., District Specific Regulations, Infill Redevelopment Overlay, above]**

e. Extended Care

~~Shall be limited to animals requiring onsite veterinary care due to illness or during recovery from surgical procedures. [Ord. 2010-055]~~

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

- 1 **de. Outdoor Runs**
2 A ~~v~~Veterinary ~~e~~Clinic with outdoor runs shall comply with the following standards: [Ord.
3 **2010-055]**
4 1) **Lot Size**
5 A minimum of one acre.
6 2) **Setbacks**
7 Outdoor runs shall not be located within 50 feet of any property line adjacent to a
8 parcel of land with a an existing residential FLU designation or use, district or FLU; or
9 25 feet from any property line adjacent to a non-residential zoning district, use, or
10 FLU. [Ord. 2010-055]
11 3) **WCRAO**
12 Outdoor runs shall not be located within 25 feet of any property line.
13 4) **Standards**
14 A six foot high fence shall be required around the runs. If the fence is not opaque or
15 screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
16 minimum of four feet at installation, shall be provided around the run. [Ord. 2010-
17 **055] [Ord. 2015-031]**
18 5) **Waste Disposal**
19 A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
20 all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2015-031]
21 **ef. Facility without Outdoor Runs**
22 A veterinary clinic without outdoor runs shall be required to make accommodations to
23 ensure animal waste is properly disposed of within the facility. [Ord. 2010-055]
24

Reason for amendments to Veterinary Clinic in the Use Matrix: [Zoning]	
3.	Change the approval process from: <ul style="list-style-type: none"> • Class A Conditional Use to P in the CN Zoning District; • Class B Conditional Use to P in the CC Zoning District; • Requested Use to P in PDDs and TDDs where the use is allowed; and, • Class B Conditional Use to DRO Approval in the CHO Zoning District.
4.	Change the Approval Process from: <ul style="list-style-type: none"> • DRO Approval to Class A Conditional Use in the AGR Zoning District; • Class B Conditional Use to Class A Conditional Use in the AR Zoning District.



27
28 **13742. Vocational School Institution**
29

HISTORY: The Vocational School use definition and Supplementary <u>Use</u> Standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and Supplementary <u>Use</u> Standards were amended by Ord. 1992-020, 1996-028, 1999-037, 2001-001, 2001-029, 2003-067, 2011-016, and 2012-027 .	
Reason for amendments: [Zoning]	
1.	Change the use name from Vocational School to Vocational Institution in order to avoid any confusion with the School definition.
2.	Expand the use definition by clarifying additional activities included in the use intend. Simplify the use definition by addressing typical uses as <u>a</u> separate standard. Typical uses include relocation of art schools from Professional Services as establishments oriented to educate in arts are more consistent with the definition of Vocational Institution. Individual art instructions are addressed through Home Occupation. The definition also includes language that intends to create a difference between this use and Elementary or Secondary School.
3.	Delete standard that prohibits Vocational Schools in AGR-PUD. The Code allows the use in Commercial pod of PUD and after researching the history of the standard, there is no clear evidence for the prohibition in AGR PUD.
4.	Expand the list of typical uses in order to address institutions that provide instruction of heavy mechanical equipment <u>use</u> . In addition, it includes programs that issue high school diplomas that do not fit the definition of Elementary or Secondary School, <u>and</u> which are typically for young adults.
5.	Allow the use as Permitted by Right in the CN Zoning District and change the approval from Class A Conditional Use to Permitted by Right in the CC Zoning District limited to 3,000 SF. This provision provides consistency with the scale of the <u>uses</u> expected in these zoning districts.
6.	Delete standard that makes the use subject to Class A Conditional approval in the AGR, CC, CG and LCC Zoning District. The use is not permitted in AGR Zoning District therefore this provision has not

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

been applicable. To address all other zoning districts contained in the standard, specific provisions have been added to limit the use of heavy equipment utilized for instructional purposes to be only permitted in Industrial Zoning Districts, for compatibility reasons with similar uses and activities.

a. Definition

An establishment, ~~that is not an elementary or secondary school,~~ offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial or artistic trade skills ~~such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.~~ **[Partially relocated to Standard b. Typical Uses, below]**

~~**b. AGR-PUD**~~

~~A Vocational School is not permitted.~~

b. Typical Uses

~~Typical uses~~ A Vocational Institution may include but ~~are~~ is not limited to: business, real estate, building and construction trades; machinery operation and repair; electronics, computer programming and technology; automotive or aircraft mechanics and technology; beauty or art school or instruction leading to a high school diploma. **[Partially relocated from Vocational School definition, above, and ~~Professional Personal Services~~ definition]**

c. Zoning District - CN and CC

Shall be limited to 3,000 square feet of GFA.

~~**a. AGR, CC, CG and LCC Districts**~~

~~A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use. **[Ord. 2010-005]**~~

7. Additional provisions have been included to limit the use to be indoor only when located in commercial zoning districts or when separated from residential 250 feet. This amendment is to prevent possible nuisances that may affect residential uses.

d. FLU Designation - Industrial

~~A Vocational Institution that requires the use of heavy machinery, mechanical, construction or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to sites with Industrial FLU designation excluding Commercial pod of a PIPD. **[Ord. 2012-027]**~~ **[Partially relocated from PIPD Industrial Use Zones, below]**

~~**bdc. Nuisances**~~

~~The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with a Residential FLU designation or use.~~

c. PIPD Industrial Use Zones

~~A vocational school within a Light or General Industrial Use Zone shall be limited to educational instruction specifically related to manufacturing, trades that require the use of heavy machinery, such as welding, mechanical or electrical repair, or other similar uses typically associated with industrial land use zones. **[Ord. 2012-027]**~~ **[Partially relocated to Standard d. FLU Designation - Industrial, above]**

Reason for amendments to Vocational School in the Use Matrix: [Zoning]	
8.	Allow the use in CN Zoning District and the development area of an AGR TMD. In the CN Zoning District the use will be limited to 3,000 SF, and TMD is intended to be mixed use, therefore the use is expected in that district.
9.	Change the approval process from Class A Conditional use to Permitted by Right in CHO Zoning District as the use will be limited to 3,000 SF for consistency with the use size expected in that area.
10.	Change from Class A Conditional Use approval to Permitted by R Right in the <u>Institutional Public Facilities (IPF)</u> Zoning District, Commercial pod of PUD, MUPD and MXPD with CL and <u>Economic Development Center (EDC)</u> FLU designation, and the LCC with CL FLU designation as the use is intended to be in commercial zoning districts and expected to be indoor or away from residential as least 250 feet to prevent any impacts.
11.	Change the approval process from DRO to Permitted by Right in MUPD with INST FLU designation as it is an institutional use expected in that area.
12.	Change from Class A Conditional Use approval to Permitted by R Right in the <u>General Light</u> Industrial and General Industrial pods of PIPD as the use is limited to institutions oriented to include heavy

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COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

equipment in the vocational programs.

141-43. Work/Live Space

Reason for amendments: [Zoning]

1. ~~No significant revisions are proposed.~~ Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of Work/ Live in the NR Sub-area of WCRAO. See additional deletions to redundant Work/Live Space standards located under the Multiple Use Planned Development (MUPD) district.

a. Definition

A space within a building that is used jointly for residential and any non-residential use permitted in the Zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]

ba. Non-residential Designation

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. [Ord. 2010-005]

cb. Floor Area

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

de. Office Space

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

ed. WCRAO

~~Shall be permitted in accordance with~~ Work/ Live is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2007-013]

Reason for amendments to Work/Live Space in the Use Matrix: [Zoning]

2. Amend to allow Work/Live Spaces in the Commercial Low Office (CLO) and Community Commercial (CC) Zoning districts subject to Class A Conditional Use approval, and in the Commercial High Office (CHO) and General Commercial (CG) Zoning districts, subject to Development Review Officer (DRO) approval, in order to expand opportunities for small businesses such as artist lofts, or business or professional uses, etc. While the uses are Permitted by Right in comparable Planned Development Districts (PDDs), additional scrutiny is required in standard districts to ensure that the parking and ~~other~~ site layout is compatible with the residential component of the Work/Live Space.

3. Amend to allow Work/Live Spaces to be Permitted by Right where currently subject to Class A Conditional Use approval in a Traditional Marketplace Development (TMD). TMDs are subject to Preliminary and Final Site Plan approval, are subject to more holistic parking regulations allowing for changes in use, and include a higher level of pedestrian walkability and amenities which easily accommodate the Work/Live Space use.

4. Amend to allow the Work/Live Space in an Agricultural Reserve TMD as Permitted by Right. As implied above, TMDs are a good fit for the Work/Live Space use and existing regulatory review or design standards address any issues associated with incorporation of this use.

Part 4. ULDC Art. 3.B.6, LOSTO, Lake Okeechobee Scenic Trail Overlay (page 30 of 234), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Relocate standard related to accessory office from Business or Professional Office use to Lake Okeechobee Scenic Trail Overlay (LOSTO) regulations to consolidate with provisions that pertain only to that overlay.

2. Relocate standard related to Retail Sales from Article 4.B.1.A.114 to consolidate with provisions that pertain only to that overlay.

CHAPTER B OVERLAYS

Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

C. Use Regulations

Notes:

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

Uses ~~permitted as of right~~ Permitted by Right in the underlying district are ~~permitted as of right~~ Permitted by Right in the LOSTO. In addition, the following uses shall be permitted subject to Article 4.B, Supplementary Use Standards:

1. Bed ~~& and b~~Breakfast;
2. Camping ~~e~~Cabin;
3. Catering ~~s~~Service;
4. Offices, ~~b~~Business or ~~p~~Professional;
Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit. ~~[Partially Relocated from LOSTO, under Art. 4.B.1.A.91, Business or Professional, Office]~~
5. Restaurant, ~~s~~Specialty Type 1;
6. Retail ~~s~~Sales, ~~general~~;
Additional standards for Retail Sales shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit. ~~[Partially Relocated from Art. 4.B.1.A.114.d, LOSTO, under Retail Sales, General]~~
7. Stable, ~~e~~Commercial.

D. ~~Accessory Office~~

~~Within the LOSTO, an office limited to a maximum of 1,500 square foot of GFA and for the sole purpose of arranging nature or horitage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit. ~~[Relocated from Art. 4.B.1.A.91, Business or Professional, Office]~~~~

E. ~~Additional Standards for Retail Sales~~

~~Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square foot of total floor area shall be allowed subject to approval of a Special Permit. ~~[Relocated from Art. 4.B.1.A.114, Retail Sales, General]~~~~



Part 5. ULDC Table 3.B.14.E, WCRAO Sub-area Use Regulations (page 46 of 234), is hereby amended as follows:

<p>Reason for amendments: [Westgate CRA] The NC Sub-area of the WCRAO comprises Westgate Avenue from Suwanee Drive to the LWDD L-2B canal, Cherokee Drive to the north and Nokomis Avenue to the south and measures slightly under 1 mile long. There are currently four convenience stores in operation within the NC Sub-area on Westgate Avenue, two of which are separated by less than 650 feet. Due to extended hours of operation, minimal staffing, and the types of products which are typically sold, such as alcohol, tobacco and fast-foods, convenience stores are often the target of crime, and are conducive to loitering, prostitution and drug trafficking. The Westgate CRA redevelopment area has seen an increase in criminal solicitation and has also seen an increase in the homeless population which tend to cluster in vacant lots and easements on Westgate Avenue and in other areas of the CRA. Crime, or the perception of crime, does not encourage new investment and significantly cripples redevelopment efforts. This use is only permitted by Class A approval in the CN standard zoning district. While most lots are zoned CG along Westgate Avenue to facilitate more intense commercial activity, the character of the corridor remains neighborhood oriented. Some jurisdictions have adopted ordinances that prohibit convenience stores in neighborhood commercial zoning districts to mitigate further negative impacts on neighborhood character and growth. With two neighborhood grocery stores on Westgate Avenue, food retail amenities for community residents are well provided. Convenience Stores with Gas Sales have also proliferated throughout the CRA; there are currently two at the corner of Westgate Avenue and Congress Avenue and at least five built or entitled within the CRA's boundaries along Okeechobee Blvd. This use has already been prohibited in the NR, NRM and NG Sub-areas of the WCRAO, where many lots are still residentially zoned.</p>
<ol style="list-style-type: none"> 1. Convenience Store with Gas Sales stricken to cross reference existing WCRAO limitations in Art. 4.1.B.A.37.h. pursuant to Use Regulations Project amendment language. 2. Day Labor Employment Service stricken to cross reference existing WCRAO limitations in Art.

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EXHIBIT J

COMMERCIAL USES SUMMARY OF AMENDMENTS

(Updated 12/9/16)

	4.1.B.A.41.a. pursuant to Use Regulations Project amendment language. Standards which prohibit this use in the WCRAO have been relocated to the use Business or Professional Office.
3.	This amendment also seeks to prohibit Gas and Fuel, Retail in the NC Sub-area commiserate with modifications to that use pursuant to the Use Regulations Project. Gas and Fuel, Retail is already prohibited in the NR, NRM, and NG Sub-areas of the WCRAO. See line 9 for further justification.
4.	Repair and Maintenance, General stricken to cross reference existing WCRAO limitations in Art. 4.1.B.A.107 pursuant to Use Regulations Project amendment language. Repair and Maintenance, General will be divided into Repair and Maintenance, Heavy and Repair and Maintenance, Light to ...”clarify that certain types of repairs are likely to cause adverse impacts to adjacent properties, ...additional clarification of types of vehicles or equipment repaired, ...clarify standards and prohibitions for outdoor storage.”
5.	Repair and Maintenance, Heavy added to cross reference amended WCRAO limitations in Art.4.1.B.A.30.c. pursuant to Use Regulations Project amendment language.
6.	Repair and Maintenance, Light added to cross reference amended WCRAO limitations in Art.4.1.B.A.31.c. pursuant to Use Regulations Project amendment language.
7.	Vehicle Sales and Rental stricken to cross reference existing WCRAO limitations in Art.4.B.A.135. pursuant to Use Regulations Project amendment language. Vehicle Sales and Rental will be divided into Vehicle Sales and Rental, Light and Vehicle and Equipment Sales and Rental, Heavy to...”identify specific types of light or heavy vehicles or equipment per Florida Statute, and ...”to clarify standards and establish limitations...to mitigate incompatible uses”.
8.	Vehicle Sales and Rental, Light added to cross reference amended WCRAO limitations in Art.4.1.B.A.37.d. pursuant to Use Regulations Project amendment language.
9.	Vehicle and Equipment Sales and Rental, Heavy added to cross reference amended WCRAO limitations in Art.4.1.B.A.38.d. pursuant to Use Regulations Project amendment language.
10.	The NC Sub-area of the WCRAO is envisioned in the CRA’s Community Redevelopment Plan as the commercial downtown of the redevelopment area with a focus on mixed use which is a requirement for new development in that Sub-area. There has been a proliferation of auto related uses throughout the WCRA that do little to further the goal of community redevelopment. Generally auto related uses do not encourage the foot traffic needed to foster interest and expand economic opportunity. General repair and maintenance and vehicle sales and rental uses have already been prohibited in the NG Sub-area of the WCRAO. Auto related uses can have negative visual and noise related impacts on adjacent or surrounding uses. Neighborhood streets are used for test drives, vehicles are often parked or inventory stored in adjacent vacant lots or in swales along the R-O-W creating a persistent Code Enforcement issue, both in the NG Sub-area and increasingly in the NC Sub-area. The requirement for mixed use in the NC Sub-area discourages these types of uses in new development, however, by prohibiting General Repair and Maintenance, both Heavy and Light, Retail Gas and Fuel, and Vehicle and Equipment Sales and Rental uses in the NC Sub-area of the WCRAO, clarity of intent is established and the WCRA is afforded the opportunity to attract new investment and a mix of vibrant uses to the Westgate Avenue corridor.
11.	Live/Work Unit is stricken to cross reference the deletion of this use pursuant to Use Regulations amended language.
12.	<u>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.</u>

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

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
....								

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

Commercial Uses								
Adult Entertainment (3)	X	X	X	X	X	X	X	4.B.2.C.1
Convenience Store	X	X	X	X	-	-	-	4.B.2.C.7
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Employment Agencies (5) Day Labor Employment Service	X	X	X	X	X	X	X	41 4.B.2.C.25
Gas and Fuel Sales, Retail	X	X	X	X	-	-	-	18 4.B.2.C.15
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Repair and Maintenance, Heavy	X	X	X	X	-	-	-	4.B.2.C.29
Repair and Maintenance, Light	X	X	X	X	-	-	-	4.B.2.C.30
Self-Service Storage	X	X	X	X	-	-	-	120 4.B.2.C.36
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Vehicle Sales and Rental, Light	X	X	X	X	-	-	-	4.B.2.C.38-40
Vehicle or Equipment Sales and Rental, Heavy	X	X	X	X	-	-	-	4.B.2.C.39
Office Warehouse	X	X	X	X	A (1)	A (1)	A (1)	138 4.B.5.C.17
Work/Live Space or Live/Work Unit	X	P (4)	P (4)	P (4)	P (4)	P (4)	P (4)	141, 141-2 4.B.2.C.43
Industrial Uses								
Contractor Storage Yard	=	=	=	=	A	=	A	4.B.5.C.1
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007]								
Notes:								
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004]								
2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004]								
3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. [Ord. 2007-013]								
4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district. [Ord. 2007-013]								
5. <u>Employment Agencies as contained in Art. 4 under Office, Business or Professional.</u>								
Key:								
X Prohibited in Sub-area.								
- Subject to Use Regulations of zoning district.								
P Permitted by Right. [Ord. 2007-013] [2009-040]								
A Class A Conditional <u>or Requested Use</u>								

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Part 6. ULDC Art. 3.E.3.D.1, Work/Live Space (page 176 of 234), is hereby deleted as follows:

Reason for Amendment: [Zoning] Work/Live combinations are not entirely limited to MUPDs, the definition and other standards are redundant to Art. 4.B.2.C.x, Work/Live Unit (e.g. definition, districts permitted, minimum 10% office designation, maximum 1,000 square feet, etc.), and thresholds for approval processes based on number of “spaces” per acre are either redundant to the Use Matrix, or no longer applicable where the approval process in TMDs has been changed to Permitted by Right.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

D. Property Development Regulations

~~1. Work/Live Space~~

~~A space within a building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards: [Ord. 2006-004]~~

~~Accessory work/live spaces may be permitted in a MUPD, MXPDP, commercial pod of a PUD, commercial and industrial pods of a PIPD, or a TMD as follows: [Ord. 2004-040]~~

~~a. Shall not exceed 1000 square feet of living area; [Ord. 2004-040]~~

~~b. A minimum of 10 percent of the living area shall be designated as office space; [Ord. 2004-040]~~

Notes:

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

- c. ~~Shall be counted as non-residential square footage; [Ord. 2004-040]~~
d. ~~The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live PDD; [Ord. 2004-040]~~
e. ~~The maximum number allowed by the DRO in a PDD is indicated in the Table 3.E.3.D-32, Work/Live Space PDD. The maximum number allowed by the DRO in a TMD is indicated in the Table 3.E.3.D-33, Work/Live Space TMD; and [Ord. 2004-040]~~
f. ~~Work/live spaces in excess of the maximum number allowed by the DRO shall be a Requested Use. [Ord. 2004-040]~~

Table 3.E.3.D-Work/Live Space PDD

FLU Designation	Commercial Pod in a PUD	CH	CLO	CHO	IND (1)	EDC (1)
Number of Spaces	1/acre	5/acre	3/acre	3/acre	3/acre	3/acre
DRO (2)	8	24	24	24	24	24
[Ord. 2004-040] [Ord. 2014-025]						
Notes:						
(1) Limited to commercial pods in a PIPD only. [Ord. 2014-025]						
(2) Maximum number of spaces.						

Table 3.E.3.D-Work/Live Space TMD

TIER	U/S	AGR/GLADES	RURAL/EXURBAN
DRO	100	100	75
[Ord. 2004-040]			

Part 7. Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 5-6 of 39), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Revise Minimum Off-Street Parking and Loading table to remove uses that have been deleted in Article 4, related to Commercial Uses.
2. Establish parking and loading regulations for Microbrewery. The production and packaging of alcohol will be similar to the Manufacturing and Processing use in the Industrial Use Classification. Accessory Tap Room will be similar to Cocktail Lounge.
3. Add loading provisions for Laundry Services as the use may include loading activities when serving the hospitality business <u>industry</u> .
4. Establish parking and loading regulations for Rooming and Boarding House, as the use was split from Hotel or Motel to make it more consistent with its residential Single Family dwelling character.
5. Consolidate existing Supplementary <u>Use</u> Standards for Self Service Storage loading requirements with Art. 6, Parking and Loading Standards, for ease of use. Delete reference to Security Caretakers Quarters, which is already defined as a Collocated use where permitted.
6. Add parking provisions for new Use Single Room Occupancy (SRO) as the use was removed from Hotel or Motel. The parking provisions are similar to the requirements included in Hotel or Motel use.
<u>7. Establish parking and loading regulations for Unmanned Retail Structure as a sub-category of Retail Sales, ensuring clarity for staff and applicants that one of the spaces must be ADA compliant when the structure is freestanding.</u>

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

Use Type: Commercial	Parking	Loading (1)
....		
Auto-paint or body shop	1 space per 200 sq. ft.	E
....		
Broadcast studio	1 space per 1,000 sq. ft.	N/A
Building supplies	1 space per 200 sq. ft.	B
Butcher shop, wholesale	1 space per 1,000 sq. ft.	A

Notes:

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

....		
Convenience store, w/ or w/o gas	1 space per 200 sq. ft.	C
Day labor employment service	1 space per 250 sq. ft.	C
....		
Kiosk	N/A	N/A
....		
Laundry services	1 space per 200 sq. ft.	N/A-C
Microbrewery	1 space per 3 seats	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	E
....		
Printing and copying services	1 space per 250 sq. ft.	B
Retail sales, auto parts	1 space per 200 sq. ft.	C
....		
Rooming and Boarding House	1 space for each guest room	C
Self Service Storage	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	(6) ⁶
Single Room Occupancy (SRO)	1.25 spaces per room	C
Theater, drive-in	1 space per 250 sq. ft.	N/A
Theater, indoor	4 space per 3 seats	B
Theater <u>or</u> Performance Venue, indoor, in-line	1 space per 3 seats; plus 1 space per employee	B
Theater <u>or</u> Performance Venue, indoor, stand alone	1 space per 4 seats; plus 1 space per employee	B
....		
Unmanned Retail Structure	2 spaces (11)	N/A
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		
Notes:		
....		
6. Limited access <u>Self Service Storage</u> facilities must provide <i>a minimum of two off-street loading spaces at each entry into the building off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading excluding office access not utilized by customers for accessing storage units.</i> [Ord. 2005-041] [Partially relocated from Art. 4.B.7.C.36.d.2, Loading (Related to Multi-a <u>Access Self Service Storage facilities</u>)]		
....		
11. <u>Freestanding Unmanned Retail Structures shall require a minimum of one (1) parking space for persons with disabilities.</u>		

1 Part 8. ULDC Table 8.G.1.A, Wall Signs, (page 24 of 40), is hereby amended as follows:
2

Reason for amendments: [Zoning] To clarify that:
1. Clarify that along with Freestanding ATM's, Unmanned Retail Structures are not included in the method for calculating wall signs in projects that are not regulated by a Master Sign Plan;
2. Along with wall signs for Freestanding ATM's, Unmanned Retail Structures are limited to only the signage permitted by the Maximum Sign Area calculations, and are not entitled to minimum amount of signage.
3. Corrections to endnotes, clarifying the proper reference numbers for 3 and 4.

3 ...

4 Section 1 Building Mounted Signs

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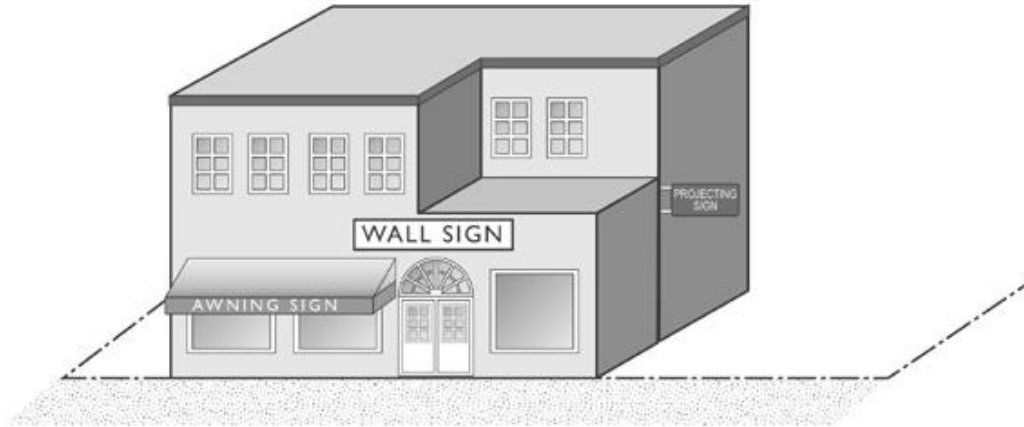
EXHIBIT J

COMMERCIAL USES SUMMARY OF AMENDMENTS

(Updated 12/9/16)

1 Building mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee
 2 signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that
 3 the total size of all such signs does not exceed the total maximum signage area permitted for wall signs.
 4 Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and marquee
 5 signs are not included in the maximum sign area calculation for building mounted signs.
 6

Figure 8.G.1 - Building Mounted Sign Types



7
8
9 **A. Wall Signs**

10 Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in
 11 Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall
 12 opening.
 13

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AGR Tier	Exurban, Rural, and Glades Tiers(3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq. ft. for walls adjacent to a residential zoning district or use (43).		
Minimum wall sign per tenant space (54)	24 square feet	24 square feet	24 square feet
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building ²	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-21]			
Notes:			
1.	For projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs <u>or Unmanned Retail Structures</u> . [Ord. 2005-002] [Ord. 2013-21]		
2.	Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.		
3.	This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width. [Ord. 2012-027]		
4.	This standard shall not apply to Freestanding ATM's <u>or Unmanned Retail Structures</u> , which shall be limited to "Maximum Sign Area" standards above. [Ord. 2013-21]		

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EXHIBIT J
COMMERCIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/9/16)

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ATTACHMENT K

RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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

<p>Reason for amendments: [Zoning]</p> <p>1. Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). 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.</p> <p>2. Remove uses that are accessory to principal residential uses, or that are residential but cannot function as standalone uses from the Use Matrix. The change responds to the fact that these uses are accessory in nature and the principal use or uses to which they are accessory, already address the approval process. Accessory residential uses are not subject to <u>a Class A Conditional Use</u> approval in cases where the principal use is unless stated otherwise.</p> <p>Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Farm Residence, Farm Workers Quarters, Groom’s Quarters, Guest Cottage, Garage Sale, Home Occupation, and Kennel Type 1A, are being consolidated in a new section 4.B.1.D, under the Residential Use classification. In addition, a table that indicates the Corresponding Accessory Use to a Principal Use has been developed for easier identification of the principal use, in locations where these accessory uses are permitted. This new section also includes accessory use definitions and standards.</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>
--

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

A. Residential Use Matrix

- ~~1. The Residential Use Matrix identifies all principal residential uses in unincorporated Palm Beach County zoning districts and the approval processes. The User Guide section of this article outlines in detail how to utilize the Use Matrices.~~
- 21. Residential related accessory uses are identified in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use.

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ATTACHMENT K

RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1

Reason for amendments: [Zoning]
4. Partially relocate standard that allows affordable housing in the INST FLU designation accessory to Place of Worship to the Residential Use Classification. The Future Land Use Element of the Comprehensive Plan indicates that residential uses are not permitted in the Institutional and Public Facilities (INST) Future Land Use (FLU) designation except for accessory affordable housing. The Plan allows the use of affordable housing only when sponsored by a non-profit organization or a community-based group and the units are not for sale. This amendment includes a general standard to clarify that Multi-family, Single Family, Townhouse or Zero Lot Line (ZLL) Homes are permitted in the Institutional and Public Facility (IPF) Zoning District only when sponsored by a non-profit organization or community-based group and the development is done to fulfill housing needs in the community. Accessory affordable housing for the Residential uses noted above is proposed to be subject to Development Review Officer (DRO) approval. This approval allows demonstration that the residential development is sponsored by a non-profit organization or community-based group with the opportunity for multiple agencies to review accordingly.

2

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B. General Residential Standards

~~This space reserved for future use.~~

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1. Accessory Affordable Housing

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Multifamily, Single Family, Townhouse or Zero Lot Line Home may be allowed in the IPF Zoning District as Affordable Housing in the same development of Institutional, Public and Civic uses such as Place of Worship. The dwelling units shall not be for sale and shall be subject to DRO approval. As part of the submittal requirement, the applicant shall demonstrate that residential development will be under the direct supervision of a sponsoring non-profit organization or community-based group. [Partially relocated from new Art. 4.B.4.C13, Place of Worship (related to INST FLU designation)]

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C. Definitions and Supplementary Use Standards for Specific Uses

134. Congregate Living Facility (CLF)

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HISTORY The Congregate Living Facility (CLF) use definition and Supplementary Use 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 Ord. 1993-004, 2003-067, 2005-002, 2006-004, 2008-003, 2009-040, 2010-005, 2012-003, and 2013-001.

Reason for amendments:[Zoning]

- 1. Delete types of facilities referenced in definition such as assisted living facilities; extended congregate care facilities, transitional living facilities, etc. Types of facilities should not be included in a definition for consistency with standardized formatting protocol.
2. Replace the term "personal services" in the definition with "assistive care services". Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services. Assistive care services shall mean assistance with activities of daily living and limited nursing services.

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a. Definition

~~This term includes assisted living facilities; extended congregate care facilities, transitional living facilities, community residential homes, community transitional residences; rehabilitative home care services, boarding home, or home for the aged or any other residential structure, whether or not operated for profit. A facility which undertakes provides for a period exceeding 24 hours: long-term care, housing, food service, and one or more personal assistive care services for persons not related to the owner or administrator by blood or marriage. In addition, this term shall include other residential uses such as dormitories, group homes with a central dining facility, and similar bed-based uses.~~

3. Clarify that Type 1 and 2 CLFs in all zoning districts where the use is permitted shall be licensed in accordance with Florida Statute 419.001, Site Selection of Community Residential Homes by one of the following agencies: Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), Department of Juvenile Justice (DJJ), Department of Elderly Affairs (DOEA), or, Agency for Healthcare Administration (AHCA).

4. Clarify a Type 3 CLF is only permitted in the Residential Single Family (RS) Zoning District with HR-8 FLU subject to Class A Conditional Use approval.

5. Delete Table 4.B.1.A - Maximum Permissible Occupancy and refer to appropriate tables of the Plan to eliminate redundancy. Clarify a dwelling unit is equivalent to 2.39 beds.

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b. Licensing

Notes:

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ATTACHMENT K

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Type 1 and 2 CLFs shall be licensed by one of the licensing entities referenced in State Statute 419.001.

c. Approval Process - RS Zoning District

A Type 3 CLF ~~shall be permitted~~ may be allowed in the RS Zoning District with an HR-8 FLU designation subject to a Class A Conditional Use approval.

ad. Maximum Occupancy

1) Type 1 CLF

Six persons, excluding staff.

2) Type 2 CLF

14 persons, excluding staff.

3) Type 3 CLF

~~Determined by Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, below; or, in the case of TDR's or a non residential district by the alternate density specified in the Plan by 2.39 residents. [Ord. 2005-002] [Ord. 2012-003]~~

The maximum occupancy shall be determined by FLUE Table III.C.1 of the Plan and multiplying the maximum allowable density by 2.39. A dwelling unit is equivalent to 2.39 beds.

Table 4.B.1.A – Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)(2)	
		Standard District	PDD or TDD (1)
RR-20	AR	PROHIBITED	0.11
RR-10	AR	PROHIBITED	0.23
RR-5	AR	PROHIBITED	0.47
RR-2.5	AR	PROHIBITED	0.95
AGR	AGR	PROHIBITED	2.39
AGE	N/A	N/A	(3)
LR-1	RE, RT	PROHIBITED	2.39
LR-2	RT	PROHIBITED	4.78
LR-3	RT	PROHIBITED	7.17
MR-5	RS	PROHIBITED	-11.95
HR-8	RS, RM	14.34	19.12
HR-12	RM	19.12	28.68
HR-18	RM	19.12	43.02

[Ord. 2005-002] [Ord. 2010-022] [Ord. 2012-003]

Notes:

- For the purpose of this Section, ~~the required minimum acreage for a PDD consisting exclusively of a CLF may be reduced by 50 percent.~~ [Relocated to 4.B.1.C.1.g, Lot Size]
- For CLF, one TDR unit is equivalent to 2.39 beds. [Ord. 2005-002] [Ord. 2012-003]
- The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by 2.39 residents. [Ord. 2010-022] [Ord. 2012-003]

4) PDD Occupancy Bonus

a) No-Double-Counting-Density

The gross area of a pod supporting a CLF in a planned development shall be deducted from the gross area of the planned development for the purpose of calculating the maximum density allowed in the PDD.

6.	Revise standard on measurement for separation from to add proposed CLF structure to the existing CLF structure to be consistent with Florida Statute 419.001.
7.	Clarify a Type 2 CLF is permitted only when located at least 1,200 feet from any other CLF to comply with State Statutes 419.001(3)(c).
8.	Consolidate Type 3 CLF frontage requirements for standard zoning districts and PDDs for consistency with standardized formatting protocol.
9.	<u>Codify separation distance between Type 1 CLF and Type 2 CLF as contained in F.S. 419.001(2) to be 1,200 feet. The statute was effective on July 1, 2016 and clarifies which zoning requirement applies when determining the proper distance between a CLF Type 2 (community residential home) and a Type 1 CLF (home of six or fewer residents).</u>

be. Separation

~~For the purpose of required separations, measurements shall be made from structure to structure, except where the separation required is between a structure and a district~~

Notes:

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boundary, in which case the separation shall be measured from structure to district boundary. The separation requirements in this Section shall be measured from the nearest point of the existing CLF structure to the nearest point of the proposed CLF structure.

1) Type 1 CLF

A Type 1 CLF regulated by F.S. §419.001(1)(a), as amended, shall not be located within a radius of 1,000 feet of another Type 1 CLF regulated by F.S. §419.001(1)(a) and within a radius of 1,200 feet of a Type 2 CLF. [Ord. 2013-001]

2) Type 2 CLF in - RM Zoning District

A Type 2 CLF located in the RM Zoning District shall not be allowed as a permitted use, provided that it is not located within a radius of 1,200 feet of another CLF. [Ord. 2008-003] [Ord. 2013-001]

cf. Type 3 CLF Frontage Location

A Type 3 CLF shall front on and have frontage and access from a collector or an arterial street, except for the following:

1) A Type 3 CLF having 25 residents or less may front on have frontage and access from a local street. [Ord. 2005-002] [Ord. 2013-001]

2) A Type 3 CLF having 250 or fewer residents may be located in a multi-family, commercial, or civic pod with access to a local street or a parking tract in a PDD. [Ord. 2005 - 002] [Partially relocated from 4.B.1.C.1.e.1), Planned Development Districts (PDDs)]

Table with 2 columns: Item number and Description. Items include 910 (Delete requirement for a Type 2 CLF to comply with Article 5.C, Design Standards), 101 (Delete reference to compatibility and height standards), 142 (Delete standards under Reserve Parking for Type 2 and 3 CLFs), and 123 (Delete the height provision under Design and Compatibility).

d. Type 2 or 3 CLF - Distance From Fire Rescue Station

A Type 2 or 3 CLF shall be located within five miles of a full service fire-rescue station. [Ord. 2013-001] [Relocated to h. below]

e. Design and Compatibility

Type 2 and 3 CLFs shall comply with Article 5.C, Design Standards. [Ord. 2005 - 002]

1) Planned Development Districts (PDDs)

A Type 3 facility having 250 residents or fewer may be located in a pod with access to a local street or a parking tract in a PDD. These facilities shall only be permitted in a multi-family, commercial, or civic pod, subject to the following criteria: [Ord. 2005 - 002] [Partially relocated to 4.B.1.C.1.f.2), related to Location]

a) Compatibility

The CLF shall be compatible with the surrounding area, including the height and mass of surrounding building(s). [Ord. 2005 - 002]

b) Height

The CLF shall not be more than one story higher than existing, or proposed development within a 150-foot radius of the facility. The measurement shall be made from structure to structure. [Ord. 2005 - 002]

fg. Minimum Lot Size Dimensions

1) The minimum lot dimension requirements of the district in which for a Type # 2 or Type # 3 CLF is located shall apply. The minimum lot size for a Type # CLF shall be 8,000 square feet or the zoning district minimum lot requirement, whichever is greater. [Ord. 2009-040]

2) The required minimum acreage for a PDD may be reduced by 50 percent if it consists exclusively of a CLF. [Relocated from Note #1 in Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities]

h. Type 2 or Type 3 CLFs - Fire Rescue Station

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A Type 2 or Type 3 CLFs shall be located within five miles of a full service fire-rescue station. [Ord. 2013-001] [Relocated from existing d. above]

g. Height

The maximum height of a CLF shall comply with the regulations of the district in which it is located.

h. Reserve Parking, for Type 2 and Type 3 CLFs

Adequate provisions shall be made to reserve sufficient lot area to meet future parking standards if the facility is converted to other uses. The boundaries of the reserve parking area shall be identified on the site plan and shall not be within any lake, drainage or open space tract used to meet exemplary design criteria.

Table with 2 columns: Item number and Description. Items 134, 145, 156, and 167 describe deletions of signage standards, accessory uses, and non-commercial uses.

i. Drop-off Area, for Type 2 and Type 3, CLFs

A drop-off area shall be provided for group transportation, such as vans or similar vehicles.

j. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF. [Relocated to Art. 4.B.1.C.1.m, Cooking Facilities below]

k. Signage

1) Type 1 and 2 CLFs

Shall be limited to one freestanding identification sign no more than four square feet in sign face area and six feet in height. [Relocated to Art. 4.B.1.C.1.i, Signage below]

2) Type 3 CLF

Shall be limited to one freestanding identification sign no more than 32 square feet in face area and eight feet in height.

l. Accessory Uses

1) Type 1 and 2 CLFs

May have accessory uses customarily incidental to a single family dwelling.

2) Type 3 CLF

a) Accessory Use

Those accessory uses customarily incidental to a multi-family dwelling unit; and

b) Non-Commercial Uses

Noncommercial uses customarily incidental to a CLF, such as a common dining room, a central kitchen, nursing station, medical examination room, chapel, library, and on-site management offices.

m. Accessory Commercial Uses

A limited amount of commercial uses may be Permitted by Right developed as permitted accessory uses in a Type 3 CLF. Such uses shall be limited to Retail Sales and Personal Services uses designed exclusively to serve the residents of the facility, such as a barber or beauty shop, convenience retail sales, and banking services. No more than ten percent of the GFA of the facility shall be used for accessory commercial uses. There shall be no exterior signage or other indication of the existence of these uses in the facility that may attract nonresidents.

Table with 2 columns: Item number and Description. Item 18 describes the deletion of the Conversion to Conventional Units standard.

n. Conversion to Conventional Units

1) Structure

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Prior to conversion to conventional dwelling units, a structure designed to accommodate a CLF shall, if necessary, be structurally modified to comply with the standards of this Code.

2) Restrictions

The DRO shall not approve the site plan for a Type 3 CLF, until a declaration of restrictions in a form approved by the County Attorney has been recorded with the Clerk of the Circuit Court for PBC. This declaration shall expressly provide that:

- a) the conversion of the facility to conventional dwelling units is prohibited, except in compliance with this Section; and
b) if permitted, conversion will not result in an increase in the number of units permitted on the site, unless the converted development has obtained the appropriate development order. If that development order has not been granted, the converted development must comply with the density permitted by the Plan;
c) the CLF will be maintained and operated in compliance with the Section at all times. Noncompliance shall result in a violation of this Code in accordance with Article 10.E, remedies.

o. Conversion to Other Uses

CLFs that are converted to other uses, including other residential uses, shall comply with all standards in effect at the time of application for permits for the new use.

k. Signage

Signage for a Type 1 or Type 2 CLF shall be limited to one freestanding sign no more than four square feet in sign face area and six feet in height. [Relocated from Art. 4.B.1.B.34.k, Signage above]

19. Change Personal Services to assistive care services. Research has indicated assistive care services more accurately defines the services offered at a CLF and will avoid confusion with the principal use of Personal Services.

p. Congregate Living, Personal Services Assistive Care Services

Assistance with or supervision of essential activities of daily living such as eating, bathing, grooming, dressing, and ambulating; supervision of self-administered medication and such other similar services as may be defined by the Florida Department of Health and Rehabilitative Services and limited nursing services.

qm. Emergency Generators

A permanent emergency generator shall be required for all Type # 2 and Type # 3 CLFs, and shall meet the standards of Article 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

n. Cooking Facilities

A CLF shall provide and continuously maintain a central dining facility. Food preparation shall be prohibited in sleeping areas or in individual quarters in Types 1 and 2 CLFs. Individual kitchen facilities may be provided in the living quarters of a Type 3 CLF. [Relocated from Art. 4.B.1.C.1.j, Cooking Facilities above]

Table with 2 columns: Reason for amendments to Congregate Living Facility in the Use Matrix: [Zoning] and description of amendments (e.g., 204. Allow Type 1 CLF to be Permitted by Right in Agricultural Reserve (AGR) Zoning District...)

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Part 2. ULDC Art. 3.B.16.E.3, Residential Uses [Related to Priority Redevelopment Areas (PRA) of the URAO] (page 85 of 229), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Per Florida Statutes 419.001(3)(c), Type 1 CLF shall be treated the same as a Single Family use.

CHAPTER B OVERLAYS

Section 16 Urban Redevelopment Area Overlay (URAO)

E. PRA Use Matrix

3. Residential Uses

Residential uses may be permitted allowed on any floor, with exception to the following: [Ord. 2011-016]

- a. Where located in the same building as non-residential uses, residential uses shall either be located above or internally separated from any non-residential uses; and, [Ord. 2011-016]
b. Single Family Dwelling Units and Type 1 CLF shall not be permitted to front on Slip Street or Primary Street Frontages. [Ord. 2011-016]

....

Part 3. ULDC Art. 5.C.1.B.1, General [Related to Architectural Guidelines Thresholds] (Page 38 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Consolidate requirement of design and compatibility for Type 3 CLF with the list of uses subject to design standard in Article 5.C.1, Architectural Guidelines.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

1. General

- e. The following uses, regardless of building size: [Ord. 2006-036]
3) Retail sales, automotive parts and accessories; and [Ord. 2006-036] [Ord. 2012-027]
4) Type 1 restaurants with drive through requesting location criteria exception pursuant to Art.4.B.1.A.109, Restaurant, Type 1; and, [Ord. 2012-027]
5) Type 3 CLF. [Relocated from Art. 4.B.1.A.34.e, Design and Compatibility - Related to CLF]

....

Part 4. Article 1.1.2, Definitions (Page 77 of 119) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Expand definition of manufactured building to provide consistency with the definition contained in the State Statute 553, Building Construction Standards. The revised definition includes residential, commercial, institutional, and industrial structures that are built under the standards of the Florida Building Code.
2. Clarify mobile home definition to differentiate between structure and dwelling unit as the terminology has been used interchangeably in the Code. Mobile home structure relates to non-density related uses such as Caretaker Quarters, Accessory to Bona Fide Agriculture and Farm Workers Quarters, temporary construction of Single Family, or, office. Mobile Home Dwelling is a principal residential use counted as density and permitted only in Mobile Home Park Development (MHPD) Districts or within an existing approved mobile home park. Mobile Home is a residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development.
3. Delete duplicated definition of Mobile Home Subdivision which applies to articles 4, Use Regulations and 11, Subdivision, Platting and Required Improvements.

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RESIDENTIAL USES
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1 CHAPTER I DEFINITIONS AND ACRONYMS

2 Section 2 Definitions

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

4
5 11. Manufactured Building

- 6 a. Aa closed structure, building assembly, or system of subassemblies, which may include
7 structural, electrical, plumbing, heating, ventilating, or other service systems
8 manufactured with or without other specified components, as a finished building or as
9 part of a finished building, constructed in conformance with and certified pursuant to the
10 requirements of Chapter 553, Florida Statutes, as may be amended, which shall include,
11 but not be limited to, Residential Manufactured Buildings (aka Modular Homes),
12 commercial, institutional, storage, and industrial structures. is used as a dwelling unit or
13 residence or office. This definition does not apply to mobile homes. Manufactured
14 building may also mean, at the option of the manufacturer, any dwelling unit or residence
15 of open construction made or assembled in manufacturing facilities away from the
16 building site for installation, or assembly and installation, on the building site.
17 b. For the purposes of Articles 3 and 4, a Residential Manufactured Building (aka Modular
18 Home) may also be considered a Mobile Home, where required by F.S. 553.382,
19 Placement of Certain Housing. [Ord. 2012-027]

20
21 46. Mobile Home

- 22 a. Structure - A detached, transportable single family dwelling unit structure, manufactured
23 upon a chassis or undercarriage as an integral part thereof, without independent motive
24 power, designed for long term occupancy as a complete dwelling unit and containing all
25 conveniences and facilities, with plumbing and electrical connections provided for
26 attachment to approved utility systems.
27 47b. Mobile Home Dwelling - for the purposes of Art. 3 or Art. 4, the use of a residential lot
28 or a unit for one mobile home or manufactured home. [Ord. 2012-027]

29 4847. Mobile Home Subdivision -

- 30 a. For the purposes of Art. 4, a subdivision of land for the sale of lots intended for the
31 placement of mobile homes and which meets the requirements of Art. 11, Subdivision,
32 Platting and Required Improvements.
33 b. For the purposes of Art. 11, a subdivision of land for the sale of lots intended for the
34 placement of mobile homes and which meets the requirements of Art. 11, Subdivision,
35 Platting and Required Improvements.

36 [Renumber Accordingly]

37
38
39 Part 5. Article 1.1.3, Abbreviations and Acronyms (Page 117 of 119) is hereby amended as follows:

40
Reason for amendments: [Zoning]
1. Create an acronym for "mobile home" or "manufactured home" to be consistent with State Statutes and maintain common reference to "mobile home" as well.

41 CHAPTER I DEFINITIONS AND ACRONYMS

42 Section 3 Abbreviations and Acronyms

43
44
....
MH Mobile Home or Manufactured Home
....

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RESIDENTIAL USES
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Part 1 Continued

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

3285. Mobile Home Dwelling

HISTORY The Mobile Home Dwelling use definition and Supplementary Use 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 Ord. 1993-004, 1997-064, 2001-001, 2003-067, 2007-001, 2008-003, 2012-027, and 2013-021.

Reason for amendments: [Zoning]

- 1. Revise definition to clarify that the Mobile Home Dwelling is for occupancy by a single household.
2. Delete duplicated definition of mobile home already established in Article 1.I, Definitions and Acronyms.
3. Delete definition for mobile home subdivision as the subdivision process is defined and regulated by Article 11, Subdivision, Platting and Required Improvements.
4. Clarify that the only zoning district in which Mobile Home Dwelling is considered principal use is in Mobile Home Planned Development (MHPD) or existing mobile home parks.

a. Definition

The use of a residential lot or a unit for one mobile home.

a. Mobile Home

A detached, transportable single family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems.

b. Mobile Home Subdivision

A subdivision of land for the sale of lots intended for the placement of mobile homes and which meets the requirements of Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

b. Principal Use

Only Mobile Home Dwellings located within the MHPD Zoning District, or within an existing approved mobile home park, shall be treated as a principal use.

KEEP MOBILE HOME STRUCTURE STANDARD UNDER THIS USE.

5. Relocate Mobile Home Dwelling accessory to agriculture language to the Bona Fide Agriculture use. Mobile Home Dwelling accessory to agriculture can solely be accessory to the principal use of Bona Fide Agriculture. Allocation of accessory use standards under principal use is consistent with reformatting and Code construction parameters.

c. Accessory Use to - Bona Fide Agriculture

One mobile home dwelling structure shall be permitted may be allowed as an accessory use to a principal Bona Fide agricultural Agriculture use. [Relocated to Art. 4.B.1.A.3.k, Accessory Mobile Home Dwelling (Related to Bona Fide Agriculture)]

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres. [Ord. 2008-037] [Relocated to Art. 4.B.1.A.3.k.1.a), AR (USA) and AGR Districts]

b) RR-2.5, RR-5, RR-10, and AP-FLU Designation

A minimum of ten acres. [Ord. 2008-037] [Relocated to Art. 4.B.1.A.3.k.1.b), R-2.5, RR-5, RR-10, and AP-FLU Designation]

c) RR-20 FLU Designation

A minimum of 20 acres. [Relocated to Art. 4.B.1.A.3.k.1.c), RR-20 FLU Designation]

2) Separation/Setbacks

a) Multiple Mobile Homes on the Same Property

A minimum of 20 feet.

b) Single Family Dwelling Unit

A minimum of 200 feet.

c) Setbacks

A minimum of 200 feet from a public street; 100 feet from all other property lines. [Relocated to Art. 4.B.1.A.3.k.2, Setbacks]

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65. A removal agreement is required in the event that the property on which the accessory mobile home is located, is no longer used for Bona Fide Agriculture or the property is sold. The agreement shall be done prior to building permit of the mobile home. This is intended to ensure that County staff monitors the accessory use for continued compliance with the agricultural status and ownership requirements of the property.

3) Documents Mobile Home Removal Agreement

A unity of title and notarized removal agreement shall be executed and recorded. A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the bona fide agricultural operation ceases to exist.

6. Relocate redundant standard for Temporary Mobile Home During Construction and consolidate provisions applicable to temporary Mobile Home Dwelling in Article 5.B.1.B.3, Temporary Structures and Uses During Development Activity. The relocated standards relate to temporary Mobile Home While Constructing Single Family Dwelling already exists in Article 5. Provisions such as Building Permit, Removal Agreement and Proof of Ownership are duplicated and existing already in Art. 5 therefore they are not relocated.

7. Relocate standard that prohibits use of mobile home for other purpose other than dwelling such as storage to new Article 5.B.1.A.23 under a section related to supplementary regulations for accessory uses and structures.

d. Temporary During Construction

In the AR district in the RSA, a mobile home dwelling shall be allowed subject to the following standards: [Ord. 2007-001] [Relocated and cConsolidated with Art. 5.B.1.B.3.d.2), Zoning District - AR (RSA), (Related to Mobile Home While Constructing SFD)]

1) Building Permit

A building permit for the single family dwelling shall have been issued by the Building Director.

2) Limitations on MH Approval

a) The approval for the mobile home shall be valid for two years from the date of issuance of the building permit, or issuance of the certificate of Occupancy for the single family dwelling. No time extensions shall be granted. One MH approval per PCN number. [Ord. 2007-001] [Relocated and consolidated with Art. 5.B.1.B.3.d.5), Time Limitations on MH Approval (Related to Mobile Home While Constructing SFD)]

3) Removal Agreement

Execution of a notarized removal agreement which requires the mobile home to be removed within 30 days after receipt of a CO, or within two years, whichever occurs first.

4) Proof of Ownership

A current recorded warranty deed for the subject property shall be submitted.

e. Storage

A mobile home shall not be used for storage in any district. [Partially relocated to Art. 5.B.1.A.23, Mobile Home (Related to Accessory Uses and Structures)]

Reason for amendments to Mobile Home Dwelling in the Use Matrix: [Zoning]

8. Mobile Home Dwelling, as a principal use, is limited to the MHPD Zoning District, consequently the use is deleted from the Use Matrix in AGR, Agricultural Production (AP), Agricultural Residential/Rural Service Area (AR/RSA) and AGR Preserve pod of PUD.

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Notes:

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Reason for amendments: [Zoning]
Construction of Article 4, Use Regulations has been revised within the last year to ensure standards location is intuitive and easy to use. The Supplementary Use Standards are now to be placed with all other applicable regulations that pertain to any given use regardless if the use is principal, collocated or accessory. In this case, all Supplementary Use Standards that relate to Mobile Home accessory to Bona Fide Agriculture shall be under Mobile Home use consolidated with all other standards applicable to that use.

Part 6. ULDC Art. 4.B.1.A.3, Agriculture, Bona Fide, (Page 29 of 171) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate mobile home accessory to agriculture to Bona Fide Agriculture use. Allocation of accessory use standards under principal use is more consistent with Art. 4 reformatting and Code construction parameters.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

3. Agriculture, Bona Fide

k. Accessory Mobile Home

One mobile home structure shall be permitted accessory to a principal Bona Fide Agriculture use. [Partially Relocated from Art. 4.B.1.A.85.c, Accessory to Agriculture (Related to Mobile Home Dwelling)]

1) Lot Size

a) AR (USA) and AGR Districts

A minimum of five acres. [Ord. 2008-037] [Relocated from Art. 4.B.1.A.85.c.1.a, AR (USA) and AGR Districts]

b) RR 2.5, RR 5, RR 10, and AP FLU Designation

A minimum of ten acres. [Ord. 2008-037] [Relocated from Art. 4.B.1.A.85.c.1.b, RR 2.5, RR 5, RR 10, and AP FLU Designation]

c) RR 20 FLU Designation

A minimum of 20 acres. [Relocated from Art. 4.B.1.A.85.c.1.c, RR 20 FLU Designation]

2) Setbacks

A minimum of 200 foot from a public street; and 100 foot from all other property lines. [Relocated from Art. 4.B.1.A.59.c.2.c, Setbacks]

PROPOSED TEXT AND REASON BELOW ARE RELOCATED TO MOBILE HOME SUPPLEMENTARY USE STANDARDS UNDER THE RESIDENTIAL USE CLASSIFICATION. PROPOSED LOCATION OF THIS LANGUAGE UNDER AGRICULTURAL USE CLASSIFICATION IS NOT APPLICABLE AS THE AGRICULTURAL CLASSIFICATION IS NOT AMENDED WITH THIS PROJECT.

2. A removal agreement is required in the event that the property on which the accessory mobile home is located, is no longer used for Bona Fide Agriculture or is sold. The agreement shall be done prior to building permit of the mobile home. This is intended to ensure that County staff is able to monitor the accessory use for continued compliance with the agricultural status and ownership requirements of the property.

3) Removal Agreement

Prior to issuance of a building permit, a notarized removal agreement shall be signed by the property owner. A removal agreement shall be notarized and executed between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of any building permit.

The agreement shall state the mobile home will be removed within 30 days in the event the property is sold or the bona fide agricultural operation ceases to exist.

....



Notes:

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Part 7. ULDC Art. 3.D.3.A.1, RM District, (Page 136-137 of 229) is hereby deleted:

Reason for amendments: [Zoning]
1. Relocate language in Article 3.D.3.A.1, District Specific Regulations, related to Multifamily Residential (RM) Zoning District for parcels that contain Medium Residential, 5 units per acre (MR-5) FLU designation to Multifamily use in Art. 4. The regulations are use-specific and they have been consolidated as a supplementary use standard under Multifamily.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

Section 3 District Specific Regulations

A. District Specific Regulations

1. RM District

a. RM Zoning with MR5 FLU

Multifamily units shall be permitted in the RM zoning district with an MR5 FLU designation subject to the following: [Relocated to Art. 4.B.1.C.4.b, Zoning District - RM]

1) Planning Determination

A written determination from the Planning Director that the property meets the criteria for a Non-Planned Development District Density Exemption in the Plan; and [Partially relocated to Art. 4.B.1.C.4.b.1), Planning Determination]

2. Delete prohibition related to RM corresponding to MR-5 FLU designation as the language is redundant since Article 3, Table 3.A.3.B, FLU Designation and Corresponding Standard Zoning Districts, already addresses it.

2) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan (rezoning property with MR5 land use to the RM district shall be prohibited). [Partially relocated to Art. 4.B.1.C.4.b.2), Existing RM Zoning District (Related to Multifamily use)]

3) Approval Process

The approval process shall be as follows:

Table 3.D.3.A - Approval Process

Table with 2 columns: Units, Process. Rows include 0-4 (Building Permit Only), 5-8 (DRO Site Plan Approval), 9-24 (Class B Conditional Use), Over 24 (Class A Conditional Use).

[Relocated to Art. 4.B.1.C.4.b.3, Approval Process]

4) Multifamily Units

Legally permitted multifamily units in the RM zoning district with MR5 FLU may be redeveloped, reconstructed, or expanded in accordance with the RM zoning district PDRs. [Partially relocated to Art. 4.B.1.C.4.b.3), Development Order]

5) Limestone Creek

Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Relocated to Art. Art. 4.B.1.C.4.b.4), Limestone Creek]

3. Delete "Buildings Over 100 Feet in Height" standard applicable to multifamily buildings. The ULDC addresses buildings height in Article 3.D.1.E.

b. Buildings Over 100 Feet in Height

In the RM district, multifamily buildings over 100 feet in height shall require approval of a Class B conditional use.

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Part 1 Continued

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

4387. Multi-family

HISTORY The Multifamily residential use definition and ~~Supplementary Use~~ 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 Ord. 1993-004, 1999-037, 2003-067, 2006-004, 2010-005, 2010-022, and 2012-027.

Reason for amendments: [Zoning]

1. Revise the definition to clarify that a mobile home, by definition, cannot be Multifamily. Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in a specific section addressing uses of mobile homes.
2. Delete references to Article 3 and Westgate Community Redevelopment Area Overlay (WCRAO) in the definition as they are redundant and addressed elsewhere in the Code.
3. Delete provision related to Multifamily use in the main street of Traditional Marketplace Development (TMD) to allow market to dictate where Multifamily units need to be located.
4. Relocate District Specific Regulation language from Article 3.D.3.A.1, related to Residential Multifamily (RM) Zoning District to consolidate as a supplementary use standard under Multifamily.
5. Establish a cross-reference to Table 3.B.14.E, WCRAO Sub-area Use Regulations to clarify variances cannot be requested for the approval of Multifamily in the NR Sub-area of WCRAO.

a. Definition

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. [Relocated to Typical Uses, below]~~ Multi-family uses are also subject standards in Article 3, OVERLAYS & ZONING DISTRICTS, and the prohibition in the NR Sub-area of the WCRAO, as outlined in Article 3.B.14.E, WCRAO Sub-area Use Regulations. ~~[Ord. 2006-004]~~

b. Typical Uses

Typical uses include apartments and residential condominiums. [Relocated from Definition, above]

c. Overlay – WCRAO

Multifamily is prohibited in the NR Sub-area per Table 3.B.14.E, WCRAO Sub-area Use Regulations.

d. Zoning District - TMD Districts

~~On Main Streets, multi-family units may occupy a maximum of 25 percent of the ground floor area designated as commercial square footage. The remaining units shall only be permitted on upper floors of mixed-use buildings. [Ord. 2010-005] [Ord. 2010-022]~~
 1) AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC. ~~[Ord. 2010-022]~~

e. Zoning District - RM

Multifamily units ~~shall be permitted~~ may be allowed in the RM zoning district with an MR5 FLU designation subject to the following: ~~[Partially R]~~relocated from Art. 3.D.3.A.1.a, RM Zoning with MR-5 FLU]

1) Planning Determination

A written determination from the Planning Director that the property meets the criteria for an Infill Density Exemption in the Plan; and, [Partially relocated from Art. 3.D.3.A.1.a.1), Planning Determination]

2) Existing RM Zoning

The property was zoned RM prior to the 1989 adoption of the Plan. [Partially relocated from Art. 3.D.3.A.1.a.2), Existing RM Zoning]

~~66.~~ Reorder the approval process shown in Table 4.B.1.C, Approval Process to indicate the most restrictive at the top. Change “Building Permit Process” ~~for~~ to “Permitted by Right”; and, indicate 1 as the minimum number of units needed instead of 0 in the range of 1 to 4 ~~p~~ermitted by ~~R~~ight.

7. Recognize that a Multifamily use approval in the RM Zoning District with MR5 Future Land Use (FLU) designation can be redeveloped, reconstructed or expanded by considering them legal conforming uses.

3) Approval Process

The approval process shall be as follows:

Notes:

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Table 4.B.1.C - Approval Process

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

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[Relocated from Art. 3.D.3.A.3, Approval Process]

4) Development Order

Prior approvals for Multifamily units in the RM Zoning District with MR5 FLU designation shall be considered legal conforming uses may be redeveloped, reconstructed, or expanded provided there is a valid development order. [Partially relocated from Art. 3.D.3.A.1.a.4), Multifamily Units]

5) Limestone Creek

Multifamily units in the RM zoning district shall be prohibited in the area bounded on the north by 184 Place North, on the south by the C-18 Canal, on the east by Central Boulevard and the municipal limits of the Town of Jupiter, and on the west by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south of Church Street). [Relocated from Art. 3.D.3.A.1.a.5), Limestone Creek]

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

~~68.~~ Change the approval process from Permitted by Right to Class A Conditional Use approval in the RM Zoning District to indicate the most restrictive approval process in the Matrix. A specific standard to address less restrictive approval process is included within the use standards. Table 4.B.1.C describes the approval process for Multifamily in the RM district which indicates the approval process based on the number of units.

~~79.~~ Indicate the most restrictive approval process in the Use Matrix for Multifamily in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Multifamily is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Multifamily use as affordable housing is permitted by the DRO in the IPF Zoning District.

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~~NURSING OR CONVALESCENT FACILITY WILL BE ADDRESSED ALONG WITH PUBLIC AND CIVIC USE CLASSIFICATION HOWEVER THIS USE WILL REMAIN IN THE RESIDENTIAL USE CLASSIFICATION.~~

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54122. Single Family

HISTORY The Single Family residential use definition and Supplementary Use 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 Ord. 1993-004, 1995-008, 2003-067, 2008-040, and 2013-021.

Reason for amendments: [Zoning]:

- 1. Reference to mobile home is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile home.
2. Delete reference to manufactured buildings in the definition of Single Family to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.

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a. Definition

The use of a lot or a structure for one detached dwelling unit, excluding a mobile home but including a manufactured building.

Reason for amendments to Single Family in the Use Matrix: [Zoning]

3. No changes to the approval process are being proposed. Indicate the most restrictive approval process in the Use Matrix for Single Family in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Single Family is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Single Family use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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65132. Townhouse

HISTORY The Townhouse residential use definition and Supplementary Use 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 Ord. 1993-004, 1994-023, 1995-024, 1999-037, 2003-067, 2005-002, and 2008-037.

Reason for amendments: [Zoning]

Delete language related to RS Zoning District and MR-5 FLU designation. The language is expanded to include a less restrictive approval process for high density residential FLUs.

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a. Definition

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.

ab. Approval Process - RS Zoning District

Townhouses shall only be permitted allowed in the RS zZoning eDistrict on parcels with LR-2 or higher FLU designation. Townhouses on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be permitted allowed subject to DRO approval. [Ord. 2005 - 002] [2016-042]

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

- 1. Change approval process from DRO to Class A Conditional Use approval in RS Zoning District to reflect that the use requires a Class A Conditional use approval if it is located on land with an MR-5 FLU designation.
2. Indicate the most restrictive approval process in the Use Matrix for Townhouse in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. Townhouse is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies Townhouse use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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76142. Zero Lot Line Home (ZLL)

HISTORY The ZLL residential use definition and Supplementary Use 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 Ord. 1995-008, 1995-024, and 2005-002.

Reason for amendments: Zoning

1. Reference to Mobile Home Dwelling is no longer applicable, as this and other similar restrictions are being clarified in Article 5.B.1.A, Temporary Structures addressing uses of mobile homes
2. Delete reference to manufactured buildings in the definition of ZLL to address change in definition of manufactured buildings in Article 1.1.2 (Part 4) for consistency with State Statute 553, Building Construction Standards.
3. Delete reference to Art. 3 to prevent issues with variances from the standards located in that article. Article 3 includes specific Property Development Regulations (PDRs) and other standards for ZLL homes.
4. ~~Delete language related to RS Zoning District and MR-5 FLU designation. The language is expanded to include a less restrictive approval process for high density residential FLUs.~~

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a. Definition

The use of a lot for one detached dwelling unit with at least one wall, but not more than two walls or a portion thereof, located directly adjacent to a side lot line, ~~excluding a mobile home but including a manufactured building.~~ **Subject to additional standards in Article 3, OVERLAYS & ZONING DISTRICTS.**

ab. Approval Process - RS Zoning District

A ZLL Home shall only be ~~permitted~~ allowed in the RS zoning district with LR-2 or higher FLU designation. ZLL Homes on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be ~~permitted~~ allowed subject to DRO approval. **[Ord. 2005 – 002] [2016-042]**

Reason for amendments to Zero Lot Line Home in the Use Matrix: [Zoning]

54. Because one of the use standards requires a Class A Conditional Use in the RS Zoning District when located on MR-5 FLU designation, the approval process has been changed from DRO to Class A Conditional Use in the Use Matrix to show the most restrictive approval process.
65. Indicate the most restrictive approval process in the Use Matrix for ZLL in the Institutional and Public Facilities (IPF) Zoning District by deleting the Class A Conditional Use approval and inserting a blank to denote prohibited use. The Comprehensive Plan Future Land Use (FLU) Element, under provisions for Institutional and Public Facilities (INST) land use designation, allows residential uses as accessory affordable housing to a non-profit organization or community based group. ZLL Home is one of the Residential uses that may be utilized as accessory affordable housing. A general standard has been added to Residential Uses that clarifies ZLL Home use utilized as affordable housing is permitted by the DRO in the IPF Zoning District.

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Reason for amendments: [Zoning]

1. Distinguish accessory uses from principal uses currently located within the residential uses classification. Accessory Dwelling, Caretaker Quarters, Estate Kitchen, Family Day Care Home, Farm Residence, Farm Workers Quarters, Groom’s Quarters, Guest Cottage, Garage Sale, Home Occupation and ~~Kenel Type 1A~~ Limited Pet Boarding, are being consolidated in Table 4.B.1.D, Corresponding Accessory Use to a Principal Use to group uses that are accessory in nature.

The accessory uses listed below will be permitted by right in the zoning districts where their corresponding principal uses are permitted unless indicated otherwise. More restrictive approval processes may be applicable to some uses and will be indicated in table 4.B.1.D, Corresponding Accessory Use to a Principal Use.

Factors that were considered in the removal of these uses from the Use Matrix include:

- The relationship between accessory uses and the principal uses in zoning districts where the principal use is permitted, ownership of the principal use, and, function of the principal use; and,
- Accessory uses include specific supplementary use standards that limit expansion of the use, such as building area, operation, or removal agreements to guarantee subordination of the accessory use.

Notes:

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Table with multiple rows containing text and numbered items (2, 3, 4, 45, 46, 47) regarding residential uses and amendments.

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D. General Standards for Accessory Uses

Accessory uses shall comply with the specific Supplementary Use Standards contained in this section.

1. Corresponding Accessory Use to a Principal Use

Accessory uses identified in Table 4.B.1.D, Corresponding Accessory Residential Use to a Principal Use shall be:

- a) Permitted by right unless stated otherwise; and,
b) Allowed to be accessory to the corresponding principal use subject to the approval process in the table.

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Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

Accessory Use	Principal Use													
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional and Public and Civic Uses	Recreation Uses	Utilities and Excavation Uses	Transportation Uses
Accessory Quarters	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Caretaker Quarters (3)	-	-	-	-	-	S	S	S	S	S	S	S	S	S
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Farm Residence (2)	-	-	-	-	-	P(1)	-	-	-	-	-	-	-	-
Farm Workers Quarters	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Garage Sale	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Grooms Quarters	-	-	-	-	-	-	A	-	-	-	-	-	-	-
Guest Cottage	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Home Occupation	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Kennel, Type 1A	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Estate Kitchen	-	-	P	-	P	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A(4)	-	-	-	-	-	-	-	-	-	-	-

- Notes**
- Accessory use not permitted-allowed
 - P Permitted by Right
 - A Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.
 - S Special Permit
 - (1) Farm Residence may only be accessory to Bona Fide Agriculture in the AGR and AP Zoning District.
 - (2) Accessory uses to Single Family are permitted by Right to a Farm Residence.
 - (3) Special Permit is only applicable when a Mobile Home structure is utilized for Caretaker Quarters.
 - (4) Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.

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2. Property Development Regulations (PDRs)

Accessory residential uses shall be subject to the PDRs of the zoning district in which the use is located unless stated otherwise.

3. Ownership

Accessory residential uses shall remain under the same ownership of the principal use and shall not be subdivided or sold as condominium.

5. Clarify that no single accessory use can be utilized more than once when associated with one principal use. Accessory uses referenced in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use are not counted as density, ~~therefore limitation to one use per parcel will reduce multiple living uses.~~ Individual accessory uses are not allowed to be duplicated on any single principal use other than when specified by the Code. Specific Supplementary Use Standards under the accessory uses will dictate if more units are permitted or not.
6. Relocate and expand Discontinuation of Use standard to be applicable to all accessory residential uses.

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4. Duplicated Use

~~Provided all other applicable standards in the Code are met, a principal use shall be allowed to have no more than one of each of the accessory uses listed in Table 4.B.1.D – Corresponding Accessory Use to a Principal Use, an accessory use may not be utilized more than once per principal use, unless stated otherwise.~~

5. Discontinuation of Use

An accessory use shall continue only as long as the principal use that it serves remains active. [Relocated from Art. 4.B.1.A.119.g, Discontinuation of Use, Related to Security and Caretaker Quarters]

Notes:

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E. Accessory Residential Use Standards
1. Accessory Dwelling Quarters

HISTORY The Accessory Quarters residential use definition and Supplementary Use 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 Ord.1997-014, 1997-064, 1999-037, 2000-015, 2003-067, 2005-041, and 2006-004.

Reason for amendments: [Zoning]

- 1. Change use name from Accessory Dwelling to Accessory Quarters as the term "dwelling" implies density. The term "quarters" implies living environment currently used for Grooms Quarters, Caretaker Quarters, and Farm Workers Quarters.
2. Revise definition to clarify the accessory quarter can be a separate living facility from the principal dwelling unit and to clarify that the principal dwelling must be owner occupied.
3. Consolidate building square footage standards for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
4. Clarify that only one accessory quarter is permitted regardless if it is owner occupied or not.
5. Delete language associated to accessory quarters attached or detached as the use is subject to the same property development regulations applicable to the principal use.
6. Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of the accessory housing will dictate the maximum number of bedrooms and bathrooms in the unit.

a. Definition

An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent separate living facility equipped with a kitchen and provisions for sanitation and sleeping, located on the same lot as the owner occupied principal dwelling.

ab. Number of Units Building Area

A maximum of one accessory dwelling may be permitted. The use shall be subject to the following: as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.

b. Maximum Floor Area

- 1) On less than one acre: a maximum of 800 square feet.
2) On one acre or more: a maximum of 1,000 square feet.
3) The floor area calculation shall include only the living area of the accessory dwelling quarter under a solid roof. [Ord. 2005-041]

c. Additional Floor Area

4) Additional Floor area under a solid roof that is utilized as a porch, patio, porte cochere, carport, or garage shall not exceed 500 square feet.

d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

ec. Compatibility

The Accessory dwelling Quarter shall be architecturally compatible in character and materials with the principal dwelling.

- 67. Delete the PDRs Standard. Property development regulations will be applicable to all accessory residential uses and addressed under Accessory Residential Use standards section of under Article 4.
78. Delete ownership standard to be applicable to all accessory residential uses which is addressed under Accessory Residential Use standard section of Article 4.
89. Clarify that all utilities will utilize the same meter as the principal dwelling. The clarification is intended to ensure that the accessory quarter is not converted into a principal dwelling.
910. Add standard applicable to Townhouse and ZLL that establishes location of the Accessory Quarters in the lot and location criteria. The access provision is included to address potential traffic and parking impacts.

f. Property Development Regulations (PDRs)

The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.

g. No Separate Ownership

The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.

dh. Kitchen Facilities Removal

Notes:

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An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk for the dwelling unit prior to issuance of a any building permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

ei. No Separate Electrical Utility Service

There shall be no separate meters for any utilities. Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter utilities. Separate electric service shall be prohibited. [Ord. 2005-041]

f. Design and Development Standards- Townhouse or Zero Lot Line

A detached Accessory Quarters associated with a Townhouse or a Zero Lot Line shall be located in the rear of the lot with access from a street or alley.

Table with 2 columns: Reason for amendments to Accessory Quarters in the Use Matrix: [Zoning] and Description of amendments (11-13).

2149. Security or Caretaker Quarters

HISTORY The Security or Caretaker Quarters residential use definition and Supplementary Use 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 Ord. 1993-004, 1995-008, 1997-064, 2001-001, 2003-067, 2007-001.

Table with 2 columns: Reason for amendments: [Zoning] and List of amendments (1-5).

a. Definition

An accessory residence used by a caretaker or security guard actively engaged in providing security, custodial or managerial services upon the premises.

ab. Building Area Number

- 1) A maximum of one security quarters shall be permitted on the same lot as a bona fide agricultural, commercial, industrial, or institutional use. The use shall be subject to the following:
2) A maximum of one security quarters shall be permitted within the area governed by the site plan of an approved conditional use, requested use, or planned development.

b. Maximum Floor Area

Notes:

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- 1) On less than one acre: a maximum of 800 square feet. [Ord. 2007-001]
2) On one acre or more: a maximum of 1,000 square feet. [Ord. 2007-001]
c. Occupancy
A security or Caretaker Quarters shall be for the exclusive use of the site on which it is located and shall be occupied only by the custodian, or caretaker, or owner of the principal use and their family.

6. Delete the accessory use standard as it is addressed by Table 4.B.1.A, Corresponding Accessory Residential Use to a Principal Use.

- d. Accessory Use
A security or caretaker quarters shall be allowed as an accessory use to a public or civic use in all districts.
ed. Temporary Use
Unless stated otherwise, a security or Caretaker Quarters use shall not be permitted allowed in association with a temporary use.
fe. Mobile Home
A mobile home may be used for a security or Caretaker Quarters only in the AGR, AP, AR, IL, IG, PO, IPF, and MHPD districts. A mobile home used in the AGR, AP, or AR districts, shall be subject to the minimum acreage requirement pursuant to Article 4.B.1.A.85.c.1), Lot Size 4.B.1.A.3, Bona Fide Agriculture 4.B.1.C.2.c, Accessory Use - Bona Fide Agriculture. If a mobile home is used, the Special Permit shall be renewed annually. [Ord. 2008-037]

7. Delete most of Discontinuation of Use standard to eliminate redundant language and partially relocate to be applicable to all accessory residential uses which is addressed under Accessory Residential Use section of Article 4.

8. A removal agreement is required in the event that the principal use on the property ceases and the mobile home utilized as a Caretaker's Quarters is no longer permitted. The agreement shall be executed prior to issuance of the building permit for the mobile home.

- g. Discontinuation of Use
A security or caretaker quarter's use shall continue only as long as the principal use that it serves remains active. Upon termination of the principal use, the right to have the quarters shall end and the use shall be immediately discontinued. Once discontinued, such quarters shall not be reestablished except in conformity with this Section. [Partially relocated to new section 4.B.1.D. General Standards for Accessory Uses]
f. Mobile Home Removal Agreement
A removal agreement shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of the building permit. The agreement shall be recorded against the property stating that the mobile home shall be removed within 30 days in the event the property is sold or the principal use ceases to exist.

Reason for amendments to Caretakers Quarters in the Use Matrix: [Zoning]
9. Remove Caretakers Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Caretakers Quarters is a permanent accessory use for which Special Permit is no longer necessary, since Special Permit applies mainly to temporary uses that require monitoring. The following indicates the changes to the approval process:
• Less restrictive in agricultural, residential, commercial, industrial and institutional standard zoning districts where the use was changed from SP to Permitted by Right, and in the IRO and Urban Redevelopment Area Overlay (URAO) where the change was from Development Review Officer (DRO) to Permitted by Right.
• Expand approval to permit in Residential pod of a PUD where Single Family is permitted, Recreation pod of a PUD, Multiple Use Planned Development (MUPD) with EDC FLU designation, LCC, Residential area and Open Space Recreation area in the Urban/Suburban (U/S) Tier and Exurban/Rural Tier of TND, and in the in the AGR Tier Preserve area of AGR TMD.



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348. Estate Kitchen

HISTORY The Estate Kitchen residential use definition and Supplementary Use 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 Ord. 1995-008 and 2003-067.

Reason for amendments to Estate Kitchen: [Zoning]

- 1. An estate kitchen is an accessory use to a single-family residence. Therefore, it is relocated from principal use under Accessory Residential Use standard section of Article 4. It is recommended that this is accessory to Farm Residence, Single Family, and Zero Lot Line units.
2. Clarify that the creation of a second complete residence through the installation of a secondary kitchen shall be prohibited.
3. Delete lot size restriction as this is considered irrelevant to the use being treated as an accessory use.

An accessory use which is physically integrated with the main residence.

a. Definition

A second kitchen located within a principal Single Family, Zero Lot Line, or Farm Residence.

b. Conversion to Duplex Prohibited

A secondary kitchen may be added provided there shall not be the presence of a second complete and separate living environment associated with the secondary estate kitchen.

The required minimum lot size shall be twice the minimum lot size requirement for the underlying zoning district for a house supporting an estate kitchen.

Reason for amendments to Estate Kitchen in the Use Matrix: [Zoning]

4. Remove Estate Kitchen from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and the principal use of uses to which it is accessory, already cover the approval process will be allowed in the zoning districts where the principal use is allowed.

The following indicates the changes to the approval process:

- Permitted in MXPD with Commercial High (CH) and CHO FLU designation as ZLL is allowed in those Zoning Districts. Also permitted now in the Residential of the Urban/Suburban, Exurban and Rural Tiers of a TND as ZLL and Single Family uses are allowed in those zoning districts.
Estate Kitchen is no longer allowed in the AP Zoning District. Principal residential uses where Estate Kitchen is accessory to are not allowed in that district.

4. Family Day Care Home

HISTORY: The Family Day Care Home definition was first referenced as part of ULDC Supplement 11, Ordinance 2011-016.

Reason for amendments: [Zoning]

1. Relocate Family Day Care Home from the Day Care Use and add with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed. Per F.S. 125.0109, this use shall constitute a valid residential use to be Permitted by Right in residential zoning districts. Florida Statutes 402.302 defines the use as an occupied residence which makes it accessory to a principal residential use therefore, the use cannot exist on its own. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts where those principal residential uses are allowed.

a. Definition

An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with F.S. 125.0109 as amended. [Ord. 2011-016] [Relocated from ULDC Supplement 20, Art. 4.B.1.A.40.c, Family Day Care Home (related to Day Care)]

b. Signage

Signs shall not be permitted.

Reason for amendments to Family Day Care Home in the Use Matrix: [Zoning]

2. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts

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where these principal residential uses are allowed per Table 4.B.1.D – Corresponding Accessory Use to a Principal Use.

2550. Farm Residence

HISTORY: The Farm Residence use definition and Supplementary Use 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 Ord. 1998-011, 2003-067, and 2015-002.

Reason for amendments: [Zoning]

1. No substantive changes are being made to the Farm Residence Use.

a. Definition

A dwelling unit, other than a mobile home, located on a parcel of land used for a Bona Fide agricultural use and occupied by the owner or operator of the farm operation. [Ord. 2005-002]

ab. Principal Dwelling

One principal dwelling shall be permitted for each bona fide farm operation.

Reason for amendments to Farm Residence in the Use Matrix: [Zoning]

2. Remove Farm Residence from the Use Matrix and relocate with other accessory uses. Clarification in the This use is accessory uses table identifies that a Farm Residence may in nature and will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:

Permitted by Right only be when accessory to Bona Fide Agriculture use expanding its allowance into residential, commercial, industrial, public and institutional standard in the AGR and AP Zoning Districts for consistency with the zoning districts in which the Use Matrix currently allows the use.

4654. Farm Workers Quarters

HISTORY The Farm Workers Quarters residential use definition and Supplementary Use 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 Ord. 1997-064, 2003-067, 2005-002, and 2006-004.

Reason for amendments: [Zoning]:

1. Clarify that the structure is a complete living environment which must include cooking facilities, as well as sanitary facilities and sleeping accommodations.

2. Add words "bona fide" to clarify that the use is intended to be accessory to Bona Fide Agricultural operations, without which, there would be no need for this use.

3. Set maximum floor area of structure at Create maximum 1,000 square feet gross floor area (GFA) standard for consistency with other accessory residential uses. In addition, this use is intended to provide quarters for up to four persons, therefore, anything less may create overcrowding conditions.

4. Delete clustering standard as Farm Workers Quarters are subject to Property Development Regulations.

45. Delete AR/RSA with Specialized Agriculture (SA) FLU designation standard. Currently there are no parcels which have both the AR Zoning District and SA FLU designation.

56. Allow mobile home to be utilized as a Farm Workers Quarters to be consistent with other accessory residential uses in Bona Fide Agriculture.

a. Definition

One or more residential structures providing a complete living environment, occupied by farm workers who provide labor in conjunction with Bona Fide Agricultural operations.

ab. Density-Building Area

One dwelling unit limited to a maximum of four bed shall Farm Workers Quarter may be permitted allowed for each 25 acres- subject to the following: [Ord. 2006-004]

- 1) Limited to a maximum of four beds; and, [Relocated from this standard above]
2) The structure shall not exceed 1,000 sq. ft. GFA under a solid roof.

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- b. Clustering
c. AGR/PUD or TMD AGR Tier
d. AR/RSA
d. Mobile Home Removal Agreement

Reason for amendments to Farm Quarters in the Use Matrix: [Zoning]
7. Remove Farm Workers Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and the principal use or uses to which it is accessory, already cover the approval process, will be allowed in the zoning districts where the principal use is allowed. The following indicates the changes to the approval process:
• Permitted only when accessory to Bona Fide Agriculture use expanding its allowance into residential, commercial, industrial, public and institutional standard zoning districts.
• Delete the use from AR/RSA with SA FLU. Currently there are no parcels which have both the AR Zoning classification and SA FLU designation.

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5760- Garage Sale

HISTORY The Garage Sale residential use definition and Supplementary Use 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 Ord. 2003-067 and 2010-005.

Reason for amendments: [Zoning]:
1. Revise the definition to clarify Garage Sale location is within a residential dwelling unit and sales are temporary.

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- a. Definition
Temporary sale of household articles, in the front yard or garage of a dwelling unit, by the occupants of a dwelling unit.
b.a. Duration
A maximum of 72 hours.
c.b. Number of Sales
A maximum of two per year per dwelling unit.

Reason for amendments to Garage Sale in the Use Matrix: [Zoning]
2. Remove Garage Sale from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and the principal use or uses to which it is accessory, already cover the approval process, will be allowed in the zoning districts where the principal use is allowed.
The following indicates the changes to the approval process:
• Expanded to be allowed in LCC, the Residential and Neighborhood Center area of the U/S, Exurban and Rural Tiers of TND and U/S, Exurban, and Rural Tiers of a TMD and the Development Area of the AGR Tier in TMD as multiple residential uses are permitted in these Zoning Districts.
• The use is no longer permitted in the AGR Preserve of a PUD and MUPD with Institutional (INST) FLU designation as there are not residential uses allowed on those Zoning Districts.

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1 **6865- Groom's Quarters**

HISTORY The Groom's Quarters residential use definition and Supplementary Use 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 Ord. 1995-008, 1997-064, 2003-067, and 2006-004.	
Reason for amendments: [Zoning]	
1.	Relocate Groom's Quarters standards under Private and Commercial Stables. Traditionally stables operate with a Groom's Quarters while a Groom's Quarters cannot function without a Stable. This change will be consistent with the use definition. This change also responds to reformatting of Article 4 in which principal use standards include accessory uses. The standards related to accessory Groom's Quarters to Stable remain under Groom's Quarters for consistency with the construction of Art. 4, Use Regulations.
2.	Revise definition to relocate occupancy limitations. Occupancy is not an element of the definition but a supplementary use standard.
3.	Relocate AGR PUD or TMD standard related to the numbers of Groom's Quarters for consistency with standardized formatting protocol for the construction of Art. 4, Use Regulations.
4.	Clarify that 20 Groom's Quarters are allowed in AGR PUD and AGR TMD as the existing language only indicates how to address number of quarters when more than 20.

a. Definition

On-site living quarters for persons responsible for grooming and caring for horses boarded at a ~~s~~Stable. ~~Occupancy shall be limited to on-site employees and members of the employees' family only.~~ [Partially relocated to **Art. 4.B.1.A.125.f.4, Occupancy (Related to Commercial Stable)** and **Art. 4.B.1.A.126.f.4, Occupancy (Related to Private Stable)** new Occupancy standard below]

b. Zoning Districts - AGR PUD or AGR TMD

- 1) Twenty Groom's Quarters may be allowed on the preservation area of an AGR PUD or AGR TMD.
- 2) For more than 20 groom's quarters, the allowable density shall be decreased by one unit for each groom's quarter and shall not exceed a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004] [Relocated from Art. 4.B.1.E.5.e, AGR PUD or TMD below]

ac. Number Permitted of Groom's Quarters

- 1) **20 Acres or Less**
One groom's quarters shall be permitted may be allowed for ~~each every~~ four horse stalls. [Relocated to 4.B.1.A.125.f.2).a), 20 Acres or Less (Related to Commercial Stable) and Relocated to Art. 4.B.1.A.126.c.2).a), 20 Acres or Less (Related to Private Stable)] [Original text location reinstated]
- 2) **More Than 20 Acres**
One groom's quarters shall be permitted may be allowed for ~~each every~~ three horse stalls. [Relocated to 4.B.1.A.125.f.2).b), More Than 20 Acres (Related to Commercial Stable) and Relocated to Art. 4.B.1.A.126.c.2).b), More Than 20 Acres (Related to Private Stable)] [Original text location reinstated]

bd. Floor Building Area

- 1) **Each Unit**
Each groom's quarters shall not exceed 500 square feet of GFA per unit. [Relocated to 4.B.1.A.125.f.3).a), Each Unit (Related to Commercial Stable) and Relocated to 4.B.1.A.126.c.3).a), Each Unit (Related to Private Stable)] [Original text location reinstated]
- 2) **20 Acres or Less**
The total GFA for all ~~g~~Groom's ~~q~~Quarters shall not exceed 5,000 square feet per lot. [Relocated to 4.B.1.A.125.f.3).b), 20 Acres or Less (Related to Commercial Stable) and Relocated to 4.B.1.A.126.c.3).b), 20 Acres or Less (Related to Private Stable)] [Original text location reinstated]

25.	Delete the "Maximum Number of Bedrooms/Baths" standard. Existing provisions limiting the size of a Groom's Quarters will dictate the maximum number of bedrooms and bathrooms in the unit.
6.	<u>Private or Commercial Stable have their own approval process contained in the Use Matrix but once Groom's Quarters are included on site, it may trigger upper level of approval. More than 21 Groom's Quarters will be subject to public hearing which tends to minimize the impacts of overconcentration of quarters to adjacent properties.</u>
7.	<u>Revise Kitchen Facilities standard to clarify when removal agreement is to be executed and establish specific time for removal of kitchen when the use ceases to operate. The 90-day threshold was added to ensure that adequate time was given for obtaining proper permits, such as plumbing</u>

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and electrical, and to remove kitchen facilities.

~~c. Bedrooms and Bathrooms~~

~~A maximum of one bedroom and one bathroom per groom's quarter.~~

4) Occupancy

Shall be limited to on-site employees and members of the employees' family only.

[Relocated from the use definition above]

d. Approval Process

Table 4.B.6.C - Groom's Quarters

Process	Number of Groom's Quarters Permitted
Class A <u>Conditional Use</u>	101 or more
Class B <u>Conditional Use</u>	21 through 100
DRO	Five through 20
Permitted <u>by Right</u>	Maximum four
<u>[Ord. 2007-001]</u>	

~~[Relocated to 4.B.1.A.125.f.5), Approval Process (Related to Commercial Stable) and Relocated to 4.B.1.A.126.c.5), Approval Process (Related to Private Stable)]~~ [Original text location reinstated]

~~e. AGR PUD or TMD~~

~~For more than 20 groom's quarters, or more than 20 groom's quarters on the Preservation Area of an AGR PUD or TMD, the allowable density shall be decreased by one unit for each groom's quarter to a maximum reduction of one-half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004] [Partially relocated to 4.B.1.A.125.f.1), Zoning Districts - AGR PUD or TMD (Related to Commercial Stable) and Relocated to 4.B.1.A.126.c.1), Zoning Districts - AGR PUD or TMD (Related to Private Stable)] [Partially relocated to Zoning Districts - AGR PUD or AGR TMD standard 4.B.1.E.6.b.1(a) and 4.B.1.E.6.b.1(b) above related to Groom's Quarter accessory to Stable]~~

e. Kitchen Facilities Removal

Groom's quarters may contain individual cooking facilities and/or one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of building permit approval of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of if the unit ceases ceasing to operate as a groom's quarters. ~~[Relocated to 4.B.1.A.125.f.6), Kitchen Facilities Removal (Related to Commercial Stable) and Relocated to 4.B.1.A.126.c.6), Kitchen Facilities Removal (Related to Private Stable)]~~ [Original text location reinstated]

Reason for amendments to Groom's Quarters in the Use Matrix: [Zoning]

Remove Groom's Quarters from the Use Matrix and relocate with other accessory uses. This use is accessory in nature to Private Stable and Commercial Stables. The approval process for accessory Groom's Quarters to Stable use is based on the number of Groom's Quarters as contained in the standards for this use. The approval indicated in Table 4.B.1.D - Corresponding Accessory Use to a Principal Use, shows the most restrictive approval process Class A Conditional Use. A specific supplementary use standard ~~has been relocated from Grooms Quarters to the principal uses to~~ indicate the number at which Groom's Quarters may trigger a different approval process than the one applicable to the principal use Stable ~~use~~.

The following indicates the approval process changes ~~to the approval process of the accessory use when compared with the zoning districts where the Private Stable and Commercial Stable are allowed:~~

- Less restrictive for Commercial Stables in Agricultural Residential (AR), AGR, Agricultural Production (AP) Zoning Districts and commercial, industrial and public standard zoning districts; and, for Private Stables in agriculture and residential standard zoning districts due to a change from Class A Conditional Use to a less restrictive approval.
- Permitted by Right approval process remains unchanged in the Residential pod and Agricultural Preserve pod of a PUD for Commercial and Private Stables.
- Proposed to be permitted in Multiple Use Land Development (MUPD) with Commercial Recreation (CR) Future Land Use (FLU) designation for Commercial Stable and for Private Stable, in Residential area in the U/S Tier and Exurban/Rural Tier of TND.
- No longer permitted in commercial, industrial, public and institutional standard zoning districts where Private Stable is not permitted; and in the residential pod of a PUD for Commercial Stable.

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- More restrictive in the Preserve area AGR Tier of TMD for Commercial Stables by changing the Special Permit approval to DRO approval.

DELETE PROPOSED RELOCATED LANGUAGE FROM GROOM'S QUARTERS TO COMMERCIAL STABLE AS AGRICULTURAL USES ARE NOT AMENDED.

Part 7. Now ULDC Art. 4.B.1.A, Commercial Stable, is hereby amended as follows:

425. Stable, Commercial

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.

a. 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.

b. Lot Size

A minimum of five acres.

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.

d. Setbacks

A minimum of 25 feet from any property line, or the minimum setback of the district, whichever is greater.

e. LOSTO

A commercial stable with 20 or fewer stalls shall be allowed as a Special Permit.

Table with 2 columns: Reason for amendments: [Zoning] and description of changes. Includes items 1, 2, and 3 regarding relocation of standards and definitions.

f. Accessory Use - Groom's Quarters

1) Zoning Districts - AGR PUD or AGR TMD

a) Twenty groom's quarters may be permitted on the preservation area of an AGR PUD or AGR TMD.

b) For more than 20 groom's quarters, the allowable density shall be decreased by one unit for each groom's quarter and shall not exceed a maximum reduction of one half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004] [Relocated from Art. 4.B.1.E.5.c, AGR PUD or TMD (Related to Groom's Quarters)]

2) Number Permitted

a) 20 Acres or Less

One groom's quarters shall be permitted for each four horse stalls. [Relocated from Art. 4.B.1.E.5.a.1), 20 Acres or Less (Related to Groom's Quarters)]

b) More Than 20 Acres

One groom's quarters shall be permitted for each three horse stalls. [Relocated from Art. 4.B.1.E.5.a.2), More Than 20 Acres (Related to Groom's Quarters)]

3) Building Area

a) Each Unit

Each groom's quarters shall not exceed 500 square foot of GFA per unit. [Relocated from Art. 4.B.1.E.5.b.1), Each Unit (Related to Groom's Quarters)]

b) 20 Acres or Less

The total GFA for all groom's quarters shall not exceed 5,000 square foot per lot. [Relocated from Art. 4.B.1.E.5.b.2), 20 Acres or Less (Related to Groom's Quarters)]

4) Occupancy

Shall be limited to on-site employees and members of the employees' family only. [Relocated from Art. 4.B.5.A.5, Groom's Quarters]

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4.	Relocate approval process applicable to the number of Groom's Quarters in stables. Private or Commercial Stable have their own approval process contained in the Use Matrix but once Groom's Quarters are included on site it may trigger upper level of approval. More than 21 Groom's Quarters will be subject to public hearing which tends to minimize the impacts of overconcentration of quarters to adjacent properties.
5.	Revise Kitchen Facilities Removal standard to clarify when removal agreement is to be executed and establish specific time for removal of kitchen when use ceases to operate. The 90 day threshold was added to ensure that adequate time was given for obtaining proper permits, such as plumbing and electrical, and to remove kitchen facilities.

5) Approval Process

Table 4.B.6.C Groom's Quarters

<i>Process</i>	<i>Number of groom's quarters permitted</i>
<i>Class A Conditional Use</i>	<i>101 or more</i>
<i>Class B Conditional Use</i>	<i>21 through 100</i>
<i>DRO</i>	<i>Five through 20</i>
<i>Permitted by Right</i>	<i>Max four</i>
<i>[Ord. 2007-001]</i>	

~~[Relocated from Art. 4.B.1.E.5.d, Approval Process (Related to Groom's Quarters)]~~

6) Kitchen Facilities Removal

~~Groom's quarters may contain individual cooking facilities and one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded on the property in the official records of the PBC Clerk prior to issuance of building permit of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a groom's quarters. [Relocated from Art. 4.B.1.E.5.f, Kitchen Facilities (Related to Groom's Quarters)]~~

DELETE PROPOSED RELOCATED LANGUAGE FROM GROOM'S QUARTERS TO PRIVATE STABLE AS AGRICULTURAL USES ARE NOT AMENDED.

426. Stable, Private

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.

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.

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.

c. Accessory Use Groom's Quarters

1) Zoning Districts AGR PUD or TMD

~~a) Twenty groom's quarters may be permitted on the preservation area of an AGR PUD or AGR TMD.~~

~~b) For more than 20 groom's quarters, the allowable density shall be decreased by one unit for each groom's quarter and shall not exceed a maximum reduction of one half of the number of dwelling units associated with the Preservation Area. [Ord. 2006-004] [Relocated from Art. 4.B.1.E.5.e, AGR PUD or TMD (Related to Groom's Quarters)]~~

2) Number Permitted

a) 20 Acres or Less

~~One groom's quarters shall be permitted for each four horse stalls. [Relocated from Art. 4.B.1.E.5.a.1), 20 Acres or Less (Related to Groom's Quarters)]~~

b) More Than 20 Acres

~~One groom's quarters shall be permitted for each three horse stalls. [Relocated from Art. 4.B.1.E.5.a.2), More Than 20 Acres (Related to Groom's Quarters)]~~

3) Building Area

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- ~~a) Each Unit~~
~~Each groom's quarters shall not exceed 500 square feet of GFA per unit. [Relocated from Art. 4.B.1.E.5.b.1], Each Unit (Related to Groom's Quarters)}~~
- ~~b) 20 Acres or Less~~
~~The total GFA for all groom's quarters shall not exceed 5,000 square feet per lot. [Relocated from Art. 4.B.1.E.5.b.2], 20 Acres or Less (Related to Groom's Quarters)}~~
- ~~4) Occupancy~~
~~Shall be limited to on-site employees and members of the employees' family only. [Relocated from Art. 4.B.5.A.5, Groom's Quarters]~~
- ~~5) Approval Process~~

~~Table 4.B.6.C – Groom's Quarters~~

Process	Number of groom's quarters permitted
Class A	101 or more
Class B	21 through 100
DRO	Five through 20
Permitted	Max four
[Ord. 2007-001]	

~~[Relocated from Art. 4.B.1.E.5.d, Approval Process (Related to Groom's Quarters)]~~

- ~~6) Kitchen Facilities Removal~~
~~Groom's quarters may contain individual cooking facilities and one common dining facility. An agreement to remove all kitchen equipment shall be executed and notarized between the Building Division and property owner and recorded in the PBC Clerk's Office prior to issuance of a building permit of the groom's quarter. The agreement shall require the kitchen to be removed within 90 days of the unit ceasing to operate as a groom's quarters. [Relocated from Art. 4.B.1.E.5.f, Kitchen Facilities (Related to Groom's Quarters)]~~

7966. Guest Cottage

HISTORY The Guest Cottage residential use definition and Supplementary Use 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 Ord. 1993-004, 1995-008, 1997-064, and 2003-067.

Reason for amendments: [Zoning:]

1. Clarify that the principal dwelling unit on the property is owner occupied to prevent multiple rental units on one property owned by an absentee landlord.
2. Consolidate under Building Area standard the floor area regulations for consistency with standardized formatting protocol and clarify that the square footage associated with Accessory Quarters is the maximum allowable.
3. Delete reference to unit type. Where the accessory use is allowed will be dictated by new Table 4.B.1.A – Corresponding Accessory Residential Use to a Principal Use.

- a. Definition**
An accessory sleeping quarters provided for non-paying guests by the owner / occupant of a principal ~~single-family or ZLL~~ dwelling unit.
- ab. Units Building Area**
~~A maximum of one guest cottage may be permitted as an accessory use to a principal single-family or ZLL dwelling unit. The guest cottage may be attached to the principal dwelling or freestanding. The use shall be subject to the following:~~
- b. Floor Area**
~~A guest cottage shall not exceed 800 square feet GFA, except when located on a lot that is at least one acre in size, in which case the cottage shall not exceed 1,000 square feet GFA or 30 percent of the principal dwelling, whichever is greater.~~
 - ~~1) On less than one acre: a maximum of 800 square feet.~~
 - ~~2) On one acre or more: a maximum of 1,000 square feet.~~
 - ~~3) The floor area calculation shall include only the living area of the guest cottage under a solid roof.~~
- c. Additional Floor Area**

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- 4) Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet of GFA.
dc. Kitchen or Cooking Facilities
There shall be no kitchen or cooking facilities in a guest cottage.

4. Delete standards related to setbacks and ownership as these are standards applicable to all accessory residential uses indicated in section 4.B.1.D. General Standards for Accessory Uses.

- ed. Compatibility
A guest cottage shall be architecturally compatible in character and materials with subordinate in size to the principal dwelling unit.
f. Setbacks
A guest cottage shall comply with the minimum setbacks applicable to the principal single-family dwelling unit.
g. No Separate Ownership
A guest cottage shall remain accessory to and under the same ownership as the principal dwelling unit and shall not be subdivided or sold as a condominium.

5. Stipulate that all utilities shall be maintained under the principal residential use, including no separate meters for such metered utilities as water, gas, and electric.

- fe. No Separate Utility Service
There shall be no separate meters for any utilities. Both the principal dwelling and the Guest Cottage shall be connected to the same utilities.

Reason for amendments to Guest Cottage in the Use Matrix: [Zoning]

6. Remove Guest Cottage from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and the principal use or uses to which it is accessory, already cover the approval process. The following indicates the changes to the approval process:
- Permitted in
- IPF for Single Family, Townhouse and ZLL;
- MXPD for Townhouse and ZLL;
- LCC for Townhouse;
- Residential area in the U/S Tier of TND for Single Family, Townhouse and ZLL;
- Residential area in the Exurban/Rural Tier of TND for Single Family;
- U/S Tier, Exurban/Rural Tier, and Development area in the AGR Tier of TMD for Townhouse.
- No longer permitted in IRO for Single Family and ZLL.
- More restrictive in RM and RS Zoning Districts for Townhouse and ZLL; and, Residential area in the Exurban/Rural Tier of TND for Townhouse and ZLL.



§1070. Home Occupation

HISTORY The Home Occupation residential use definition and Supplementary Use 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 Ord. 2003-067 and 2007-013.

Reason for amendments:

- 1. Recognize current zoning policy which allows for cottage food production as a home occupation, in accordance with Florida Statutes 500.80, and the requirements of the Department of Agriculture and Consumer Services.
2. Allow incidental retail sales where the home occupation is a mail order or internet business, and where inventory is stored in accordance with existing standards.
3. Revise title of On-Premise Sales standards to read "On-Premise Sales of Goods and Services" to clarify the sale of services is prohibited at the home other than instructional services.
4. Delete the certificate of insurance requirement associated with instructional services as Zoning no longer reviews Home Occupational Licenses and the certificate is not a Tax Collector or State of Florida requirement.

- a. Definition
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

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those businesses ~~which that~~ are required open to the public including those required by State of Florida agencies ~~to be open to the public.~~ [Ord. 2009-040]

ab. Incidental Nature

Shall be clearly incidental and subordinate to the residential use of the dwelling property ~~and shall be confined to no more than ten percent of the total floor area of the dwelling.~~

bc. Location

With the exception of outdoor instructional services, a home occupation shall be conducted within the principal dwelling or off-site, and shall not be conducted within any accessory building or structure or within any open porch or carport that is attached to and part of the principal structure. Instructional services, which by their nature must be conducted outside of the principal structure, such as swimming lessons, shall be located in a rear or side yard.

cd. No Change to Character of Dwelling

The residential character of the dwelling in terms of exterior appearance and interior space shall not be altered or changed to accommodate a home occupation.

de. Employees

Shall be conducted by members of the immediate family residing in the dwelling unit only. A maximum of one person who is not a member of the immediate family may assist in the operation of the home occupations at the residence.

e. Business Tax Receipt

~~Shall be operated pursuant to a valid business tax receipt for the use conducted by the resident of the dwelling. More than one home occupation may be permitted on a residential lot. [Ord. 2007-013].~~

f. Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers. Advertising on vehicles shall be limited to the minimum necessary to meet requirements mandated by F.S. Chapter 489 or Chapter 67-1876 of the PBC Contractor's Certification Division Manual.

g. Cottage Foods

~~No food preparation shall be permitted~~ allowed, except as allowed in accordance with Section F.S. Section 500.80 cottage food operations, as amended.

gh. On-Premise Sales of Goods and Services

A home occupation shall not involve the sale of any stock, trade, supplies, products, or services on the premises, except for instructional services ~~or incidental retail sales where the home occupation is a mail order or internet business.~~

hi. Instructional Services

Instructional services shall meet the following additional regulations:

1) Home Instruction, Inside

Teaching which takes place inside the dwelling unit of the instructor. Typical instruction includes music lessons and academic tutoring.

2) Home Instruction, Outside

Teaching which takes place outside the dwelling unit, on the property of the instructor. This type of instruction is limited to subject matter which necessitates outside instruction. Typical instruction includes tennis, swimming lessons, dog training and equestrian lessons.

3) Hours of Operation

Instruction shall occur only between the hours of 9:00 a.m. and 8:00 p.m. daily.

4) Insurance

~~Proof of liability insurance in the amount of at least \$300,000 covering the instructional service shall be submitted prior to the issuance of a Business Tax Receipt. [Ord. 2008-003]~~

54) Number of Students

A maximum of three students at a time ~~shall be permitted~~ may be allowed to receive instruction during a lesson.

65) Parking

No more than two vehicles associated with the lessons ~~shall be permitted~~ may be allowed to be parked at the instructor's home at any time.

76) Resident

The instruction must be conducted by a resident of the dwelling where lessons are provided. Only one instructor ~~shall be permitted~~ may be allowed to provide instruction. ~~The business tax receipt shall be issued to the instructor. [Ord. 2007-013]~~

ij. Outside Storage

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- 1 No equipment or materials used in the home occupation shall be stored or displayed
2 outside of the dwelling, including driveways.
3 jk. Nuisances
4 No home occupation shall involve the use of any mechanical, electrical or other
5 equipment, materials or items which produce noise, electrical or magnetic interference,
6 vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building.
7 There shall be no storage of hazardous or noxious materials on the site of the home
8 occupation. There shall be no noise of an objectionable nature from the home occupation
9 audible at adjoining property lines.
10 kl. Violations or Hazard
11 If any of the above requirements are violated, or if the use, or any part thereof, is
12 determined by the Zoning Director to create a health or safety hazard, then the business
13 tax receipt may be revoked. [Ord. 2007-013]
14 lm. Vehicles
15 One business related vehicle per dwelling unit not over one ton rated capacity may be
16 parked at the home, provided the vehicle is registered to a resident of the dwelling,
17 commercial vehicles are prohibited.
18

Reason for amendments to Home Occupation in the Use Matrix: [Zoning]
5. Remove Home Occupation from the Use Matrix and relocate with other accessory uses. This use is
accessory in nature and will be allowed in the zoning districts where the principal use is allowed.



91173. Kennel, Type 1 (Private)

HISTORY The Kennel, Type I residential use definition and Supplementary Use 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 Ord. 2001-001, 2003-067, 2008-037,
and 2013-001.

Reason for amendments: Zoning
1. Kennel, Type 1 (Private) is proposed to be relocated to three two locations in the ULDC: Art. 4,
Accessory Residential Uses (new), Commercial Use Classification, and Art. 5.B, Accessory and
Temporary Uses.
• The existing Kennel, Type 1 (Private) will be renamed to Kennel Type 1A. The definition is
revised to clarify that private kennels are accessory to Single Family dwelling and not principal
in nature.
• A new commercial kennel use, Type 1B, Limited Pet Boarding use is being established to allow
commercial kennels the boarding of cats and dogs in residential zoning districts to be
addressed with the Commercial uses.
• Regulations for Hobby Breeder and number of animals are contained in the Limitations of Use
Private Non-Profit standard are addressed by Animal Care and Control (ACC), therefore not
needed. Additionally, add a provision to ensure a private non-profit Type 1 Kennel does not
exceed the maximum number of animals. The ACC Ordinance 98-22 allows for a property that
is at least 2.5 acres to apply for an Excess Animal Habitat permit to exceed the maximum
allowed (30).
• Portions of the use will be relocated from the current Residential Classification to Article 5.B,
Accessory and Temporary Uses. See Part 12 below.
2. The Pot Bellied Pigs Standard will be deleted since Kennel Type 1 definition clearly indicates this
use is limited to dogs and cats only.

- 24
25 a. Definition
26 Any building or land used, A residential lot with a Single Family dwelling designed or
27 arranged to facilitate the non-commercial care of domestic animals, such as dogs and
28 cats, (excluding horses or livestock), owned by the occupants of the premises. [Ord.
29 2006-036] [Ord. 2008-036] [Ord. 2013-001]
30 ba. Limitations of Use Private Non-Profit
31 A private Kennel Type 1 may include shall be limited to domestic animals owned by the
32 occupants of the premises only, or a private non-profit animal organization that is not
33 open to the public and located on less than 2.5 acres. The care, breeding, boarding,
34 raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or
35 mammal is prohibited, except as permitted under provisions for Hobby Breeder contained
36 herein. The raising of domestic animals for sale is prohibited. The sale of domestic
37 animals on site is prohibited. Property size and restrictions on the number of animals

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permitted shall be regulated by the PBCACC. A PBCACC Excess Animal Habitat permit shall be prohibited. [Ord. 2006-036] [Ord. 2008-037] [Ord. 2013-001]

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036] [Relocated to new Art. 5.B.1.A.22.c.1)a), General]

2)c. Hobby Breeder

A person who breeds up to two litters of dogs or cats or 19 dogs or cats per one-year period, on their property, and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The A h Hobby b Breeder is further defined and regulated by the PBCACC pursuant to Ord. 89-2 98-022, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. [Relocated to new Art. 5.B.1.A.22.a, Fences] If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. [Relocated to new Art. 5.B.1.A.22.b, Hedges] Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Relocated to new Art. 5.B.1.A.22.c.3), Hobby Breeders]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Relocated to new Art. 5.B.1.A.22.c.1)b), General]

b. Guard Dog Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036] [Relocated to new Art. 5.B.1.A.22.c.4), Guard Dog Exemption]

c. Pot Bellied Pigs

The keeping of pot bellied pigs in a Type I Kennel shall be prohibited. [Ord. 2013-001]

Reason for amendments to Kennel Type 1 (Private) in the Use Matrix: [Zoning]
3. Remove Kennel Type 1 (Private) from the Use Matrix and relocate with other accessory uses. This use is accessory in nature and will be allowed in the zoning districts where the principal use is allowed.

412. Limited Pet Boarding

BACKGROUND
Establish a new use to allow limited boarding accessory to Single Family use in the Agricultural Reserve (AGR) and Agricultural Residential (AR) Zoning Districts. Limited Pet Boarding use within a Single Family use would allow limited boarding of cats and dogs not owned by the owners or occupants of the premise. The new use is being introduced to acknowledge the potential for these types of businesses in certain rural residential districts, as explained further below. The AGR and AR Zoning Districts may be suitable for this type of use as the occupants of the Single Family dwelling will operate the use.
Commercial kennels are currently prohibited within residential zoning districts. While Private Kennels are permitted in residential zoning districts, the use is limited to the boarding of dogs "owned by the occupants of the premises..." In 2012, it was learned by the Zoning Division that several residential dog boarding operations had been established in Residential Zoning Districts pursuant to an Animal Care and Control (ACC) permit, but contrary to the Zoning prohibitions.
A Privately Initiated Amendment (PIA) was submitted to the Zoning Division in 2012 by Jeff and Monika Stefaniak to allow for limited boarding of cats and dogs in certain Residential Zoning Districts. The initiation of this amendment was presented for recommendation at the February 27, 2013 Land Development Regulations Advisory Board (LDRAB). LDRAB expressed concerns with the initiation of this amendment based on impacts of nuisances (such as noise and traffic) and incompatibility of commercial uses in residential zoning districts. However, LDRAB voted to move the application forward to the BCC with direction for staff to express their concerns to the BCC. At the March 28, 2013 BCC Zoning Hearing, the BCC directed staff to draft a code amendment for limited boarding of cats and dogs in certain

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residential districts as part of the ULDC Use Regulations Project.

RESEARCH/FINDINGS:

Staff reviewed several ordinances from other jurisdictions in Palm Beach County, Florida, and other States, including but not limited to, California, North Carolina and Minnesota that allow boarding facilities in residential zoning districts. Staff also conducted two meetings, on May 13, 2014 and September 15, 2014, with Boarding Operators, interested parties and County staff to solicit input and feedback on the proposed new use. Meeting feedback yielded specific recommendations including: number of animals per boarding operation, outdoor runs, signage, and duration of stay, hours of operation, noise and traffic. Preliminary research indicates that other uses with similar nuisances (noise, odor) and adverse impacts (non-residential traffic) are permitted within certain residential zoning districts, such as the boarding of up to four horses in a Private Stable when located on a two or more acre lot; and, a family day care home, which allows for daycare of up to six children, excluding the operator's children who reside in the home.

Staff research found that when uses are allowed in Residential Zoning Districts, regulations typically require a Conditional Use approval or Special Exception. The research also found that where the use is allowed, supplementary standards were established to address adverse impacts such as separation requirements, minimum lot size and nuisance mitigation (soundproofing and odor abatement).

CONCLUSION:

Staff concurs with the potential viability of the proposed limited boarding, accessory to Single Family use, in certain residential zoning districts. In an effort to address LDRAB and Zoning staff concerns, staff is proposing to add the Limited Boarding use by allowing them, as a Class A Conditional Use, in the AGR and AR Zoning Districts accessory to Single Family dwelling. Supplementary standards will be added to mitigate potential adverse impacts in rural residential zoning districts. The use will also be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification. Limited Pet Boarding will be grouped with uses that are accessory in nature to Residential uses.

Reason for amendments: [Zoning]

1. Establish definition to clarify that boarding is accessory to a Single Family use.
2. Establish limitations of use standards to address potential nuisances and adverse impacts adjacent to residential uses:
 - Establish Approval Process standard to clarify that the use is subject to Class A Conditional Use in the AGR and AR Zoning Districts; and, clarify coordination of ACC and Zoning at time of Class A Conditional Use application. Concurrent with the Class A Conditional Use review, the applicant for the Limited Pet Boarding use must provide official ACC correspondence to the Zoning Division identifying intent to develop the use operation and location.
 - Establish ACC Permit standard to clarify that Zoning Approval is required prior to owner applying for ACC permit.
 - Establish a minimum lot size requirement of one acre. Review of municipal and industry research indicates that a proposed minimum lot size would assist in the mitigation of adverse impacts.
 - Establish separation distance from one operation to another in order to mitigate possible impacts over adjacent properties.
 - Limit boarding to only cats and dogs shall be exclusively within the Single Family dwelling structure. Zoning staff recognizes the need for the dogs and cats to be outdoors, therefore the standard clarifies that the boarding limitation excludes time for outdoor activities.
 - Establish a maximum threshold for number of cats and dogs boarded. The Animal Care and Control (ACC) Ordinance 98-22 restricts the number of cats or dogs based on acreage (for example, 1-10 cats/ dogs allowed on parcels less than 1.5 acres). In an effort to mitigate traffic trips within a neighborhood and other potential impacts, staff's recommendation is to establish the maximum total number of cats and dogs at seven, exclusive of the owner's dogs and cats.
 - Clarify hours for operation and include reference to setback requirements for outdoor runs in Article 5, Supplementary Standards.
 - Clarify Outdoor Area standard to allow for occasional limited outdoor activity. Although runs and play areas are prohibited, staff recognizes occasional walking and relief of animals is common.
 - Clarify that signage shall be prohibited for consistency with regulations applicable to similar uses located in the Residential zoning districts.

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Notes:

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ATTACHMENT K

RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

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- a. Definition
A Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.
b. Approval Process
The use shall be subject to Class A Conditional Use approval process in the AGR and AR/RSA and AR/USA Zoning Districts pursuant to Article 2, Development Review Procedures. In addition, the applicant shall submit simultaneously with the Class A Conditional Use application a letter from ACC confirming the applicant's intent to develop the proposed use in the specific location.
c. Lot Size
A minimum of one acre.
d. Separation Distance
Shall not be located within a radius of 1,000 feet of another Limited Pet Boarding use. The separation distance shall be measured from property line to property line.
e. Maximum Number
No more than a total of seven cats or dogs shall be boarded at any given time. The total number of cats and dogs boarded and owned by the resident of the Single Family Dwelling shall not exceed the maximum limits for dogs and cats established by Animal Care and Control pursuant to Palm Beach County Ordinance section 4-22.
f. Boarding
Cats or dogs shall be boarded within the Single Family structure except when outdoor activities take place. Boarding operations not conducted within the Single Family dwelling, but in an accessory structure, must be a legally conforming use as of October 1, 2016.
g. Hours
1) Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or control of a person by means of a leash.
2) Business hours including drop-off and pickup shall be between 6:00 a.m. to 7 p.m.
h. Outdoor Areas
1) Cats and dogs shall be personally supervised during the outdoor activity; and,
2) Shall be setback a minimum of 25 feet from all property lines.
i. Signage
No signage shall be allowed to advertise the Limited Pet Boarding use.
j. ACC Permit
The operator of the use shall obtain Zoning Approval prior to application for an Operational Permit by the ACC.

Reason for amendments to Limited Boarding in the Use Matrix: [Zoning]
3. Limited Pet Boarding is a new use will be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification.

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Part 6. ULDC Art. 5.B.1.A, Temporary Structures, (Page 32 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Kennel, Type 1 (Private) is proposed to be split into two locations in the ULDC: Art. 5, Accessory and Temporary Structures and Art. 4 Commercial Residential Use Classifications. A new Commercial use, Type 1, is being partially relocated from the current Residential Classification to Article 5.B, Accessory and Temporary Uses, where standards for sheds and other similar accessory structures are located. Non-commercial kennels in residential zoning districts will still be allowed, subject to standards.
A new Kennel Use, Limited Pet Boarding, is being established in Article 4.B.5, Residential Use Classification. Supplementary standards will be added to mitigate potential adverse impacts in rural residential zoning districts. The use will also be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification. Limited Pet Boarding will be grouped with uses that are accessory in nature to Residential uses.

CHAPTER B ACCESSORY AND TEMPORARY USES
Section 1 Supplementary Regulations

Notes:
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ATTACHMENT K

RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

A. Accessory Uses and Structures

2226. Kennels and Runs

Runs applicable to any ~~k~~ kennel use shall be subject to the following:

a. Fences

Safety fences around the outdoor runs shall not exceed six feet in height. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

b. Hedge

If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. [Partially relocated from Art. 4.B.1.A.73.a.3), Limitations of Use related to Kennel, Type 1 (Private)]

2. Clarify setbacks are not applicable to shelters used to house active duty guard dogs since the dogs are not permanently stationed in the structure 24 hours.

c. Setbacks

1) General

a) *Enclosed structures or enclosed runs shall comply with the minimum setbacks applicable to the principal dwelling unit. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.1) Setbacks related to Kennel, Type 1 (Private)]*

b) *Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.4) Limitations of Use related to Kennel, Type 1 (Private)]*

2) Hobby Breeders

Outdoor runs or non-enclosed structures used by hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Relocated from Art. 4.B.1.A.73.a.3) Limitations of Use related to Kennel, Type 1 (Private)]

d. Guard Dog Shelter Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 ~~shall be permitted~~ may be allowed in any zoning district. A shelter for a permanent on-site guard dog, associated with guard duty, shall be exempt from the setback requirements of this section when adjacent to non-residential zoning districts or uses. [Ord. 2008-036] [Relocated from Art. 4.B.1.A.73.b.3) Limitations of Use related to Kennel, Type 1 (Private)]

Part 7. ULDC Art. 5.B.1.A, Temporary Structures, (Page 32 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]

1. This amendment consolidates general applicability of mobile home under Accessory Uses and Structures in Article 5 in a table to differentiate between a Mobile Home Dwelling unit and mobile home structure.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

23. Mobile Home

The use of a mobile home shall be prohibited unless stated otherwise in Articles 4, Use Regulations and Article 5, Supplementary Standards.

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ATTACHMENT K

**RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)**

Table 5.B.1.A – Mobile Home (1) Applicability

Dwelling Unit	Structure
MHPD or Existing Approved Mobile Home Park (2)	Accessory to Bona Fide Agriculture (2)
	Farm Workers Quarters (2)
	Caretaker Quarters (2)
	Watchman Trailer (3)
	While Constructing a SF Dwelling (3)
[Ord.]	
Notes:	
1.	<i>Mobile Home shall not be used for storage or display.</i> [Partially relocated from old Art. 4.B.1.A.85, Mobile Home Dwelling]
2.	Supplementary use standards are indicated in Article 4, Use Regulations.
3.	Specific regulations are stated in Article 5, Supplementary Standards.

Part 9. Article 1.I.3, Abbreviations and Acronyms (Page 115 of 119) is hereby amended as follows:

Reason for amendments: [Zoning]
<u>1. Delete duplicated acronym for Congregate Living Facility (CLF) which also includes wrongly the word "Adult". CLFs are not specifically oriented to attend adult population.</u>

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

~~ACLF Adult Congregate Living Facility~~

Part 10. ULDC Art. 5.B.1.B.3.d, Mobile Home While Constructing SFD, (Page 35 and 36 of 100) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Relocate existing Mobile Home Dwelling standard in Article 4 related to temporary mobile home used during the construction of Single Family dwelling to consolidate with duplicated provisions in Article 5, Temporary Structures.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

3. Temporary Structures and Uses During Development Activity

d. Mobile Home While Constructing ~~a SFD~~ Single Family Dwelling

1) ~~Temporary Dwelling During Home Construction~~ Definition

A mobile home used as a temporary residence during the construction of a Single Family structure.

2. Clarify that temporary mobile home is permitted only when associated with the construction of Single Family that is located in the AR/RSA Zoning District.
3. Expand requirements for mobile home to be connected to potable water well as the structure will be temporarily used as residence. This is an existing requisite by the Health Department applicable to temporary habitable structures.
4. As a result of relocation of temporary mobile home language in Article 5.B.1.B, Temporary Structures, this amendment consolidates duplicated standards related to Removal Agreement and Time Limitations on Mobile Home Approval located in Article 4 and Article 5. It also clarifies that a removal agreement is needed at the time of building permit for the mobile home.

2) Zoning District – AR (RSA)

~~In A temporary mobile home is may be permitted allowed only in the AR Zoning District of the - Rural Service Area (RSA). District, placement of a mobile home dwelling shall be permitted on a temporary basis subject to the following standards:~~

a3) Agency Approval

Notes:

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ATTACHMENT K

RESIDENTIAL USES
SUMMARY OF AMENDMENTS
(Updated 12/09/16)

1 Sanitary sewage facilities and potable water well shall be approved by all
2 governmental agencies having appropriate jurisdiction, permits, and inspections for
3 the installation which must be obtained from the PZB Department and Health
4 Department;

5 **b4) Building Permit**

6 a) A valid building permit for a ~~s~~Single- ~~f~~Family dwelling unit on the land shall have
7 been ~~approved~~ issued by the Building ~~Director~~ Division prior or concurrent to
8 issuance of the tie down permit for the mobile home;

9 b) *The approval for the mobile home shall be valid for two years or up to 30 days*
10 *after the issuance of the Certificate of Occupancy for the Single Family dwelling,*
11 *whichever occurs first. A removal agreement shall be notarized and executed*
12 *between the Building Division and property owner and recorded on the property*
13 *in the official records of the PBC Clerk prior to issuance of any building permit.*
14 *No time extensions shall be granted. No more than one MH approval shall be*
15 *granted per Property Control Number. [Ord. 2007-001] [Relocated from Art.*
16 *4.B.1.A.85.d.2.a), Limitations of MH Approval]*

17 ~~c) Removal Agreement~~

18 ~~Execution of a notarized Mobile Home Removal Agreement, which establishes~~
19 ~~that the mobile home shall be removed within 30 days after the final CO or at the~~
20 ~~end of the maximum two year timeframe. Additionally, the building permit shall be~~
21 ~~stamped with the requirement to remove the mobile home within 30 days after~~
22 ~~the final CO is issued. [Ord. 2008-003]~~

23 **25) Additions**

24 No additions shall be ~~permitted~~ allowed to the mobile home, except awnings and
25 demountable screen panels, stairs, decks and trellises.

26 **36) Proof of Ownership**

27 A current recorded warranty deed for the subject property shall be submitted.

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

1
2 Part 1. New ULDC Art. 4.B.3, Recreation Uses, is hereby established as follows:

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 3 Recreation Uses**

5 **A. Recreation Use Matrix**
6

Reason for amendments: [Zoning]	
1.	Consolidate all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for standard, Planned Development Districts (PDDs) or Traditional Development Districts (TDDs). 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.
2.	<u>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.</u>

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EXHIBIT L
RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

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

Reason for amendments: [Zoning]

1. Clarify that recreation uses are prohibited to include any kind of gaming or pari-mutuel betting when located in the Agricultural Reserve (AGR) Tier for consistency with the Comprehensive Plan policy 1.5-p. This provision was relocated from Supplementary Use Standards contained in Arena, Auditorium or Stadium and Commercial Equestrian Arena.

B. General Recreation Standards

1. Tier Specific

Pari-mutuel betting or gaming is prohibited in the Agricultural Reserve (AGR) Tier.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Arena, Auditorium or Stadium or Amphitheater

HISTORY: The Arena, Auditorium, or Stadium use definition and Supplementary Use 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 Ord. 1999-037, 2001-062, and 2003-067.

Reason for amendments: [Zoning]

1. Remove Auditorium from the use name and include Amphitheater as it is the most common term that describes an outdoor facility designed for performances.
2. Revise definition to clarify that the use is intended to be for large sport events or performance. Convention center, exhibition halls and conference center will be relocated to be addressed as civic use, tentatively under revised assembly use or similar.
3. 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.
4. Delete limitation of lot size as the minimum standards already existing in the Code such as the zoning district property development regulations, landscaping, drainage and parking spaces should dictate the minimum lot size needed for the use to function.
5. Clarify that vehicular access has to be from Collector or Arterial Street to prevent vehicular traffic to and through local streets in nearby local streets.
6. Relocate pari-mutuel betting prohibition to the new section General Recreation standards in order to make this regulation applicable to all recreation uses when located in the AGR Tier for consistency with Comprehensive Plan policy 1.5-p.

a. Definition

An ~~open, partially or fully enclosed facility establishment open, partially or fully enclosed~~ primarily used or intended for commercial spectator sports or entertainment performance. ~~Typical uses include convention and exhibition halls, large conference centers, sports arenas, jai alai frontons, amphitheaters and racetracks, and concert halls.~~ **[Relocated to new b., Typical Uses, below]**

b. Typical uses

Typical Uses include sports arenas, jai alai frontons, racetracks, and concert halls. **[Relocated from a., Definition, above]**

CRE District

~~An arena, auditorium or stadium use shall not be located in an RR FLU designation.~~

b. Lot Size

~~A minimum of five acres.~~

cc. Frontage Location

A minimum of 200 feet of frontage ~~on a public street providing the primary access is required. All vehicular access shall be from an on a Collector or a Arterial street from which primary point of vehicular access shall be provided.~~

d. AGR District or FLU Designation

~~Paramutal betting is not permitted.~~

Reason for amendments to Arena or Stadium or Amphitheater in the Use Matrix: [Zoning]

47. No changes are recommended to the approval process.

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

242. Campground

HISTORY: The Campground use definition and Supplementary Use 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 Ord. 1999-037, 2001-029, 2001-100, and 2005-002.

Reason for amendments: [Zoning]

1. Amend definition to add Recreational Vehicles (RV) to the use, as this is a better reflection of reality.
2. With the revision of the use to include RVs the setback should be for all sites (camp and RV), not just campsites.
3. Differentiate between the uses campsite and RV site to show how they are to be distinguished, and what type of activity is to take place on the site. Campsites are intended for more rustic type of camping in tents or pop-up trailers, or in camping cabins, and RV sites are to be improved with paved parking for the RV unit and the accompanying vehicle.
4. Add provisions regulating the number of RV sites and campsites which may be located in a campground based on the Future Land Use (FLU) designation of the property. The lower the underlying density, the less sites one can have. The table is intended to clearly indicate that the number of sites per acre is campsite OR RV site, not both.
5. The table contains a footnote for the AP, Agricultural Production Zoning District to clarify that the table only applies to AP zoned land in the LOSTO, Lake Okeechobee Scenic Trail Overlay.

a. Definition

A parcel of land used for a temporary camping and recreational vehicle (RV) uses, and not as permanent living quarters. [Ord. 2005-002]

ab. Lot Size

A minimum of five acres or the minimum required by the district, whichever is greater.

c. Use

1. Campsite

Campsites are predominantly intended for use by patrons occupying tents, pop-up style campers, or Camping Cabins.

2. RV Site

RV sites are primarily intended to accommodate RVs, and shall be improved with a paved parking pad for the RV and one passenger vehicle.

d. Intensity

Campgrounds may be developed at the following intensities:

Table 4.B.3.C – Campground Intensity

Zoning Districts	# of Sites/Acre (2)		
	Campsites	RVs	
AP (1)	10/Acre	N/A	
PC	10/Acre	N/A	
PO	12/Acre	6/Acre	
IPF	12/Acre		
CRE	12/Acre		
PDD			
MUPD	CR FLU	16/Acre	8/Acre
RVPD	RR FLU (3)	10/Acre (3)	4/5 Acres
	CR FLU	24/Acre	12/Acre
[Ord.]			
Notes:			
1.	In the LOSTO only.		
2.	The acreage used to calculate campsites cannot be used to calculate RV sites, or vice versa. Campsites and RV sites may be interspersed throughout the site.		
3.	RVPDs existing prior to the adoption of this ordinance shall be considered conforming for intensity.		

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

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Table with 13 rows detailing reasons for amendments, such as 'Relocated and change the duration in which someone may reside in a Camping Cabin to apply to campsites' and 'Create a subsection to deal with Accessory Uses, specifically camping cabins'.

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- be. Setback for RV or Camp Sites Campsites
All sites shall be set back a minimum of 50 feet from any property line.
ef. Duration of Stay
1) Campsites and Camping Cabins
Time limitations for occupancy shall be in accordance with Article 3.E.7.D, Time Limitations A maximum of 30 consecutive days in a six month period. [Partially relocated from c.3) below]
2) RV Sites
a) No person, other than the caretakers, shall reside or be permitted to reside in a RV site for more than 180 days per calendar year. [Relocated from Art. 3.E.7.D.1, Residence]
b) Record Keeping
The Campground owner or operator shall keep the following records: [Partially relocated from Art. 3.E.7.D.2, Record Keeping]
(1) the make, model, and year of each RV; [Relocated from Art. 3.E.7.D.2.a.]
(2) the lot on which each RV is/was located; [Relocated from Art. 3.E.7.D.2.b.]
(3) the dates of occupancy for each RV owner; and [Relocated from Art3.E.7.D.2.c.]
(4) the name and permanent address of each RV owner. [Relocated from Art. 3.E.7.D.2.d.]
c) Mobility
The mobility of each recreational vehicle shall be maintained at all times. All recreational vehicles shall be currently licensed by the State of Florida, or the state of residency of the RV owner. The license plate shall be visible at all times. [Relocated from Art. 3.E.7.D.3, Mobility]
g. Accessory Use
1) Camping Cabin
a) Definition
A rental cabin used for temporary occupancy.
4b) Use
A camping cabin shall may be permitted allowed as an accessory use to a RVPD or campground.
2c) Structure Number
The cabin shall comply with all structural requirements of the Building Code. A maximum of 30 percent of the total approved campsites may be used for camping cabins use. [Partially relocated from old c.9), Number, below]
3) Duration
Time limitations for occupancy shall be in accordance with Article 3.E.7.D, Time Limitations.

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EXHIBIT L

RECREATION USES
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(Updated 12/6/16)

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- 4) **Setback**
~~Camping cabins shall meet the setbacks required for a recreational vehicle.~~
- 5) **Location**
~~A camping cabin may be located on a recreational vehicle lot or campsite in lieu of a recreational vehicle or campsite.~~
- 6d) **Floor Area**
A camping cabin shall not exceed 800 square feet of GFA.
- 7e) **Additional Floor Area**
Floor area under a solid roof that is utilized as a porch, patio, porte cochere, or carport shall not exceed 500 square feet.
- 8f) **Amenities**
A camping cabin may contain electrical outlets (excluding 220 volt), heating, lighting, air conditioning, ~~fans~~, cooking facilities and plumbing.

Reason for amendments: [Zoning]	
14.	Delete the standard allowing up to 49% of the sites to be occupied by Camping Cabins. This is direct conflict with the previous standard allowing no more than 30% of sites to be "converted" from campsites to cabins.
15.	Permit the establishment of a small accessory general retail sales component to a campground subject to: <ul style="list-style-type: none"> • Limited to 4,500 <u>2,500</u> square feet of gross floor area (GFA), including storage; • Located to the interior of the campground with no exposure to external abutting streets; • Requiring one parking space per 500 square feet of GFA, including storage, plus on space per employee on duty; • Signage limited to wall signage on the front elevation of the building, not freestanding signage, and no signage associated with the retail facility visible to the exterior of the campsite.
16.	Amend the section dealing with the LOSTO, Lake Okeechobee Scenic Trail Overlay to: <ul style="list-style-type: none"> • Remove the word "Overlay" from the title, as it is redundant; • Specify uses to allow differentiation between Campgrounds and Camping Cabins, as Camping Cabins in the LOSTO have historically been treated differently in that they can be an accessory to a single family dwelling, or a principal use; • Specify that Campgrounds without RV sites are permitted in the LOSTO through a DRO approval; and, • Clarify that Camping Cabins as an accessory to a single family residence or as a principal use may be permitted <u>allowed</u> through issuance of a Special Permit, as opposed to a Special Use. The ULDC does not identify a Special Use as an approval process in Article 2.

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- 9) ~~Number~~
~~A maximum of 30 percent of the total approved RV lots or campsites may be converted to cabin use.~~ [Relocated to new **Art. 4.B.3.C.2.g.1.c)** g.1)c), Accessory Use, above]
- 10) ~~Camping Cabin Lots~~
~~At no time shall the number of camping cabins exceed 49 percent of the developed lots or campsites.~~
- 2) **Retail Sales, General**
A camp store selling goods intended for consumption and use by the patrons of a campground shall be ~~permitted~~ allowed pursuant to the following:
 - a) **Size**
Shall not exceed 2,500 square feet of GFA, including storage.
 - b) **Location**
Shall be located to the interior of the campground, and shall not be accessible from any external roads abutting the campground property.
 - c) **Parking**
Shall provide one parking space per 500 square feet of GFA, plus one space per employee on duty.
 - d) **Signage**
Signage shall be limited to a maximum of 25 square feet of wall signage located on the front façade of the building, and shall not be visible from the exterior of the campground. Freestanding signs shall be prohibited.
- Dh. **LOSTO Overlay**
A Campground or Camping Cabins may be located on parcels within the LOSTO where the use is not allowed by the Use Matrix, subject to the following:

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

1) **Campground**

A campground without RV sites may be ~~permitted~~ allowed in the LOSTO subject to DRO approval.

2) **Camping Cabins**

A camping cabin ~~shall~~ may be allowed as a principal use, or as an accessory use to a ~~single~~ family dwelling, subject to approval as a ~~special~~ Special use Permit and the following:

4a) Density

A maximum of ten camping cabins per acre when developed as principal use.

2b) Setback

A minimum of 25 feet from all property lines.

3c) Occupants

Only users of the LOSTO Trail, such as hikers, bikers and tourists, shall be allowed to occupy the cabins.

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

17. Staff recommends deletion of the use from the AP, Agriculture Production Zoning District, as this district is typically not intended to support recreation activity, with the exception of the LOSTO, Lake Okeechobee Scenic Trail Overlay, which is intended to support tourism.

453. Entertainment, Indoor

HISTORY: The Indoor Entertainment use definition and Supplementary Use 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 Ord. 1997-014, 1998-011, 1999-037, 2003-067, 2005-002, 2010-005, and 2012-007.

Reason for amendments: [Zoning]

1. Revise definition to clarify that Indoor Entertainment includes such indoor recreational activities as skating (ice and roller), paintball, and soccer. This is intended to be an example, not a definitive list.
2. Delete CRE Zoning District standard related to Rural Residential (RR) FLU designation as the zoning district is not consistent with that FLU designation.
3. Delete reference to IL, since the use is to be prohibited in IL.
4. Add Mixed Use Planned Development (MXPDP) and Planned Industrial Park Development (PIPD) Zoning districts to 3,000 sq. ft. exemption from more restrictive review process.
5. Delete provision for banquet or reception facility as principal use. This provision has never been used, and the concept is not common to this region as it is elsewhere. The use of banquet and reception facility should be addressed with ~~Restaurants, and Catering facilities Service, and or~~ with institutional and private assembly Nonprofit Institutional or Membership Assembly.

a. Definition

An establishment offering recreational opportunities or games of skill ~~such as: skating, paintball, soccer, bowling alleys, bingo or pool hall and video game arcades~~ to the general public for a fee ~~or charge and in a~~ wholly enclosed ~~in a~~ building. ~~Typical uses include bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades.~~ **[Ord. 2005-002] [Ord. 2012-007] [Partially relocated to new b., Typical Uses, below]**

b. Typical Uses

Indoor Entertainment may include, but not be limited to: bowling alleys, bingo parlors, pool halls, billiard parlors and video game arcades. [Partially relocated from a., Definition, above]

a. CRE District

~~An indoor entertainment shall not be located in a CRE district with RR FLU designation.~~

b. IL District

~~An indoor entertainment facility exceeding three acres in the IL district, the use shall rezone to the CRE district.~~

cb. CC, CG, and MUPD, MXPDP and PIPD Districts

~~1) An indoor entertainment use encompassing less than 3,000 square feet of floor area is a shall may be permitted use by Right.~~

~~2) Banquet and reception facilities as a principal use are subject to Class A conditional use or requested use.~~

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

1

Reason for amendments to Entertainment, Indoor in the Use Matrix: [Zoning]	
46.	Delete from IL Zoning District. The Comprehensive Plan does not support this use in the IND FLU designation. Therefore, the use should not be located in the IL or General Industrial (IG) Zoning Districts. Currently the use is allowed in the IL Zoning District as DRO. However, but is not allowed in Planned Development Districts with an IND FLU designation or Pod, therefore, the use is proposed to be deleted from the IL Zoning District.
47.	Because of the level of scrutiny PDDs are given in their approval process, it is proposed that the use be reviewed by the Development Review Officer (DRO) in the following zoning districts: <ul style="list-style-type: none"> Multiple Use Planned Development (MUPD) with a Commercial High (CH) FLU designation; MXPD with a CH FLU designation; and Lifestyle Commercial Center (LCC) with a CH FLU designation.
48.	Change the use from a Permitted <u>by Right</u> to DRO review in the Commercial (COM) Pod of a PIPD to ensure that the use is truly oriented to serve those employed within the district or residing therein.

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464. Entertainment, Outdoor

HISTORY: The Outdoor Entertainment use definition and Supplementary Use 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 Ord. 1993-004, 1999-037, 2003-067, 2005-002, and 2009-040.

Reason for amendments: [Zoning]	
1.	Revise definition to: <ul style="list-style-type: none"> Clarify commercial activity and; Relocate "Archery Ranges" to Sport Shooting Range use.
2.	Delete <u>Commercial Recreation (CRE)</u> Zoning District s Supplementary u Use s Standard. The standard, as written, excludes privately owned commercial recreation. The County has a zoning district that specifically focuses on public ownership and is consistent with all FLU designations.
3.	Delete Community Commercial (CC) Zoning District s Supplementary u Use s Standard. The use is allowed as a Class A Conditional Use. The definition of CC in the ULDC does not clearly delineate the meaning of community nature and neighborhood serving. Determination of "community nature" and "neighborhood serving" would be discussed during the review process and confirmed by the BCC.
4.	Delete IL Zoning District s Supplementary u Use s Standard. The use will be deleted from the Use Matrix and the standard will no longer apply.
5.	Location s Supplementary u Use s Standard to be revised. Delete the words "paved public" and minimum frontage requirement from the standard.

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a. Definition

An establishment offering ~~entertainment recreational opportunities~~ or games of skill to the general public where any portion of the activity takes place in the open for a fee, excluding golf courses and public parks. ~~Typical uses include archery ranges, athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005-002] [Partially relocated to new b., Typical Uses, below]~~

a. CRE District

~~Shall not be located in a CRE district with an RR FLU designation unless owned or operated by a public agency, or approved as a Class A Conditional Use, subject to the following additional criteria: [Ord. 2005-002]~~

- ~~1) Maximum size 20 acres. [Ord. 2005-002]~~
- ~~2) Maximum FAR 0.05. [Ord. 2005-002]~~
- ~~3) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. [Ord. 2005-002]~~
- ~~4) Frontage shall be required on a roadway designated as a Florida Intrastate Highway System (FIHS) or Strategic Intermodal System (SIS) facility. [Ord. 2005-002] [Ord. 2009-040]~~
- ~~5) Shall not be located within 1,320 feet of any other privately owned outdoor entertainment use with a RR FLU designation. [Ord. 2005-002]~~

b. Typical Uses

~~Typical uses include athletic fields, batting cages, golf driving ranges, water skiing facilities, tennis courts, go-cart tracks, miniature golf courses, paintball fields, jet skiing, and wind surfing. [Ord. 2005-002] [Partially relocated from a., Definition, above]~~

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EXHIBIT L

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~~b. IL-District~~

~~The use shall rezone to the CRE district if exceeding three acres in size.~~

~~c. CC-District~~

~~An outdoor entertainment facility shall be limited to uses that are of a community nature and that serve residential neighborhoods within a three to five mile radius.~~

~~c.d. Location Frontage~~

~~Access to an ~~e~~Outdoor ~~e~~Entertainment use shall be from a ~~paved public~~ collector or arterial street. ~~The minimum required frontage for the primary point of access shall be 200 feet.~~~~

~~d.e. Setbacks~~

~~No building, structure, trailer, vehicle, mechanical device, or outdoor area shall be located closer to the property line than as follows:~~

Table 4.B.1.A3.C – Outdoor Entertainment Setbacks

Adjacent Use	Minimum Setback
Non-residential and streets	50 feet
Residential District or Use	100 feet

Reason for amendments to Entertainment, Outdoor in the Use Matrix: [Zoning]

~~46.~~ Delete the DRO approval process from Industrial standard Zoning District and MUPD with IND FLU designation. The Regulation Section of the Comprehensive Plan identifies that the Outdoor Entertainment use is allowed in Commercial, Commercial Recreation and Industrial Future Land Use designations within a PIPD. Existing approvals within the IL standard Zoning District and MUPD with IND FLU designation will be deemed legal non-conforming uses.

~~565.~~ Fitness Center

HISTORY: The Fitness Center use definition and Supplementary Use 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 Ord. 1994-023, 2001-100, 2003-067, 2010-005, and 2012-027.

Reason for amendments: [Zoning]

- ~~1. Update to reflect indoor or outdoor operation of the use and update the terminology for consistency with new industry trends.~~
- Delete Multifamily Residential (RM) Zoning District ~~from SF~~ Supplementary Use Standard for consistency with deletion of the use approval in ~~that zoning district as indicated~~ in the Use Matrix. The 3,000 square footage limitation supplementary use standard still remains applicable to Neighborhood Commercial (CN) Zoning District.
- Remove General Commercial (CG) Zoning District ~~from the Supplementary Use Standards~~ that allows the use to be Permitted when less than 15,000 SF. ~~since the~~ The use is here now proposed to be Permitted by Right as indicated in the Use Matrix without restriction on the square footage.
- Provide consistency between the square footage in Table 4.A.3.A, Threshold of Projects Requiring DRO approval, where the threshold for CC Zoning District is 8,000 SF, and the ~~e~~Supplementary ~~u~~Use ~~e~~SStandard that allows a Fitness Center in CC Zoning District. ~~to be Permitted when less than 15,000 SF.~~ This ~~change amendment~~ modifies the minimum square footage from 15,000 SF to 8,000 SF for the use to be Permitted by Right and creates a second threshold for Fitness Center between 8,000 SF and 15,000 SF that previously to be DRO approval instead of Permitted by Right. Above those thresholds the use is subject to Class A Conditional Use in the CC Zoning District.
- Delete Commercial High Office (CHO) Zoning District from the provisions that allow the use to be Permitted by Right when less than 15,000 SF for consistency with the intent of that district to include mainly uses of office nature and deletion of ~~the use approval from that zoning district~~ in the Use Matrix.
- Delete CRE Zoning District standard related to RR FLU designation as the zoning district is not consistent with that FLU designation.

a. Definition

An ~~enclosed building or structure~~ establishment containing multi-use facilities for conducting recreational sport activities, ~~such as: aerobic exercises, weight lifting, running,~~

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EXHIBIT L

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~~swimming, racquetball, handball, and squash. This use also includes dance studios and karate schools martial arts studios. A fitness center may also include the following customary accessory activities as long as they are intended for the use of the members of the center and not for the general public: babysitting, food service, and the serving of alcoholic beverages consumed on the premises.~~ **[Relocated under Typical Activities, below]**

b. Typical Activities

~~Typical sport activities may include but is not limited to aerobic exercises, weight lifting, running, swimming, racquetball, handball, squash, dance studios and martial arts studios.~~ **[Relocated from Definition, above]**

a. RM and CN Districts

~~Shall not occupy more than 3,000 square feet of GFA or have outdoor activities.~~ **[Partially relocated under d. below]**

bc. CC, CHO, CG Districts and PDDs Approval Process – CC Zoning District

- 1) A ~~Fitness Center~~ that has less than ~~15,000~~ 8,000 square feet of GFA ~~shall be permitted by right~~ **Permitted by Right** ~~in the CC Zoning District.~~ **[Ord. 2010-005]**
- 2) ~~Fitness Center with more than 8,000 square feet but less than 15,000 square feet shall be subject to DRO approval.~~

c. CRE District

~~Shall not be located in a CRE district with an RR-FLU designation.~~

7.	Delete Supplementary Use Standard related to the use in Light Industrial pod of PIPD. As proposed in the Use Matrix, the use is no longer allowed in that zoning district therefore the standard is not applicable.
8.	Recognize existing approvals for Fitness Center in IL and Industrial Light pod of PIPD by considering them legal non-conforming in order to address prohibition of the use in industrial zoning districts.

ed. PIPD Light Industrial Use Zone

~~A fitness center in a Light Industrial Use Zone of a PIPD shall primarily serve the workforce or residential population within the PIPD.~~ **[Ord. 2012-027]**

d. Zoning District - CN Zoning District

~~The use shall be limited to 3,000 square feet of GFA without outdoor activities when located in CN Zoning District and shall not include outdoor activities.~~ **[Partially relocated from a. above]**

e. Existing Approvals – IL Zoning District and Industrial Light pod of PIPD

~~A Fitness Center legally established in the IL Zoning District or Industrial Light pod of a PIPD prior to the effective date of this ordinance shall be considered legal non-conforming.~~

Reason for amendments to Fitness Center in the Use Matrix: [Zoning]	
<u>49.</u>	Delete from the RM Zoning District as any form of this use open to the general public would not be consistent with the purpose and intent for a residential district. There are other provisions to allow for similar uses where limited to residents of a residential development.
<u>210.</u>	Amend the approval process in CN Zoning Districts from Class B Conditional Use approval to be Permitted <u>by Right</u> . The Supplementary Use Standard limiting the building to 3,000 SF and no outdoor activities makes the structure consistent with the neighborhood character of the CN Zoning District and the prohibition of outdoor activities protects surrounding residential from nuisances.
<u>311.</u>	Delete from IL Zoning District to keep industrial land limited to industrial uses or uses of an industrial nature.
<u>412.</u>	Delete from CHO Zoning District, MUPD with CHO FLU designation, and MXPDP with CHO FLU designation as the CH-O FLU designation is intended to support mainly office related uses as contained in the FLU Element Section III.C.2 of the Comprehensive Plan for Commercial Office Uses.
<u>513.</u>	Amend the approval process from Class A Conditional Use to Permitted <u>by Right</u> in CG Zoning District and MUPD with CH FLU designation to make the use consistent with expected intensity in CH FLU designation. In the CG Zoning District the building square footage will trigger upper level of review (Board of County Commissioners [BCC] approval) when the structure is above 49,999 SF.
<u>614.</u>	Increase the approval process from Permitted by Right to DRO in COM Pod of a PIPD to ensure the use is site planned and determine the size of the use is of an intensity intended to serve mainly the population within the PIPD as stated in the FLU Element Section III.C.4 of the Comprehensive Plan.
<u>714.</u>	County policies require preservation of industrial land for industrial uses and the approval of Fitness Center in industrial zoning districts is not consistent with the County's directive. Through the draft

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EXHIBIT L

RECREATION USES
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presented previously to LDRAB, staff inadvertently left the approval of the use in the Industrial Light pod of PIPD in the Use Matrix. This amendment corrects that mistake by removing the approval process from that zoning district, making the use now prohibited.

626. Golf Course

HISTORY: The Golf Course use definition and Supplementary Use Standards were first referenced as part of the 1959 Code, Ordinance (Ord.) 1959-3-BB-59. The definition and Supplementary Use Standards were amended by Ord. 1992-020, 1997-014, 1998-011, 2000-015, and 2003-067.

Reason for amendments: [Zoning]

1. Delete reference to Management Plan. Per the Environmental Resource Management (ERM), this document is required by South Florida Water Management District, and is based on the plans approved by the County. This would be redundant with State Agency requirements.
2. Change reference to clubhouse to be an accessory use to comply with new wording for reordered Supplementary Use Standards.
3. Change fencing to be a subcategory of accessory use due to the specialized nature of the type of fencing being referenced in this standard.
4. Establish Variance Relief Supplementary Use Standard to recognize instances when adjacent uses, streets or easements may need additional protective netting or fencing.

a. Definition

An facility establishment providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

AGR Tier

1) PUD

~~A golf course is only permitted in the development area of a PUD, subject to the following additional application requirements.~~

~~**a) Management Plan**~~

~~To protect adjacent farmland from golf course maintenance practices, a maintenance plan shall be developed and complied with in perpetuity. Prior to DRO approval of the master plan, a management plan shall be submitted to and approved by ERM. At a minimum, the management plan shall include the following information:~~

- ~~(1) A Best Management Plan (BMP) detailing procedures for the construction, irrigation, operation, and maintenance of the golf course, designed to prevent contamination of adjacent properties and ground and surface waters;~~
- ~~(2) A Pest Management Plan (PMP) designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers; and~~
- ~~(3) A Water Quality Monitoring Plan designed to protect adjacent wetlands and surface waters.~~

b. Clubhouse Accessory Use

1) Clubhouse

A golf course use may include a clubhouse. In addition to traditional and customary services, the clubhouse may also contain uses such as food service, catering, related retail sales, financial services, and other personal services.

2) Fencing

~~Protective~~ Fencing or netting may be erected to protect neighboring property, vehicles, pedestrians, or bicyclists from golf balls, subject to the following restrictions:

a) Maximum Height Adjacent To

- (1) Residential Use**
15 feet.
- (2) Street or Easement**
30 feet.
- (3) Non-Residential Use**
30 feet.

b) Variance Relief

Request for Type 2 Variance from fence or netting maximum height shall be permitted in accordance with Art. 2, Development Review Procedures.

Reason for amendments to Golf Course in the Use Matrix: [Zoning]

45. Change from Class B to Permitted by Right in PO Zoning District, publicly owned golf course serve a greater public good with minimal impacts under government control.

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26. Allow as a Class A Conditional Use in a COM Pod of a PIPD, as Commercial Recreation (CR) FLU designation is not a land use permitted in PIPD.

[REDACTED]

MARINE FACILITY, RENAMED TO MARINA, HAS BEEN RELOCATED TO COMMERCIAL USE CLASSIFICATION, TO BE ADDRESSED AT A LATER TIME

[REDACTED]

792.Park, Neighborhood Infill

HISTORY: The Park, Neighborhood Infill use definition and Supplementary Use 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 Ord. 2001-029, 2003-067, and 2006-055.

Reason for amendments: [Zoning]

1. Minor revision to the use definition.
2. Delete limitation on hours of operation and landscaping standards to defer to Parks and Recreation handbook.
3. Delete limitation on hours of operation and defer to Parks and Recreation. With the prohibition on lighting and other amenities, most parks of this nature will be posted as closed from dusk to dawn.
4. Consolidate redundant minimum setbacks for residential, non residential, and ROW, and allow for reduction of minimum setback for active recreation by the Parks and Recreation Director when compatibility issues are addressed with any adjacent residential uses.

a. Definition

~~A public park PBC public parks facilities facility operated by PBC usually less than two and one half acres~~ located in the Revitalization and Redevelopment Overlay as designated by the BCC, ~~or in any residential neighborhood. Infill neighborhood parks, including passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.~~ **[Ord. 2006-004]**

ba. Lot Size

A maximum of five acres.

~~**cb. Recreational Amenities**~~

~~Active recreation amenities may include playground equipment and non-regulation basketball courts.~~ **[Relocated to new f., Recreational Amenities, below]**

c. Landscaping

~~Landscaping shall be subject to the PBC Parks and Recreation Department landscape standards.~~

d. Minimum Setbacks from Residential Uses

1) Playground Surface Areas

Ten feet.

2) Structures, Park Furniture and Playground Equipment

15 feet.

3) Active Recreation Facilities

~~a) A minimum of 15 feet when adjacent to R-O-Ws and parcels of land with a non-residential FLU designation, district, or use.~~

~~b) A minimum of 25 feet when adjacent to parcels of land with a residential FLU designation, district, or use. The Parks and Recreation Director may authorize a setback reduction to 15 feet, when compatibility issues are addressed with any adjacent residential uses.~~

e. Setbacks from R-O-Ws and Non-residential Uses

~~**1) Playground Surface Areas**~~

~~A minimum of ten feet.~~

~~**2) Structures Park Furniture and Playground Equipment**~~

~~A minimum of 15 feet.~~

f. Hours of Operation

~~Shall be pursuant to the PBC Parks and Recreation Department.~~

ge. Restrictions

Sports lighting, parking spaces and permanent sanitary facilities shall be prohibited.

f. Recreational Amenities

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Active recreation amenities may include playground equipment and non-regulation basketball courts. **[Relocated to from old b., Recreational Amenities, above]**

Reason for amendments to Park, Neighborhood Infill in the Use Matrix: [Zoning]
Research did not reveal a need for approval process changes.



893. Park, Passive

HISTORY: The Park, Passive use definition and Supplementary Use 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 Ord. 1997-014, 1999-037, 2006-004, and 2010-005.

Reason for amendments: [Zoning]

1. Minor revision to the use definition and ~~e~~Supplementary Use ~~e~~Standard and relocate Typical Uses to a new Standard. Typical uses reference is not a function of the definition.

a. Definition

A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. ~~Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.~~ **[Relocated to new b., Typical Uses, below]**

b. Typical Uses

Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities. **[Relocated from a., Definition, above]**

c.a. ~~PC~~ Zoning District = PC

~~In the PC district, a~~ **A** passive park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; preserves and passive recreation areas, and residences for preservation management officers or substantially similar recreational conservation accessory uses. **[Ord. 2006-004]**

Reason for amendments to Park, Passive in the Use Matrix: [Zoning]

~~42.~~ Change Class A Conditional Use to Permitted by Right in the Agricultural Reserve/ Preserve (AGR/P) Pod of a Planned Unit Development (PUD).

~~23.~~ Add as a Permitted by Right use in the following zoning districts:

- MUPD with an IND and EDC FLU designation.
- Neighborhood Center (NC) and Residential (RES) Pods of a Traditional Neighborhood Development (TND) in Urban/Suburban, Exurban and Rural Tiers.
- The Comprehensive Plan states that parks are generally permitted in all future land use designations.



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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

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994. Park, Public

HISTORY: The Public Park use definition and Supplementary Use 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 Ord. 1997-014, 2001-029, and 2003-067.

Reason for amendments: [Zoning]

- 1. Review the definition to clarify ~~that~~ government ownership and management of the use ~~is~~ government.
- 2. Expand on the type of parks for consistency with the terminology and classification contained in the Parks and Recreation Department list of Public Parks contained in Article 5.B and the Comprehensive Plan Recreation and Open Space Element
- 3. Clarify that uses incidental to the operation of a public park located on Public Ownership (PO) Zoning District that are subject to a different approval process other than Permitted by Right are permitted as collocated. The uses are still subject to the ~~e~~Supplementary Use sStandards applicable to every use as contained in the Code.

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a. Definition

A park publicly owned or operated by government agencies park or beach that providing opportunities for active or passive recreational activities to the general public.

b. Type of Parks

The use includes Regional Park, District Park, Beach Park, and Community Park.

c. Collocated Uses

The following shall be collocated uses ePermitted by ~~f~~Right in the PO Zoning District when included as part of a ePublic ~~e~~Park:

- 1) Outdoor eShooting ~~f~~Range limited to non-mechanical equipment archery;
- 2) Arena or eStadium or ~~e~~Amphitheater separated at least 1,500 feet from parcels of land with a Conservation and Residential FLU designation, ~~Zoning District or use.~~
- 4) Commercial Equestrian eArena;
- 5) Marina limited to docks, wet slips or boat ramps; and,
- 6) Security or eCaretakers ~~e~~Quarters.

Reason for amendments to Park, Public in the Use Matrix: [Zoning]

- 4. Streamline the approval process in MUPD with CL FLU designation from Class A Conditional Use to Permitted by Right as PDDs are subject to Public Hearings and opportunities are provided for adjacent residents to participate. In addition the location of the use will be part of a Master Plan.



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1067. Gun Club, Enclosed Shooting Range, Indoor

HISTORY: The Indoor Shooting Range use definition and Supplementary Use 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 Ord. 1999-037.

Reason for amendments: [Zoning]

- 1. In 1993, Open Gun Club and Closed Gun Club use definitions and Supplementary~~y~~l Use Standards were consolidated but shown as two separate uses in the Use Matrix. The amendment will rename and separate the uses in the Supplementary~~y~~l Use Standards consistent with the Use Matrix as further specified below.
- 2. Update the definition to clarify that the use is intended for recreation and training, and is not intended to preempt gun ranges exempted by Florida statute.
- 3. Establish a standard to streamline approval process dedicated exclusively to the use of archery equipment. Archery is typically identified with shooting ranges by other municipalities.
- 4. Delete the minimum lot size standard. Industry and municipal research does not show any specific trend for minimum threshold of lot size for indoor shooting ranges. This type of use can range from one to 10 or more acres.

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a. Definition

An ~~enclosed facility~~ indoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by state law. [Ord. 2014-025]

b. Approval Process

An ~~i~~ndoor eShooting range allowed ~~as~~ subject to a Class A Conditional Use may be approved by the DRO when limited to archery.

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

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a. Setbacks and Buffers

~~An enclosed gun club shall have a 100-foot setback and a 50-foot buffer from a residentially occupied or zoned property. These setbacks are in addition to the minimum required setbacks of the district.~~

b. Lot Size

~~Except in the IL district, a gun club shall be located on a minimum of five acres or meet the minimum lot and setback requirements of the district in which it is located, whichever is greater.~~

65.	Establish a general standard to address nuisance (sound abatement) concerns.
76.	Replacing "Setback and Buffer" with "Separation Distance" Supplementary Use Standard and increasing the 100 foot distance to 500 feet. Research indicates that separation distance assists with the mitigation of noise and potential safety concerns. Some jurisdictions have similar separation distance requirements that range from 50 feet to 1000 feet. The 500 foot separation distance is consistent with other uses in the Code (Adult Entertainment and Cocktail Lounge) that do or may have perceived similar negative impacts to public, civic, or residential uses. <u>The Standard also clarifies separation distance exemption for indoor archery ranges.</u> Establish separation distance exemption for indoor archery ranges.
87.	Establish a general standard for gun range design to address safety (projectile containment and accidental discharge) and nuisance (sound abatement) concerns consistent with industry standards. Examples of the industry standards include U.S. Department of Energy, Office of Health, Safety and Security's Range Design Criteria (DOE O 473.3, Protection Program Operations); National Rifle Association's (NRA) The Range Source Book, A Guide to Planning and Construction (2012); and National Institute for Occupational Safety and Health's (NIOSH) Lead Exposure and Design Considerations for Indoor Firing Ranges (Publication Number 76-130).

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c. Nuisances

~~All use areas shall be within an enclosed building constructed, maintained and operated so that no noise nuisances related to the range operations can be detected outside the building.~~

d. Separation Distance

~~An indoor shooting range shall not be located within 500 feet of a parcel of land with a civic or residential FLU designation or use, zoning district, or FLU designation or a park, unless limited to archery.~~

e. Site Design

~~Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the applicant shall provide documentation demonstrating acceptable industry design and configuration standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include but not be limited to: ventilation, safety baffles, bullet traps, and impenetrable backstops, floors, walls and ceilings.~~

Reason for amendments to Sport Shooting Range, Indoor in the Use Matrix: [Zoning]	
48.	Change the approval process from Class B Conditional Use to Class A Conditional Use in the CG Zoning District for consistency with MUPD with a CH FLU designation.
29.	Change the approval process from Permitted by Right to Class A Conditional Use in CRE Zoning District for consistency with MUPD with a CR FLU designation.
310.	Change the approval process from DRO to Class A Conditional Use in the IRO with a CH FLU designation for consistency with MUPD with a CH FLU. The changes provide an opportunity for the public to discuss any potential impacts from an indoor shooting range before the Board of County Commissioners.

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EXHIBIT L
RECREATION USES
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(Updated 12/6/16)

1168. Shooting Range, Outdoor

HISTORY: The Outdoor Shooting Range use definition and Supplementary Use 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 Ord. 1999-037 and 2014-025.

Reason for amendments: [Zoning] The use was amended by Ordinance 2014-025.

a. Definition

An outdoor establishment used for the discharge of firearms or projectiles at targets for sport or training, excluding private gun ranges where preempted by State law. **[Ord. 2014-025]**

b. Separation Distance

An ~~e~~O~~u~~tdoor ~~e~~S~~h~~ooting ~~r~~R~~a~~nge shall not be located within 1,320 feet of a property line with a civic or residential use, zoning district, or FLU designation, unless the adjacent properties are owned by a government agency and utilized for other than civic or residential purposes. **[Ord. 2014-025]**

c. Site Design

Except where preempted by State law, during Zoning or Building Permit review, whichever occurs first, the applicant shall provide documentation demonstrating acceptable industry design, configuration and operational standards, based on type of shooting activity, to address potential adverse safety and nuisance concerns. Range design shall include, but not be limited to: backstops, sideberms, sidewalls, sound and visual baffles and target placement. **[Ord. 2014-025]**

d. Archery Range

1. DRO Approval Process

An ~~e~~O~~u~~tdoor ~~e~~S~~h~~ooting ~~r~~R~~a~~nge allowed ~~as~~ subject to a Class A Conditional Use may be approved by the DRO when limited to non-mechanical archery equipment. **[Ord. 2014-025]**

2. Separation Distance

Shall not be subject to the 1,320 foot separation distance when limited to non-mechanical archery equipment. An alternative separation distance may be required if warranted based on the site design requirements contained above. **[Ord. 2014-025]**

Reason for amendments to Shooting Range, Outdoor in the Use Matrix: [Zoning] The use was amended by Ordinance 2014-025.

12443. Zoo

HISTORY: The Zoo use definition and Supplementary Use 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 Ord. 2003-067 and 2011-001.

Reason for amendments: [Zoning]

1. Revise the definition to clarify zoo use is intended for entertainment and educational purposes;
2. Delete the Agricultural Residential (AR) Zoning District use standard due to the inconsistency between the typical low density residential uses of AR and the traffic intensity and commercial nature of a Zoo use;
3. Relocate and consolidate ~~e~~S~~u~~pplementary Use ~~e~~S~~t~~andards regarding barbed wire, which will be addressed in Art. 5.

a. Definition

~~Means a place~~ An establishment where animals are kept in captivity for the public to view or for educational ~~or animal rehabilitative~~ purposes.

a. AR District

~~A zoo shall be located on a minimum of ten acres and shall provide a 500 foot buffer adjacent to existing residential uses, districts or FLU designated property.~~

b. Accessory Uses

A ~~v~~Veterinary ~~e~~C~~l~~inic, gift shop, and food service may be ~~p~~P~~e~~rmitted by Right as accessory uses to a zoo.

c. Setbacks

No animal containment area shall be located within 500 feet of any residential district.

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EXHIBIT L

RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

d. **Barbed Wire**

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

Reason for amendments to Zoo in the Use Matrix: [Zoning]	
<u>44.</u>	To Delete from the AR Zoning District due to the inconsistency between the typical low density residential uses of AR and the traffic intensity and commercial nature of a Zoo use.
<u>25.</u>	Use is currently a DRO approval in the CRE Zoning District, which is consistent with a CR FLU designation. Therefore, for consistency, make use DRO approval in the MUPD with a CR FLU designation.
<u>36.</u>	Change the approval process from a Class B Conditional Use to Class A Conditional Use in the CG Zoning District. The change provides an opportunity for the public to discuss any potential impacts from a zoo before the BCC.



Part 32. ULDC Art. 3.E.7.B.2, Sites (page 183 of 229), is hereby amended as follows:

Reason for amendments: [Zoning]	In revising the use "Campground", staff identified issues regarding the intensity of the number of RV and campsites permitted <u>allowed</u> through this section of the ULDC and the Future Land Use (FLU) designation. Areas where the density was capped at one unit/10 acres were permitted to have up to 12 RV sites or 40 campsites per acre. A new intensity of development was created using the FLU as a basis. The resulting table includes intensity of use for land with the RVPD Zoning designation with both a Rural Residential (RR) and Commercial Recreation (CR) FLU designation. It is intended that this table supersede the threshold for RVPD. It is also intended to link the intensity to Article 4 to preclude anyone requesting a variance from the standard.
--	--

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDD)

Section 7 Recreational Vehicle Planned Development District (RVPD)

B. Thresholds

2. Sites

~~The multiplier for RV sites is 12/acre. The multiplier for camp sites is 40/acre. Camp sites may be allowed in addition to RV sites. The number of RV and campsites permitted allowed shall be as specified in Table 4.B.3.C – Campground Intensity.~~



Part 43. ULDC Art. 3.E.7.D., Sites (page 184 of 229), is hereby amended as follows:

Reason for amendments: [Zoning]	Consolidate Recreational Vehicle standards contained in Recreational Vehicle Planned Development District (RVPD) into Campground use in Article 4. to accompany intensity thresholds. This will permit the use of one set of standards to be applied to multiple sections of the Code, and to link the RVPD Zoning District with Campsite to ensure consistence between the two uses, due to their similarities.
--	--

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDD)

Section 7 Recreational Vehicle Planned Development District (RVPD)

D. Time Limitations

~~RV sites, campsites, and camping cabins shall comply with standards in Article 4.C.2.f, 4.B.3.C.2.f, Duration of Stay.~~

1. Residence

~~No person, other than the caretakers, shall reside or be permitted to reside in a RVPD for more than 180 days per calendar year. [Relocated to Article 4.B.3.C.2.f.2)a]~~

2. Record Keeping

~~The RVPD owner or operator shall keep the following records: [Relocated to Article 4.B.3.C.2.f.2)b)]~~

~~a. the make, model, and year of each RV; [Relocated to Article 4.B.3.C.2.f.2)b)(1)]~~

~~b. the lot on which each RV is/was located; [Relocated to Article 4.B.3.C.2.f.2)b)(2)]~~

~~c. the dates of occupancy for each RV; and [Relocated to Article 4.B.3.C.2.f.2)b)(3)]~~

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EXHIBIT L
RECREATION USES
SUMMARY OF AMENDMENTS
(Updated 12/6/16)

- 1 *d. the name and permanent address of each RV owner.* **[Relocated to Article**
2 **4.B.3.C.2.f.2)b)(4)]**
- 3 **3. *Mobility***
- 4 *The mobility of each recreational vehicle shall be maintained at all times. All recreational*
5 *vehicles shall be currently licensed by the State of Florida. The license plate shall be visible*
6 *at all times.* **[Relocated to Article 4.B.3.C.2.f.2)c)]**

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

[REDACTED]

~~AIR CURTAIN INCINERATOR AND COMMUNICATION CELL SITES ON WHEELS (COW) HAVE TO BE ADDRESSED AT A LATER TIME.~~

[REDACTED]

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

[REDACTED]

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

[REDACTED]

Part 1. New ULDC Art. 4.B.7, Utility Uses, is hereby established as follows:

Reason for amendments: [Zoning]
1. Formerly Utilities and Excavation uses, this classification was split to address Utility uses separately from Excavation Uses and Commercial Communication Towers. For consistency with the Comprehensive Plan that calls out separately Excavation Uses and Communication Towers complexity requires a separate use matrix for ease of use. Standards for these use classifications are already done in the ULDC.
2. <u>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.</u>

CHAPTER B USE CLASSIFICATION

Section 7 Utility Uses

A. Utility Use Matrix

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

B. General Utility Standards
Space reserved for future use.

C. Definitions and Supplementary Use Standards for Specific Uses

1. Chipping and Mulching

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

Reason for amendments: [Zoning]

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

a. Definition

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

2. Add a new use standard to clarify a Chipping and Mulching use is Permitted by Right in the Agricultural Production (AP) Zoning District when accessory to a Bona Fide Agricultural Use.

3. Access standards:

- Clarify proposed language that requires Chipping and Mulching access from local commercial street not serving residential is applicable to residential "lots". The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.I, Definitions and Acronyms.
- Clarify that gate setback from the road is determined by the County Engineer.

4. Clarify that Chipping and Mulching can operate in a Recycling Plant as collocated use subject to the standards contained in the use and DRO approval since the principal use, Recycling Plant, is Class A Conditional Use where allowed. This less restrictive approval process recognizes that Chipping and Mulching is commonly included in Recycling Plants.

5. Standard related to Potting Soil manufacturing accessory to Chipping and Mulching to be relocated to the Potting and Soil Manufacturing for consistency with construction of the Code that identifies when a principal use may be utilized as accessory use to another principal use.

b. Approval Process ~~AP Zoning District~~

- 1) A Chipping and Mulching Use accessory to a Bona Fide Agricultural use shall in the AP Zoning District may be Permitted by Right.
- 2) Chipping and Mulching may be allowed in the AR Zoning District of the RSA with a SA FLU designation, subject to Class A Conditional Use approval. [Ord. 2005 – 002] [Relocated from AR/RSA, below]

c. Access

Access shall be limited to ~~a~~Arterial, ~~e~~Collector, or ~~l~~Local ~~e~~Commercial ~~e~~Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons. [Partially relocated from Access standard below]

ad. Lot Size

A minimum of five acres.

be. ~~Setbacks~~ Separation Distance

The use shall be located a ~~A minimum of 500 feet from any property line abutting a parcel of land with a residential FLU designation, zoning district or use.~~ [Partially relocated to Separation Distance standard below]

ef. Collocated Uses to Recycling Plant

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

e. Accessory Uses

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

d. Access

An access road for collection vehicles shall be provided to the entrance of the facility. Access from a local residential street shall be prohibited. Access from a local commercial

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

~~street shall be prohibited where the street also serves residential uses. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. [Ord. 2005 - 002] [Partially relocated to Access standard above]~~

- 6. Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation:
 - Delete references to unprocessed under outdoor storage, as [Solid Waste Authority \(SWA\)](#) and the Health Department do not differentiate between the two. The 45 day limitation will apply to all outdoor storage material.
 - [Include provision that may require the pile height to be less than 15 feet as F.A.C 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, indicates the maximum height of piles is 12 feet for facilities that store vegetative material.](#)
 - Add bollard requirements to delineate location of storage piles, maximum height and ground elevation.
 - Delete AP Zoning District exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.

eg. Outdoor Storage

- ~~1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.~~
- ~~2) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.~~
- ~~3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.~~
- ~~4) Except in the AP district, outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES. [Relocated above in Art. 4.B.7.C.1.g.1 and 3, above]~~

fh. Hours of Operation

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

- ~~78.~~ Rename Supplemental Application Requirements to Operation Functions and revise standards related to site plan and justification statement to clarify requirements for submittal. The standard would be in addition to ULDC Article 2.A.1.G.3, Plan Requirements, and the Palm Beach County Zoning Technical Manual.
- ~~89.~~ Establish SWA permit standard to clarify zoning approval is required prior to SWA permit review for this use.
- ~~910.~~ Establish new separation distance requirement. The measurement of distance will be consistent with Article 1.C, Rules of Construction and Measurement. The revision will also address potential adverse impacts to residential districts and will be consistent with similar uses.

gi. Supplemental Application Requirements Operation Functions

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

1) Site Plan

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

2) Waste Volume

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

3) Dust Control

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

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

~~measures may include: additional setbacks, full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.~~

4) **SWA Permit**

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

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

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

~~i. **Separation Distance**~~

~~The use shall be located a minimum of 500 foot from a parcel with a residential FLU designation, zoning district or use. [Partially relocated from Setback standard above]~~

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

2. Composting Facility

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

Reason for amendments: [Zoning]

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

a. Definition

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

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

3. Access standards:
• Clarify proposed language that requires a Composting Facility access from Local Commercial Street not serving residential is applicable to residential "lots". The change is made for consistency with the definition of Local Commercial Street as contained in Article 1.1, Definitions and Acronyms.
• Clarify that gate setback from the road is determined by the County Engineer.

4. Revise the following Outdoor Storage provisions to assist county agencies in enforcement and regulation:
• Delete references to unprocessed under outdoor storage, as SWA and the Health Department do not differentiate between the two.
• Add bollard requirements to delineate location of storage piles, maximum height and ground elevation. Include provision that may require the pile height to be less than 15 feet pursuant to FAC 62-709.350, Specific Criteria for Registration of Facilities Composting Vegetative Wastes, Animal Byproducts or Manure or Blending Manure, may require the maximum height ~~is limited to be~~ 12 feet ~~due to the combustible nature of the materials.~~
• Delete AP exceptions (including height and 45 day limitation) ensuring all zoning districts are regulated consistently.

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

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

Approval Process -AP Zoning District

Notes:

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1) ~~A Composting Facility Use~~ accessory to a Bona Fide Agricultural use ~~shall in the AP Zoning District may be Permitted by Right.~~

2) ~~A Composting Facility may be allowed in the AR Zoning District in the RSA with a SA FLU designation, subject to Class A Conditional Use approval. [Ord. 2005 – 002] [Relocated from AR/RSA, below]~~

c. Access

~~Access shall be limited to ~~a~~Arterial, ~~e~~Collector, or ~~l~~Local ~~e~~Commercial Streets which do not serve residential lots. Entrances shall be gated and set-back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.~~

da. Lot Size

~~A minimum of five acres.~~

de. Setbacks Separation Distance

~~The use shall be located a ~~A~~ minimum of 500 feet from any property line abutting a parcel of land with a residential FLU designation, zoning district or use. [Partially relocated to Separation Distance standard below]~~

e. Access

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

def. Outdoor Storage

1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.

2) ~~Except in the AP district, ~~o~~Outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, ACCESSORY AND TEMPORARY USES.~~

3) ~~The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended.~~

4) ~~The height of materials shall be tied to a finished grade benchmark delineated on site.~~

5) ~~Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.~~

efg. Hours of Operation

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

gh. Supplemental Application Requirements Operation Functions

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

1) **Site Plan**

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

2) **Waste Volume**

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

3) **Dust Control**

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

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

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4) **SWA Permit**

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

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

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

~~i. **Separation Distance**~~

~~The use shall be located a minimum of 500 feet from a parcel with a residential FLU designation, zoning district or use. [Partially relocated from Setback standard above]~~

~~i. **Backyard Composting**~~

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

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

43. Electric Distribution Substation

HISTORY The Electric Distribution Substation use definition and eSupplementary Uses eStandards were first referenced as part of the 1992 ULDC, Ord.1992-020. The definition was amended by Ord. 2003-067 (code rewrite), 2006-004, and 2007-013.

Reason for amendments: [Zoning]

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

a. Definition

Defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size. [Ord. 2007-013] [Partially relocated from Art. 4-B-7-C-7, Electric Distribution Substation standard under Minor Utilities]

b. Landscaping

1) Landscape Buffering – General

Pursuant to F.S. 163.3208, as may be amended from time to time, required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed a mature height of 14 feet of height. [Ord. 2007-013] [Relocated from Art. 4-B-7-C-7, Electric Distribution Substation standard under Minor Utilities]

2) Landscape Buffering in Non-Residential Areas

When located in or adjacent to parcel of land with a non-residential FLU designation or use, the Electric Distribution Substation shall comply with the landscape buffer criteria in Art. 7, Landscaping.

3) Landscape Buffering in Residential Areas

Pursuant to F.S. 163.3208 as may be amended from time to time, where located in ~~and~~ or adjacent to a ~~parcel~~ of land with residential FLU designation ~~or~~ use, landscape buffering shall be upgraded as follows: [Ord. 2007-013] [Relocated from Art. 4-B-7-14, Electric Distribution Substation standard under Minor Utilities]

a) An eight-foot high wall or fence and native vegetation shall be installed around the substation where equipment or structures are setback less than 50 feet from

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- ~~the property line. [Ord. 2007-013] [Partially Relocated from Art. 4.B.7.11, Electric Distribution Substation standard under Minor Utilities]~~
- b) ~~An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet from the property line. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. [Ord. 2007-013] [Partially relocated from Art. 4.B.7.11, Electric Distribution Substation standard under Minor Utilities]~~
- c. Landscape installation shall be based on applicable design principles in Art. 7.B.3.B.1, Design Principles and utilize the PBC's Zoning Division's Preferred Species List.
- c. Standard Residential Zoning Districts
Electric Distribution Substations shall not be collocated with Neighborhood Recreation Facilities.

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

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24. Electric Power Generating Plant Facility

HISTORY: The Electric Power Plant use definition and e <u>S</u> Supplementary Use e <u>S</u> Standards first referenced as part of the 1992 ULDC (Ord.1992-020). The definition was amended by Ord. 2003-067, 2006-004 and 2009-040. The e <u>S</u> Supplementary Use e <u>S</u> Standards were amended by Ord. 1999-037, 2003-067, 2006-004, 2007-001 and 2011-001.
Reason for amendments: [Zoning]
1. <u>Recognize Florida Power and Light (FPL) suggestion to update the Revise use name to be consistent with Florida Statutes 403.503(14) under definitions related to Florida Electrical Power Plant Siting Act.</u>
2. Clarify setbacks from an Electric Power Plant pertains to residential and civic use, zoning districts or Future Land Use (FLU) designation to be consistent with standardized formatting protocol.
3. All measurements of distance shall be consistent with Article 1.C, Rules of Construction and Measurement.
4. Clarify reference to poles under setbacks pertains to electric power poles to be consistent with other Electric Power Plant use terminology.
5. Delete reference to Alternative Landscape Plan (ALP) provisions as Table 7.B.3.A states what standards can be modified through the use of an ALP, which includes Article 7.F.9, Incompatibility Buffer.
6. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary <u>Use</u> Standards. Article 5 will be amended to include this use as one that allows barbed wire.

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a. Definition

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

ab. Setbacks and Separation

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

b. Screening and Perimeter Buffers

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

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

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

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

bd. Screening and Perimeter Buffers

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

de. Collocated Use - Electric Transmission Substation Facility

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

e. Barbed Wire

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

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



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35. Electric Transmission Substation Facility

HISTORY: The Electric Transmission use definition and ~~e~~Supplementary Use eStandards were first referenced as part of Ord. 2006-004. The ~~e~~Supplementary Use eStandards were amended by Ord. 2011-001.

Reason for amendments: [Zoning]

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

a. Definition

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

ab. Setbacks

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

~~1) Buildings~~

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

~~2) Mechanical Equipment and Related Structures~~

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

~~3) Maximum Height~~

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

~~bc. Screening and Perimeter Buffers Landscaping~~

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

~~c. Barbed Wire~~

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

3) Standard Residential Zoning Districts

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

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

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46. Sanitary Landfill or Incinerator

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

Reasons for amendments: [Zoning]

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

a. Definition

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

a. PO District

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

b. Accessory Incinerator

An incinerator may be an accessory use to a hospital.

b. SWA Permit

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

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

57. Utility, Minor Utility

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

Reason for amendments: [Zoning]

- 1. Revise the definition to clarify a Minor Utility is a facility (whether manned or unmanned) and differentiate between mechanical equipment that can be classified as an accessory structure referenced in Article 5, Accessory Uses and Structures.
2. Revise the Floor Area standards and add "structures" for consistency with the definition. Clarify that tanks and unoccupied facilities and structures are not subject to Art. 5.B.1.A.1, General which limits accessory uses and structures to 30 percent of the total square gross footage.
3. Delete the Buffer standard. Screening, buffering and setbacks are addressed in other parts of the Code. Screening is subject to Article 5.B.1.A.19, Mechanical Equipment; buffering is subject to Article 7, Landscaping, and setbacks are subject to Article 3.D.1.A, Property Development Regulations (PDRs).
4. Relocate Electric Distribution Substations from Minor Utility and create new use to avoid confusion related to F.S. 163.3208 which specifically regulates substations less than 69 kilovolts in size.
5. Relocate standard related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Use Standards. Article 5 will be amended to include this use as one that allows barbed wire.
6. Allow Minor Utilities not to be subject to the hours of operation as the use typically includes gas and water regulators, chlorine injection and potable water booster pump stations, water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, or telephone exchange buildings, to mention some, which require functioning and maintenance 24 hours to provide constant service to the public.

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- a. **Definition**
~~Mechanical equipment~~ An above-ground facility 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. [Ord. 2006-004] [Ord. 2007-013]
- b. **Typical Uses**
~~Typical uses include~~ gas and water regulators, ~~electrical distribution substations,~~ chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004] [Ord. 2007-013]
- a.c. **Floor Area**
 - 1) **Residential Zoning Districts** ~~[Ord. 2004-040]~~
A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied ~~accessory~~ facilities and structures. [Ord. 2004-040] [Ord. 2007-013]
 - 2) **Non-residential Zoning Districts**
A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied ~~accessory~~ facilities and structures. [Ord. 2004-040] [Ord. 2007-013]
 - 3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use ~~or a Requested Use.~~ [Ord. 2004-040]
- b. **Buffer**
~~A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility.~~ [Ord. 2004-040]
- cd. **Lift Station**
 - 1) **New Subdivisions**
Facilities located in new subdivisions ~~shall~~ may be allowed subject to DRO approval concurrent with the subdivision approval.
 - 2) **Streets**
Facilities located within streets or utility easements shall not be subject to DRO approval.
- d. **Electric Distribution Substations**
~~For the purposes of this section, shall be defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following: [Ord. 2007-013] [Partially Relocated to Art. 4.B.7.C.3, new use Electric Distribution Substation]~~
 - 1) ~~Exemptions~~
~~Electrical substations are exempt from the floor area limitations.~~ [Ord. 2007-013]
 - 2) ~~Landscape Buffering in Residential Areas~~
~~Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows: [Ord. 2007-013] [Relocated to Art. 4.B.7.C.3, new use Electric Distribution Substation]~~
 - a) ~~An eight foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native. [Ord. 2007-013] [Relocated to Art. 4.B.7.C.3, new use Electric Distribution Substation]~~
 - b) ~~An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3, Minimum Tier Requirements, in addition to normal interior landscaping requirements. [Ord. 2007-013] [Partially relocated to Art. 4.B.7.C.3, new use Electric Distribution Substation]~~
 - 3) ~~Landscape Buffering—General~~
~~Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height. [Ord. 2007-013] [Relocated to Art. 4.B.7.C.3, new use Electric Distribution Substation, above]~~
- e. **States of Emergency**
The PZ&B Executive Director may waive the review timeframes in the event of a declared state of emergency. [Ord. 2007-013] [Ord. 2012-027]

Notes:

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- 1 **f. ~~Barbed Wire~~**
- 2 ~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials. [Ord.~~
- 3 ~~2011-001] [Consolidated with Art. 5.B.1.A.2.e.1, Dangerous Materials]~~
- 4 **f. Hours of Operation**
- 5 Minor Utilities are not subject to the hours of operation in Art. 5, Supplementary
- 6 Standards.
- 7

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



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68. Renewable Energy Solar Facility, ~~Solar~~

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

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

- 13
- 14 **a. Definition**
- 15 A facility that uses photovoltaic, thermal or other systems with a principal use of
- 16 producing electric or thermal power from the sun. [Ord. 2009-040]
- 17 **ba. ~~Minimum Lot Size~~**
- 18 Lots shall comply with the minimum lot dimension requirements pursuant to Table
- 19 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. [Ord.
- 20 2009-040]
- 21 **cb. ~~Minimum Setbacks Requirements~~**
- 22 Accessory electric poles, distribution and transmission lines shall be exempt from the
- 23 minimum setback requirements indicated below: [Ord. 2009-040]
- 24 **1) ~~Lots 50 Acres or Greater~~**
- 25 ~~Facilities located on lots 50 acres or greater in sizes Setbacks~~ shall be ~~setback~~ a
- 26 minimum of 25 feet from the side and rear property lines. The facility shall comply
- 27 with the minimum front and side ~~corner street~~ setbacks of the applicable zoning
- 28 district. [Ord. 2009-040]
- 29 **2) ~~Lots Less than 50 Acres~~**
- 30 ~~Facilities located on lots less than 50 acres in sizes Setbacks~~ shall be ~~setback~~ a
- 31 minimum of 15 feet from the side and rear property lines. The facility shall comply
- 32 with the minimum front and side ~~corner street setbacks~~ of the applicable zoning
- 33 district. [Ord. 2009-040]
- 34 **3) ~~Lots Adjacent to Existing Residential Uses~~**
- 35 ~~Facilities located on lots adjacent to existing residential uses Setbacks~~ shall be
- 36 ~~setback~~ a minimum of 35 feet or the district setback, whichever is greater, along the
- 37 affected property line. [Ord. 2009-040]
- 38 **4) ~~Additional Setback~~**
- 39 One additional foot of setback shall be required in addition to the minimum setback
- 40 indicated above for each one foot of height, or fraction thereof, over 20 feet. [Ord.
- 41 2009-040]

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de. Perimeter Buffers and Interior Tree Requirements

- 1) A six foot high hedge shall be incorporated into the *required compatibility or R-O-W* buffer ~~required in addition to the requirements pursuant to of~~ Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Palms may be substituted for 50 percent of the required canopy trees. ~~This buffer may be modified pursuant to Article 7.B.3, ALTERNATIVE LANDSCAPE PLAN (ALP).~~ [Ord. 2009-040]
- 2) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. [Ord. 2009-040]

d. Substation

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

e. Collocation with Existing Electric Power Facilities Plant

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

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



79. Renewable Energy *Wind Facility, Wind*

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

Reason for amendments: [Zoning]

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

a. Definition

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

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Notes:

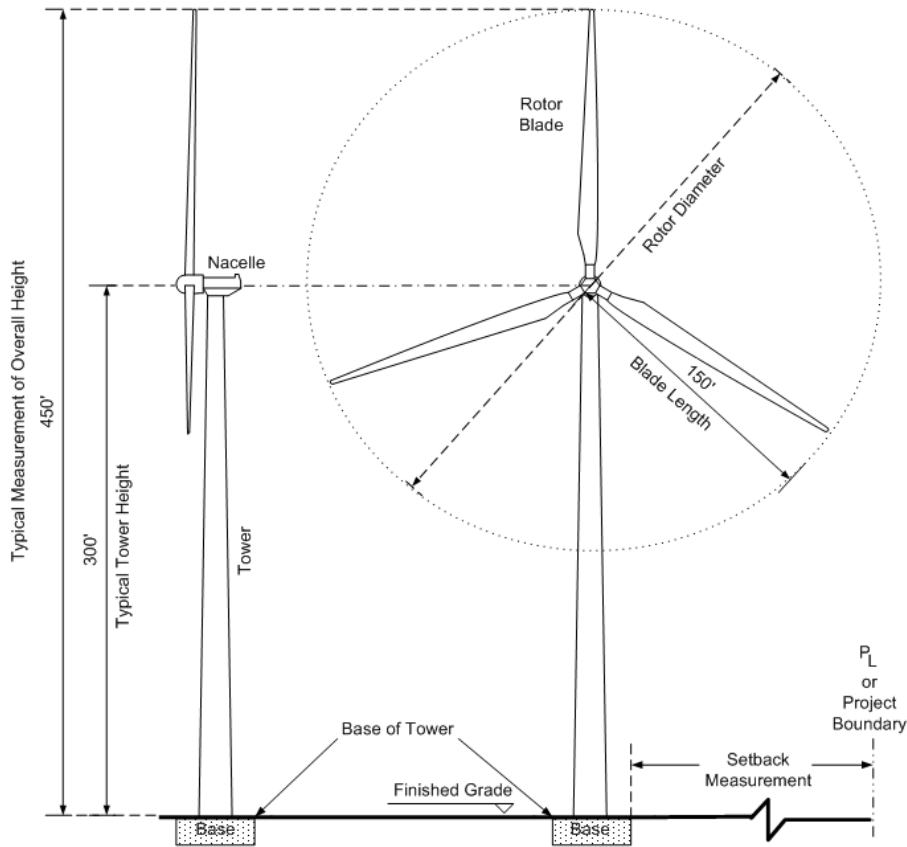
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Figure: 4.B.1.A – Typical Renewable Energy Wind Turbine



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

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be. Environmental Permitting – Letters of Engagement

The applicant shall provide a letter of engagement from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate that the proposed facility is under review for applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife. The documentation shall be submitted to the Zoning Division, with the Zoning application. The Letter of Engagement shall include, at a minimum: [Ord. 2010-005]

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

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

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

cd. Minimum Lot Size

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

~~**de. Minimum Setback or Separation Requirements**~~

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

~~**1) Measurement of Height**~~

~~1) The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of Height (related to Commercial Communication Towers), except that for Wind~~

Notes:

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- 1 ~~Turbines, the height shall be measured to the top of the turbine blade. [Ord. 2011-~~
 2 ~~016]~~
 3 ~~2) Minimum Setbacks or Separations~~
 4 ~~1) Facilities shall comply with the minimum setback requirements of the applicable~~
 5 ~~Zoning district unless stated otherwise in the following Table. [Ord. 2010-005]~~
 6 ~~[Ord. 2011-016]~~
 7

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

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

- 8
 9 **32) Type 2# Variance for Setbacks or Separations**
 10 Requests for Type 2# Variances from the Setback or Separation requirements listed
 11 above shall be permitted in accordance with Art. 2, Development Review Procedures,
 12 and the following: [Ord. 2011-016]
 13 a) The minimum proposed setback or separation is not less than 1.1 times the
 14 height of the structure; [Ord. 2011-016]
 15 b) The applicant submits a study demonstrating that shadow flicker caused by the
 16 proposed Renewable ~~Wind~~ Energy Wind Facility will not affect any occupied or
 17 habitable building or outdoor recreation area. Some shadow flicker not to exceed
 18 30 hours annually may be approved as part of the Variance upon demonstration
 19 that the frequency range is not adverse to any segments of the public. The
 20 study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect,
 21 Landscape Architect, or other similar professional, including scientists
 22 specializing in Renewable ~~Wind~~ Energy Wind technology. [Ord. 2011-016]
 23 **4.3) Setback within Multi-Parcel Renewable Energy Wind Facilities in AP**
 24 Except for setbacks from habitable and occupied buildings as set forth in Table
 25 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on
 26 parcels with an AP FLU designation and AP Zoning District, setbacks shall be
 27 measured from the Project Boundary, not from any lot lines located within the Project
 28 Boundary. [Ord. 2011-016]
 29 ~~4) The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of~~
 30 ~~Height 4.B.9.B.5, Towers Height (related to Commercial Communication Towers),~~
 31 ~~except that for Wind Turbines, the height shall be measured to the top of the turbine~~
 32 ~~blade. [Ord. 2011-016] [Relocated from Art. 4.B.1.A.106 2.d, Measurement of~~
 33 ~~Height standard above]~~
 34 e. **Perimeter Buffers and Interior Tree Requirements**
 35 1) A Type 1# incompatibility buffer shall be required when the subject site is adjacent to
 36 or visible from any street or parcels with a conservation (when open to the public),
 37 commercial, public and civic, or residential ~~FLU designation, zoning district or~~ use. In
 38 addition, a Type 2# incompatibility buffer shall be required around the perimeter of all
 39 ground mounted equipment or accessory buildings. Palms may be substituted for 50
 40 percent of the required canopy trees. ~~These buffers may be modified pursuant to~~
 41 ~~Article 7.B.3, Alternative Landscape Plan. [Ord. 2010-005]~~
 42 2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and
 43 Zoning ~~4D~~ District shall be exempt from the landscaping requirements above. [Ord.
 44 2011-016]
 45 3) These facilities shall be exempt from interior landscape requirements for the
 46 developable area pursuant to Table 7.C.3, Minimum Tier Requirements. [Ord. 2010-
 47 005]

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f. Substation

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

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

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

gh. Removal

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

- 1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade; [Ord. 2011-016]
- 2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and [Ord. 2011-016]
- 3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every ~~five~~ years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of: [Ord. 2011-016]
 - (a) The date which is ~~ten~~ years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or [Ord. 2011-016]
 - (b) The 90th day following the date the Project is deemed "abandoned". [Ord. 2011-016]

ih. MET Tower Approval Process Exceptions

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

1) DRO Approval

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

2) Permitted by Right

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

ji. Microwave Path Analysis

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

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kj. Aircraft Hazard

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

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

kk. Color

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

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



§10. Solid Waste Transfer Station

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

Reason for : [Zoning]

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

a. Definition

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

ab. Location Frontage

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

bc. Setbacks

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

c. Screening

~~All storage areas shall be screened from view by walls, fences or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be~~

Notes:

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~~seen from streets or adjacent lots. In no event shall the height of solid waste stored outdoors exceed 25 feet.~~ [Relocated to [Art. 5.B.1.A.3, Outdoor Storage and Activities](#)]

d. **Buffer**

A minimum width ~~of 50-foot feet~~ incompatibility buffer shall be provided adjacent to an existing residential ~~FLU designation or use, district or FLU designation.~~ Required landscaping not visible from adjacent lots or streets may be waived through a Type 1 Waiver. [Ord. 2012-027]

e. **Storage Areas**

All solid waste stored outdoors shall be in leak-proof containers or located on a paved surface designed to capture all run-off. Run-off shall be treated in a manner that is in conformance with local, State and Federal regulations. Solid waste or yard waste may be sorted or temporarily stored but not processed at a Transfer Station. [Relocated from ~~Art. 4.B.7.C.10.a, Solid Waste Transfer Station Definition~~ above]

f. **Supplemental Application Requirements Operation Functions**

1) **Access**

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

2) **Type**

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

3) **Waste**

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

4) **Hours of Operation**

A statement specifying the hours of operation.

5) **SWA Permit**

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

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

g. **Barbed Wire**

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

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

911. **Water or Wastewater Treatment Plant**

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

Reason for amendments: [Zoning]

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

a. **Definition**

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

Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

ab. Location

In the AGR Zoning District, a Water or Wastewater Treatment Plant shall not be located west of SR 7 / US 441.

bc. Odor Sanitary Nuisances

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

ed. Compatibility Setbacks - Water or Wastewater and Water Treatment Plant

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

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

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

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Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

1

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

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

2

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

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

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e. Accessory Use

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

1) Location/Buffering

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

2) Duration

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

ef. Landscaping

1) Buffer

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

2) Trees

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

3) Screening

Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

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

dfg. Package Treatment Facility

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

1) USA

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

12) Limited Service Area (LSA)

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

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

23) Rural Service Area (RSA)

If a package treatment facility is proposed to be developed in the Rural Service Area (RSA), there shall be demonstrated evidence that it is to be used to provide potable water or wastewater service to bona fide agricultural uses, public recreational uses, public educational uses, or other uses when found to be consistent with the Plan by the Planning Director and upon approval of the Director of the PBCHD. The PBHD may impose conditions or restrictions necessary to protect public health and prevent the creation of a nuisance. All package plants in the RSA shall be operated and maintained by a public utility. Based on the standards of operator coverage in Chapters ~~17-602~~ 62-699 and 62-602, F.A.C., the BCC, may require a higher level of operator coverage.

egh. Effect on Previously Approved Facilities-Plants

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

fj. ~~Dewatered Domestic Wastewater Residual Biosolids~~ Land Application

Class A or B ~~Dewatered Domestic Wastewater Residuals (DDWR)~~ biosolids, as defined by Chapter ~~1762~~-640, F.A.C., may be applied to land in bona fide agricultural operation in the AP, AGR and AR Zoning Deistricts. Class AA ~~DDWR~~ biosolids, as defined by Chapter ~~1762~~-640, F.A.C., has unlimited distribution pursuant to Chapter ~~1762~~-640, F.A.C. Nothing herein shall preclude disposal of ~~DDWR~~ biosolids at a landfill or at a ~~w~~Wastewater ~~t~~Treatment ~~facility~~ Plant in compliance with applicable Federal, State and local regulations nor effect any ~~DDWR~~ biosolid operation approved prior to the effective date of this Code.

1) AP and AGR Zoning Districts

A Class A or B ~~DDWR~~ biosolid shall be permitted by right on the site of a bona fide agricultural operation ~~as a matter of right~~ in the AP and AGR Zoning Deistricts in compliance with FDEP standards in Chapter ~~1762~~-640, F.A.C., as verified by the PBCHD. Following verification, the PBCHD shall be notified of the proposed first date of the land application no fewer than thirty days prior to land application.

2) AR Zoning District

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

a) External Separation

Notes:

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EXHIBIT M

UTILITY USES
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(Updated 12/07/16)

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

b) Internal Separation

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

c) Setbacks

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

g. Barbed Wire

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

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

Part 32. ULDC Art. 4, Use Regulations [Related to Air Stripper] is hereby deleted from Article 4 to relocate in Art. 5 as follows:

Reason for amendments: [Zoning]

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

Air Stripper

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

a. Duration

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

b. Setback

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

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

RECYCLING DROP OFF BIN USE HAS BEEN RELOCATED TO ART. 4.B.11, TEMPORARY USES, AMENDMENTS ARE ADDRESSED UNDER THAT USE CLASSIFICATION

Part 4. ULDC Art. 4, Use Regulations [Related to Recycling Drop Off Bin] is hereby deleted from Article 4 to relocate in Art. 5 as follows:

HISTORY: The Recycling Drop Off Bin definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition was amended by Ord. 1997-064, 2001-001, 2003-067, 2007-001 and 2013-001. The supplemental standards were amended by Ord.1997-064, 2001-001, 2003-067, 2005-002, 2010-005 and 2013-001.

Reason for amendments: [Zoning]

- 1. Relocate standards under Article 5.B.1.A.23, Recycling Drop Off Bin. A Recycling Drop Off Bin is commonly utilized as an accessory and temporary use or structure and not a principal use.
2. Delete the Manning standard. A manned Recycling Drop Off Bin would still be allowed but not regulated by the Zoning Division.
3. Delete Agricultural Residential/Rural Service Area (AR/RSA) Zoning District standard with Specialized Agriculture (SA) FLU designation. The Comprehensive Plan, III.C.5, identifies the SA FLU designation as a "transitional agricultural classification", Recycling Drop Off Bins do not meet the intent of the SA FLU designation.

104. Recycling Drop Off Bin

Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

~~A totally enclosed mobile structure or container within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel and plastic containers no greater than six gallons in capacity, and paper. [Ord. 2007-001] [Ord. 2013-001]~~

~~a. Mobility~~

~~The mobility of a drop-off bin shall be maintained at all times.~~

~~b. Location~~

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

~~c. Maintenance~~

~~The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit, where applicable. [Ord. 2013-001]~~

~~d. Processing~~

~~No processing of deposited materials shall be allowed on the site. Limited sorting or separation shall only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment. [Ord. 2013-001]~~

~~e. Prohibited Materials~~

~~Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this supplementary standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited. [Ord. 2013-001]~~

~~f. Signage~~

~~Signage shall be required for all bins, as follows: [Ord. 2013-001]~~

~~1) Location~~

~~One sign shall be located on the front or side where materials are collected. No more than two signs shall be permitted. [Ord. 2013-001]~~

~~2) Minimum/Maximum Size~~

~~A minimum of eight and a maximum of 16 square feet. [Ord. 2013-001]~~

~~3) Content~~

~~All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be permitted. [Ord. 2013-001]~~

~~g. Number~~

~~The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on site. A minimum of one recycling bin shall be permitted for each development up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre. No more than 3 bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. [Ord. 2013-001]~~

~~h. Outdoor Storage Prohibited~~

~~Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.~~

~~i. AR/RSA~~

~~May be permitted in the AR/RSA District with a SA-FLU, subject to DRO approval. [Ord. 2005-002] [Ord. 2007-001]~~

~~j. Size~~

~~A maximum of 500 square feet of GFA. [Ord. 2013-001]~~

~~k. Manning~~

~~A recycling bin containing 40 cubic yards or more shall be monitored by a person. Manned collection activities shall be limited to 7:00 a.m. to 8:00 p.m. daily. [Ord. 2013-001]~~

~~l. Approval Process~~

~~If there is no DRO certified site plan on file with the Zoning Division, a Special Permit shall be required. [Ord. 2013-001]~~

Reason for amendments in the Matrix: [Zoning] The use is being relocated to Article 5.B, Accessory Uses, and the approval processes in all districts will be deleted.

Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS
(Updated 12/07/16)

Part 43. New ULDC Art. 5.B.1.A.22, Air Stripper, is hereby relocated from Art. 4 as follows:

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

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

22. Air Stripper

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

a. Duration

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

b. Setback

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

PART DELETED AS RECYCLING DROP OFF BIN WAS RELOCATED TO ART. 4.B.11, TEMPORARY USES INSTEAD OF ART. 5, SUPPLEMENTARY STANDARDS.

~~Part 5. New ULDC Art. 5.B.1.A.23, Recycling Drop Off Bin, is hereby relocated from Art. 4 as follows:~~

~~**Reason for amendments:** [Zoning] Partially relocate and amend standards under Article 5.B.1.A.23, Recycling Drop Off Bin from Article 4.B.1.A.104. The standards will also be consistent with standardized formatting protocol. A Recycling Drop Off Bin is commonly utilized as an accessory and temporary use or structure and not a principal use.~~

~~CHAPTER B ACCESSORY AND TEMPORARY USES~~

~~Section 1 Supplementary Regulations~~

~~A. Accessory Uses and Structures~~

~~23. Recycling Drop Off Bin~~

~~A totally enclosed mobile structure or container open to the public within which the following pre-sorted, recyclable materials are collected: glass, aluminum, steel and plastic containers no greater than six gallons in capacity, and paper. [Ord. 2007-001] [Ord. 2013-001]~~

~~**a. Location**~~

~~The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not be located within required parking spaces. [Ord. 2010-005] [Ord. 2013-001]~~

~~**b. Signage**~~

~~Signage shall be required for all bins, as follows: [Ord. 2013-001]~~

~~**1) Location**~~

~~One sign shall be located on the front or side where materials are collected. No more than two signs shall be permitted. [Ord. 2013-001]~~

~~**2) Minimum/Maximum Size**~~

~~A minimum of eight and a maximum of 16 square foot. [Ord. 2013-001]~~

~~**3) Content**~~

~~All required sign content shall be in lettering a minimum of six inches in height. The name and phone number of a responsible party shall be clearly posted. The name of the organization that is collecting the recyclable materials shall also be posted and include whether for profit, not for profit or government entity. No additional content other than logos, clarification of materials to be collected for recycling, or direction signage identifying the bin shall be permitted. [Ord. 2013-001]~~

~~**c. Outdoor Storage**~~

~~All recyclable materials shall be contained within a leak-proof bin. There shall be no outdoor storage of recyclable materials or refuse.~~

Notes:

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EXHIBIT M

UTILITY USES
SUMMARY OF AMENDMENTS

(Updated 12/07/16)

~~d. Maintenance~~

~~The bin and adjacent area shall be maintained on a daily basis. Failure to maintain the bin and adjacent area shall result in the revocation of the Special Permit, where applicable. [Ord. 2013-001]~~

~~e. Processing~~

~~No processing of recyclable materials shall be allowed on the site. Limited sorting or separation shall only be permitted when a bin is manned by a person during permitted collection hours. The unit shall employ no mechanical sorting or processing equipment. [Ord. 2013-001]~~

~~f. Prohibited Materials~~

~~Collection of materials shall be expressly limited to pre-sorted, recyclable materials identified in this supplementary standard. Collection of any other materials, including but not limited to rubber, textiles, hazardous wastes or construction debris is prohibited. [Ord. 2013-001]~~

~~g. Number~~

~~The number of recycling bins shall be based upon the overall acreage of a development, including outparcels, provided all development regulations are met on site. A minimum of one recycling bin shall be permitted for each development up to a maximum of one recycling bin per acre, rounded down to the nearest whole acre. No more than three bins shall be clustered or located within any one acre area unless collocated with loading, dumpster or other similar areas. [Ord. 2013-001]~~

~~h. Size~~

~~A maximum of 500 square feet of GFA. [Ord. 2013-001]~~

~~i. Mobility~~

~~The mobility of a drop-off bin shall be maintained at all times.~~



Part 4. ULDC Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements - Cont'd (page 10 of 39), is hereby amended as follows:

Reason for amendments: [Zoning] Update use name Water or Treatment Plant for Water or Wastewater Treatment Plant as proposed in the Utility Use Classification.

CHAPTER A PARKING

Section 1 - General

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

Use Type: Utilities and Excavation	Parking	Loading (1)
....		
Water or <u>Wastewater</u> Treatment Plant	1 space per 200 sq. ft. of office space; plus 1 space per employee	N/A

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Notes:

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