

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
AUGUST 22, 2018 MEETING

AMENDMENTS TO THE AGENDA
(Updated 08/21/2018)

Amend Exhibit G, Part 3 page 16, line 47, to include the underlining of new language mistakenly left out.

30 Part 3. ULDC Art. 2.G.3.A.2. LDRAB (page 82 of 105 is hereby amended as follows:
31

Reason for amendments: [Airports]

1. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning. The Statute allows that if a preexisting commission already exists that this commission can also be appointed as the Airport Zoning Commission.

32 CHAPTER G DECISION MAKING BODIES

33 Section 3 APPOINTED BODIES

34 A. Land Development Regulation Advisory Board

35 1. Land Development Regulation Advisory Board

36 There is hereby established a Land Development Regulation Advisory Board (LDRAB).

37 2. Powers and Duties

38 The LDRAB shall have the following powers and duties under the provisions of this Code:

- 39 a. to periodically review the provisions to this Code that are not reviewed by another advisory
40 board established by BCC for that purpose, and to make recommendations to the BCC for
41 those provisions reviewed;
- 42 b. to make its special knowledge and expertise available upon written request and
43 authorization of the BCC to any official, department, board, commission or agency of PBC,
44 the State of Florida or Federal governments; ~~and~~
- 45 c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S. §
46 163.3164(22-25) and F.S. § 163.3194; ~~and,~~
- 47 d. to serve as the Airport Zoning Commission pursuant to Section 333.05(2), F.S.
- 48
- 49

5 C. STAFF COMMENTS

Add item

3. Reconvene Landscape Service Use Subcommittee, based on Industry meeting on August 21, 2018.

Notes:

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

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

AUGUST 22, 2018

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

Dr. Lori Vinikoor, Vice-Chair (District 5)

Joanne Davis (District 1)

Drew Martin, (District 2)

Philip L. Barlage (District 3)

James Knight (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Anna Yeskey (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Xavier Salas (American Institute of Architects)

Vacant (Environmental Organization)

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

Derek Zeman (Fl. Surveying and Mapping Society)

Charles Drawdy (Association Gen. Cont. of America)

Abraham Wein (Member at Large/Alternate)

Winifred Park Said (Member at Large/Alternate)

Board of County Commissioners

**Melissa McKinlay
Mayor, District 6**

**Mack Bernard
Vice Mayor, District 7**

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

**David Kerner
Commissioner, District 3**

**Mary Lou Berger
Commissioner, District 5**

**Paulette Burdick
Commissioner, District 2**

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

**County Administrator
Verdenia C. Baker**



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43 authorization of the BCC to any official, department, board, commission or agency of PBC,
44 the State of Florida or Federal governments; ~~and~~
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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
WEDNESDAY, AUGUST 22, 2018 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 July 25, 2018 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ULDC AMENDMENTS

PAGES

- | | |
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| 2. Exhibit C Articles 2 and 3 Modifications by the DRO (Related to Housing Types) | 3 - 5 |
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| 4. Exhibit E Article 5.B Accessory Uses and Structures | 7 - 13 |
| 5. Exhibit F Article 5 Screening of Mechanical Equipment | 14 - 14 |
| 6. Exhibit G Department of Airports Chapter 333, Florida Statutes Updates | 15 - 27 |
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C. STAFF COMMENTS

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| 1. Bio Swales | 42- 42 |
| 2. Workforce Housing | 43 - 44 |

D. BOARD MEMBER COMMENTS

E. ADJOURN

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EXHIBIT A

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

(Updated 08/13/18)

Minutes of July 25, 2018 LDRAB Meeting

On Wednesday, July 25, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Vice Chair, Dr. Vinikoor, called the meeting to order at 2:03 p.m. Marcella Lambert, Code Revision Secretary, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)*
Drew Martin (District 2)**
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Myles Basore (District 6)
Robert J. Harvey District 7)
Frank Gulisano, (Realtor's Assoc. of the Palm Beaches)
Terrence Bailey, (Fl. Engineering Society)
Anna Yeskey, (League of Cities)
Derek Zeman (Fl. Surveying & Mapping)
Charles Drawdy (Assoc. Gen. Contractors of America)
Abraham Wien (Member at Large, Alt. 1)

Members Absent: 3

Joanne Davis (District 1)
Daniel Walesky (Gold Coast Bld. Assoc.)
Xavier Salas, (AIA)
Winifred Park Said (Member at Large, Alt. 2)

County Staff Present:

Shannon Fox, County Attorney
Jon MacGillis, Zoning Director
Ramsay Bulkeley, Deputy Director, PZB
Wendy Hernandez, Zoning Manager
Jan Rodriguez, Senior Site Planner
Bryan Davis, Principal Planner, Planning. Div.
Scott Rodriguez, Site Planner 2
Zona Case, Zoning Technician, Zoning
Marcella Lambert, Secretary, Zoning

Vacancies: 1

Environmental Organization

* Mr. Blackman arrived at 2:10 p.m.

** Mr. Martin arrived at 2:15 p.m

2. Additions, Substitutions, and Deletions

Dr. Vinikoor noted that there were no additions, substitutions and deletions.

3. Motion to Adopt Agenda

Motion to approve by Mr. Knight, seconded by Mr. Bailey. Motion passed (12-0)*.

4. Adoption of May 23, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Drawdy, seconded by Mr. Wien. Motion passed (12-0)**.

5. Public Comments

A resident of Heritage Farm asked to be allowed to present a short video showing the proliferation of contractor storage and landscape services in the neighborhood and was allowed to do so although Landscape Services was not on the agenda.

The video showed the continuous movement of large trucks at the intersection of Heritage Farm Road and Park Lane and the resident indicated that this was an all-day activity beginning at approximately 7:00 a.m. every day.

Mr. Ramsay Bulkeley, PZB Deputy Director explained that some businesses were cited for violations by the Code Enforcement Division, and had appeared at the Code Enforcement hearings. They were given until February to come into compliance with the Code. Mr. Martin expressed concerns on the time frame is too lenient and Ms. Shannon Fox, County Attorney, clarified that instructions were given by the BCC to look into the complaints and find ways for the operators to continue and not be put out of business while the matter is being addressed. Mr. MacGillis added that this is still under review by the Zoning division.

The Chair added that this item was not on the agenda and from all indications the matter will be addressed at a later date.

B. ULDC AMENDMENTS

1. Exhibit B – Definitions and Acronyms

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 08/13/18)

Minutes of July 25, 2018 LDRAB Meeting

Ms. Hernandez clarified that the amendment deletes redundant Art. 1.I.P.81.c related to the definition of Project, as this is addressed by 81.b.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (14-0).

2. Exhibit C – General Provisions

Ms. Hernandez explained that the deletions in all three parts were due to references to Florida Administrative Code Rules that were repealed.

Motion to approve by Mr. Drawdy, seconded by Mr. Gulisano. Motion passed (14-0).

3. Exhibit D – Art. 5.F, Legal Documents

Ms. Hernandez informed the Board that under the current code, minor encroachments into easements may be allowed. Major encroachments are not permitted, but may be requested if provided for in another section of the code. This amendment specifies that major encroachments are prohibited.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (14 – 0).

4. Exhibit E – PIA 2018-01188 – Revisions to Articles 3 and 4

Ms. Hernandez explained that this is the Phase 1, initiation of a Privately Initiated Amendment (PIA), requesting to amend the ULDC to allow residential Uses within a Multiple Use Planned Development District. She advised that Mr. Brian Terry, Agent for the applicant would present the proposal.

Mr. Terry of Insite Studio, Inc., spoke of the current trend in online retail and the resulting impact of empty big box and other retail buildings, both county-wide and nationwide. The proposal is to amend Articles 3 and 4 of the ULDC and the changes are related to Lee Square, a 12-acre parcel which he showed on the map, located at the eastern corner of Lantana and Jog roads, directly adjacent to residential zoning. The intention is to re-use and re-purpose the buildings to residential uses. The code changes will improve infill, mass transit, etc. in the proposed area and other areas in unincorporated Palm Beach County, and there is no vehicle to get there in the current code.

Dr. Vinikoor inquired whether Workforce Housing would be included in the re-purposing and Mr. MacGillis clarified that the proposal is being presented for the Board's approval to move it on to the BCC for their direction. If it is decided that the proposal has merit, the actual amendments will be brought back later to the LDRAB and Workforce Housing will be included. He added that staff is in support of Option 3, which is to move the proposed request into Round 2018-02. Ms. Hernandez estimated that the amendments could be presented to LDRAB and LDRC at the final meeting in October.

Mr. Bryan Davis, Planning Division, expressed the view that this type of conversion will probably be the trend and the move will be towards the east, which Mr. Blackman suggested would likely affect the area between Congress and Military.

A discussion followed in which concerns were expressed:

- Mr. Martin was of the view that this conversion would lessen green space. People come to Palm Beach County because it is not like New York.
- Mr. Gulisano anticipated that there would be increased traffic.
- Mr. Bailey opined that increased traffic is unlikely as residential traffic is morning and afternoon, whereas commercial traffic is all day. The County has to have broad appeal to attract all ages of the spectrum, millennials, older, etc.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (14 – 0)*.

C. STAFF COMMENTS

1. Initiation of Round 2018-02

Ms. Hernandez, did an itemized summary of the articles listed for amendment in Round 2018-02, explaining that some were addressed under this agenda, some have been stricken from the list and others will go to the 2019-01 Round.

2. Subcommittees

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 08/13/18)

Minutes of July 25, 2018 LDRAB Meeting

- a. Medical Uses
A meeting on Reasonable Accommodation was held and attended by County Lawyer, Bob Banks and it appears that a consultant will have to be hired as was done by Delray.
- b. Landscaping
Mr. MacGillis responded to Mr. Martin's question on Landscape related to swales, and said that he would check with Ms. Kwok, Deputy Zoning Director, and update him at the next meeting.

D. BOARD MEMBERS' COMMENTS

Mr. Knight expressed disappointment that in spite of a lot of meetings and discussions, there have been a small number of houses built in the last ten years under the Workforce Housing Plan. Mr. MacGillis referred the issue to Mr. Bryan Davis of the Planning Division who explained that the Workforce Housing Plan is still under review as it is very complicated and there are density issues to be resolved.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 p.m.

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

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EXHIBIT B

ARTICLES 1 AND 3 SPECIAL PERMITS SUMMARY OF AMENDMENTS

CR 2018-042
(Updated 08/13/18)

1 Part 1. ULDC Art. 1.1.2.R.11, Recreational Vehicle (page 88 of 118), is hereby amended as
2 follows:
3

Reason for amendments: [Zoning] Clarify that the special permit reference is specific to F.S. §316.550 State Uniform Traffic Control.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7
8 11. Recreational Vehicle -

- 9 a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel
10 or other vehicle with or without motor power which has been converted or equipped with
11 living or sleeping quarters and is designed and constructed to travel on public
12 thoroughfares without a special permit in accordance with the provisions of F.S. §316.550
13 of the Vehicle Code of the State of Florida.
14 b. For the purposes of Art. 18, a vehicle which is: [Ord. 2004-013] [Ord. 2017-026]
15 1. Built on a single chassis; [Ord. 2017-026]
16 2. 400 square feet or less when measured at the largest horizontal projection; [Ord. 2017-
17 026]
18 3. Designed to be self-propelled or permanently towable by a Light-Duty Truck; and [Ord.
19 2017-026]
20 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
21 for recreational, camping, travel or seasonal use (see F.S. 320.01, as amended or
22 replaced). [Ord. 2017-026]
23 5. Not occupied for more than six months. [Ord. 2017-026]

24
25
26

27 Part 2. ULDC Art. 1.1.2.S.66, Sport vehicle (page 98 of 118), is hereby amended as follows:
28

Reason for amendments: [Zoning] See Part 1 for reason.

29 CHAPTER I DEFINITIONS & ACRONYMS

30 Section 2 Definitions

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

- 32
33 66. Sports Vehicle - for the purposes of Art. 6, any wheeled or tracked motorized vehicle designed
34 or adapted to travel on public thoroughfares, public waterways, on unpaved thoroughfares, etc.
35 without a special permit in accordance with the provisions of F.S. §316.550 of the Vehicle Code
36 of the State of Florida.
37
38

39
40 Part 3. ULDC Art. 3.B.2.B.2.a.4), Specific use Regulations (page 22 of 212), is hereby amended
41 as follows:
42

Reason for amendments: [Zoning] Revise the chart to reflect the Special Permit approval process for the Caretakers Quarters use has been modified to be consistent with the changes to Article 2 completed under Ordinance 2009-002. Article 2 requires approval by the DRO and through the ZAR process.

43 CHAPTER B OVERLAYS

44 Section 2 AZO, Airport Zoning Overlay

45 B. Applicability

- 46
47 2. Uses on Airport Properties
48 a. Use Regulations

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EXHIBIT B

ARTICLES 1 AND 3 SPECIAL PERMITS SUMMARY OF AMENDMENTS

CR 2018-042
(Updated 08/13/18)

1
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4

....

4) Specific Use Regulations

The following uses are permitted in the AZO on airport properties: **[Ord. 2006-036]**

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					
Caretaker Quarter	<u>DS</u>	<u>DS</u>	CG or IG		All
Commercial Uses					
Auction, Indoor		D	CG	2	All
Auction, Outdoor		A	CG	2	All
Car Wash		D	CG or IL	4	All
Catering Service	P	D	CG or IL	5	All
Cocktail Lounge	P	A	CG	6	All
Convenience Store		D	CG	7	All
Dispatching Service	P	D	CG	8	All
Dog Daycare	P	D	CG	9	All
Financial Institution	P	P	CG	10	All
Financial Institution with Drive Thru Facilities	P	D	CG	11	All
Financial Institution Freestanding ATM	P	D	CG	12	All
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007]					
Notes:					
(1) For purposes of determining the applicable property development regulations (PDR) for non-airport related uses, the Corresponding Zoning District's PDR identified in Table 3.D.1.A-5, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage and setbacks. [Ord 2018-002]					
(2) Reference Art.4, Use Regulations for additional Supplementary Use Standards. [Ord. 2017-007]					
(3) Temporary Use through the ZAR Process. [Ord. 2018-002]					
Key					
P Permitted by right					
D Permitted subject to approval by the DRO					
B Permitted only if approved by the Zoning Commission (ZC)					
A Permitted only if approved by the Board of County Commission (BCC)					
1 Palm Beach International Airport (PBIA)					
2 PBC Glades Airport					
3 PBC Park Airport (aka Lantana Airport)					
4 North PBC General Aviation Airport					
PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport					

5
6

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EXHIBIT C

ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO [RELATED TO HOUSING TYPES] SUMMARY OF AMENDMENTS

CR 2018-024
(Updated 08/14/18)

1 **Part 1. ULDC Table 2.C.5.B - Administrative Modifications to Prior DOs, (page 46-47 of 105), is**
2 **hereby amended as follows:**
3

Reason for amendments: [Zoning]
1. Art. 3.E.1.E allows a change in housing type, a transfer in density or a density decrease from one Residential pod to another within the same Planned development, however this allowance is being cross referenced in Art. 2 under the processes and procedures. This amendment is to establish criteria for staff to evaluate whether the Applicant's request could be supported..

4

Table 2.C.5.B - Administrative Modifications to Prior DOs		
Request	Allowable Modification	Criteria
Full DRO		
....		
ZAR		
....		
<u>Change in Housing Classification for PDD or TDD</u>	<u>Refer to Table 3.E.1.E – Housing Type</u>	<ul style="list-style-type: none"> • <u>No height increase from the original BCC DO.</u> • <u>If there is a density transfer along with this request, comply with criteria listed below.</u>
<u>Density Transfer</u> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<u>A maximum of 30 percent</u> [Relocated from Art. 3.E.1.E.1.h, Density Transfer]	<ul style="list-style-type: none"> • <u>Units must be from one Residential pod to another Residential pod in the same PDD; and, [Relocated from Art. 3.E.1.E.1.h, Density Transfer]</u> • <u>The maximum number of units transferred to a Residential pod shall not exceed 30 percent above the number of units approved by the BCC for that pod. [Relocated from Art. 3.E.1.E.1.h, Density Transfer]</u>
<u>Density Decrease</u> [Relocated from Art. 3.E.1.E.1.i, Density Decrease]	<u>Allow reduction in the number of units</u>	<ul style="list-style-type: none"> • <u>The reduction in the number of units shall not negatively impact the layout and design of the approved plan; and</u> • <u>Amendment to the approved Adequate Public Facilities to indicate a reduction in the number of units.</u>
Notes:		
(1) This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not Subject to Concurrency Review.		
(2) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds. [Ord. 2016-016]		
(3) Applicable to the Project Boundary instead of the individual property lines.		
(4) Except for Freestanding ATMs or Unmanned Retail Structures, and accessory structures.		
[Ord. 2018-002]		

5
6
7 **Part 2. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision**
8 **Plan or Regulating Plan, (page 140-141 of 212), is hereby amended as follows:**
9

Reason for amendments: [Zoning]
1. Clarify that an Applicant may request to change housing classification from one residential pod to another residential pod subject to limitations. The allowable change criteria through the Administrative Review process is consolidated in Art. 2 under Table 2.C.5.B - Administrative Modifications to Prior DOs.
2. Clarified housing classifications for detached housing as SF, Cottage and ZLL and attached as Townhouse and Multifamily.

10 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

11 **Section 1 General**

12 **E. Modifications**

13 Modifications to a planned development with a valid development order shall comply with Art.
14 2.A.6.B, Plan Requirements and Art. 2.C.5.B, Administrative Modifications Prior DOs. **[Ord. 2009-**
15 **040]**

16 **1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating**
17 **Plan**

18 The DRO shall have the authority to approve modifications to a master plan, subdivision plan,
19 site plan or regulating plan approved by the BCC or ZC, subject to the following limitations. In
20 case of a conflict with Art. 2.A.6.B, Plan Requirements and, Art. 2.C.5.B, Administrative
21 Modifications to Prior DOs the following standards shall apply. Modifications which do not

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[Related to Housing Type]1.docx

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EXHIBIT C

**ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO
[RELATED TO HOUSING TYPES]
SUMMARY OF AMENDMENTS**

CR 2018-024
(Updated 08/14/18)

comply with these procedures and requirements ~~of~~ of this Section shall require approval by the BCC. [Ord. 2009-040]

a. Consistency

Modifications shall be consistent with the representations regarding the original approval, the conditions of approval, and the development order. Modifications which change the original goals or intent of the project, such as reduce internal trip capture, reduce non-vehicular circulation or cross access, reduce the amount of affordable housing without a corresponding decrease in density, or reduce the amount of land allocated to the preservation of agriculture, farmland, or wetlands, shall require approval by the BCC.

b. Pods

The re-designation of a pod from one pod type to another shall require approval by the BCC. The reconfiguration of pods may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

c. Housing Classification and Type

The Housing type classification(s) approved by the BCC for each Residential pod may only be changed through the ZAR process pursuant to Table 2.C.5.B, Administrative Modifications to Prior DOs or Full DRO, whichever is applicable, and subject to the limitations listed below as follows: [Ord. 2018-002]

Table 3.E.1.E - Housing Classification Type (1-2) (3)

From	To
<u>AttachedMF</u>	<u>Attached (1) Townhouse, Zero Lot Line, or Single Family</u>
<u>AttachedTownhouse</u>	<u>Detached MF with Maximum height of 35 feet, Zero Lot Line or Single Family</u>
<u>DetachedZLL</u>	<u>DetachedSingle Family</u>
Notes:	
1. Provided there is no height increase from the originally approve housing type.	
2. <u>Attached is MF or Townhouse</u>	
3. <u>Detached is Cottage Home, ZLL, or Single Family</u>	
[Ord. 2018-002]	

Reason for amendments: [Zoning]

1. Relocate and consolidate density transfer and density decrease provisions reference next to the provisions that pertain to change of housing type between pods. The actual standards have been relocated as criteria in Table 2.C.5.B - Administrative Modifications to Prior Development Orders that are allowed through the Zoning Agency Review process.

d. Density Transfer

The Applicant may request a density transfer or a density decrease pursuant to the Criteria listed in Table 2.C.5.B, Administrative Modifications to Prior DOs. A density transfer may be processed in conjunction with a change in housing classification.

de. Recreation

The amount of recreation and useable open space shown on a plan approved by the BCC shall not be reduced. Alternative locations may be approved by the DRO only if determined to be an improvement to the project and no adverse impact on adjacent properties.

ef. Traffic

There shall be no substantial increase in traffic impact above that approved by the BCC, as determined by the County Engineer.

fg. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Art. 11, Subdivision, Platting, and Required Improvements. [Ord. 2015-006]

gh. Non-Vehicular Circulation

Pathways, sidewalks and bike lanes may be relocated, however, the resulting design shall maintain a continuous non-vehicular circulation system within the project.

h. Density Transfer

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EXHIBIT C

ARTICLES 2 AND 3 MODIFICATIONS BY THE DRO [RELATED TO HOUSING TYPES] SUMMARY OF AMENDMENTS

CR 2018-024
(Updated 08/14/18)

- 1 ~~The DRO may transfer a maximum of 30 percent of the un-built units from one pod to~~
- 2 ~~another pod in the same PDD. The maximum number of units transferred to a pod shall~~
- 3 ~~not exceed 30 percent above the number of units approved by the BCC for that pod.~~
- 4 **[Relocated to Table 2.C.5.B - Administrative Modifications to Prior DOs]**
- 5 **~~i. Density Decrease~~**
- 6 ~~The DRO may decrease the number of un-built units in a PDD, provided the resulting gross~~
- 7 ~~density of the project is consistent with the Plan.~~
- 8

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EXHIBIT D
ARTICLE 4- VETERINARY CLINIC
SUMMARY OF AMENDMENTS

CR-2018-011
(Updated 07/31/2018)

1 **Part 1. ULDC Art. 4.B.2.c.41, Veterinary (page 60 of 204), is hereby amended as follows:**
2

Reason for amendments: [Zoning]
1. To allow a Veterinary Clinic within the AGR Zoning District to have outdoor runs without requiring BCC approval. A Veterinary Clinic is allowed in the AGR district subject to a Class A Conditional Use approval. However, the current Code also allows a Clinic with outdoor runs with a lesser approval process in certain Agricultural and Commercial Districts to be Permitted by Right if the Veterinary Clinic is limited in size. In addition, Veterinary Clinics in the AGR district must have a lot size of 5 acres or more, therefore, Staff has determined that allowing the outdoor run with setback requirements will not result in a negative impact to the neighboring properties.

3 **CHAPTER B USE CLASSIFICATION**

4 **Section 2 Commercial Uses**

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

6

7 **41. Veterinary Clinic**

8 **a. Definition**

9 An establishment engaged in providing medical care, treatment and temporary boarding
10 for animals.

11 **b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU**
12 **Designation**

13 1) A Veterinary Clinic may be Permitted by Right in ~~the AGR~~, AR, CLO Zoning Districts
14 and MUPD with CL ~~or~~, CLO FLU designation, subject to the following limitations:

15 a.1) GFA shall not exceed 5,000 square feet; and,

16 b.2) Shall not include outdoor runs.

17 2) ~~A Veterinary Clinic may be Permitted by Right in the AGR Zoning District. The GFA~~
18 ~~shall not exceed 5,000 square feet.~~

19 **c. Lot Size – AR and AGR Districts**

20 Shall be located on a minimum of five acres.

21 **d. Zoning District**

22 A Veterinary Clinic shall not have outdoor runs and limited to the following:

23 **1) CC and CN Zoning Districts**

24 Shall not occupy more than 3,000 square feet of GFA.

25 **2) MUPD with CL FLU Designation and TDD Districts**

26 Shall not occupy more than 5,000 square feet of GFA.

27 **3) Infill Redevelopment Overlay**

28 Boarding facilities shall comply with the standards for a Type 3 Commercial Kennel.

29 **e. Outdoor Runs**

30 A Veterinary Clinic with outdoor runs shall comply with the following standards:

31 **1) Lot Size**

32 A minimum of one acre.

33 **2) Setbacks**

34 Outdoor runs shall not be located within 50 feet of any property line adjacent to a parcel
35 of land with a residential FLU designation or use; or 25 feet from any property line
36 adjacent to a non-residential zoning district, use, or FLU.

37 **3) WCRAO**

38 Outdoor runs shall not be located within 25 feet of any property line.

39 **4) Standards**

40 A six-foot high fence shall be required around the runs. If the fence is not opaque or
41 screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
42 minimum of four feet at installation, shall be provided around the run.

43 **5) Waste Disposal**

44 A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
45 all applicable rules and regulations of the FDEP, PBCHD and SWA.

46 **f. Facility without Outdoor Runs**

47 A Veterinary Clinic without outdoor runs shall be required to make accommodations to
48 ensure animal waste is properly disposed of within the facility.

49
50

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 8/09/18) after RT

1
2 Part 1. ULDC Art. 5.B.1.B, Emergency or Temporary Government or Utility Structures (page 40
3 of 110), is hereby amended as follows:
4

Reason for amendments: [Zoning/Building]
1. Split Emergency/Temporary Government/Utilities Structures and Construction Staging Areas from Temporary Structures since the nature of these temporary structures or activities is different. Clarify the new Section Art.5.B.1.C, Temporary Structures are usually for those non-emergency related uses.
2. Add authority to be transferred from Executive Director to his or her designee, e.g. Building Official or Zoning Director.

5
6 **CHAPTER B ACCESSORY USES AND STRUCTURES**

7 **Section 1 Supplementary Regulations**

8 **B. Government or Utility Emergency or Temporary ~~Government or Utility~~ Structures**

9 This Section is intended to facilitate the placement or construction of structures or facilities that are
10 temporary. These structures or facilities are utilized to ensure the health, safety and welfare of the
11 public from natural or pending disasters; or construction staging activities for infrastructure
12 improvements. Typical uses may include: fire stations, hurricane shelters, utility facilities; or
13 construction staging areas. [Ord. 2011-001] [Ord. 2018-002]

14 **1. Review and Approval Process**

15 Emergency or temporary structures shall be subject to the approval by the DRO through a ZAR
16 process. The ZAR process may be waived by the Executive Director of PZB or designee as
17 stated below: [Ord. 2018-002]

18 **a. Emergency Structures**

19 The Executive Director of PZB may waive the ZAR process, and authorize the issuance of
20 a building permit for ~~a the~~ temporary structure upon determination that a public emergency,
21 pending natural disaster, or actual natural disaster, exists. [Ord. 2011-001] [Ord. 2018-
22 002]

23 **b. Temporary Structures**

24 The Zoning Director may require a PAC with the DRO in order to seek input from the
25 various County Agencies on the temporary structure or staging area, or may seek direction
26 from the BCC through an AI pursuant to Art. 2.C.5.J. Administrative Inquiry. The Zoning
27 Director shall consider documentation from the Applicant and any other input from County
28 Agencies before issuance of a DO. [Ord. 2011-001] [Ord. 2011-016] [Ord. 2017-007]
29 [Ord. 2018-002]

30 **1) Duration**

31 The DO shall be valid for up to a period of six months from date of issuance, with one
32 three month extension by the Zoning Director. The BCC may extend the timeframe
33 through an AI by the Zoning Director. [Ord. 2011-001] [Ord. 2018-002]

34 **2) Construction Staging Areas for Right of Ways (R-O-W)**

35 In addition to the requirements listed above, the following shall apply to those
36 construction staging areas located on or adjacent to residentially zoned parcels. [Ord.
37 2008-003] [Ord. 2018-002]

38 **a) Hours of Operation**

39 Activity on the site shall not commence prior to 7:00 a.m. and must be completed
40 prior to 10:00 p.m. A Type 1 Variance may be applied for to request modification
41 from this provision. [Ord. 2008-003] [Ord. 2018-002]

42 **b) Setbacks or Separations**

43 Stored materials shall not be located within the required minimum district setback.
44 [Ord. 2008-003] [Ord. 2018-002]

45 **c) Screening**

46 Temporary screening material, a minimum of five feet in height and 85 percent
47 opacity shall be provided around the perimeter of the staging area, adjacent to
48 residential uses, to mitigate visual impact. [Ord. 2008-003] [Ord. 2018-002]

49 **d) Dust Control**

50 Appropriate measures shall be taken, pursuant to Health Department
51 requirements, to control dust or other airborne particulate matter. [Ord. 2008-003]
52 [Ord. 2018-002]

53 **e) Exceptions**

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 8/09/18) after RT

Projects with a duration of 30 days or less shall be exempt from the requirements of this section. [Ord. 2008-003] [Ord. 2018-002]

Part 2. ULDC Art. 5.B.1.B.2 and .3, Tents and Temporary Structures and Uses During Development Activity (page 40 - 44 of 110), is hereby amended as follows:

Reason for amendments: [Zoning/Building]

1. Delete requirements under tents since they are considered as temporary structures, and can be associated either with a Temporary Use pursuant to Art. 4.B.11, or used to facilitate the development of a permanent structure(s). If associated with anyone of those Temporary Uses as identified in Art. 4.B.11, regulations such as setback, location, duration, parking, signs and other limitations shall apply, and subject to the Zoning Agency Review (ZAR) process. However, structures that do not require Zoning review, may be subject to the Building Division's approval.

2. Tents

~~A tent may be used as a temporary structure subject to approval as a special permit and the standards of this Section. Tents used for retail purposes are also subject to Article 4.B.1.A.115, Retail Sales, Mobile or Temporary.~~

~~**a. Frequency**~~

~~Three times per lot per year.~~

~~**b. Maximum Duration**~~

~~The tent may be used for a maximum period of 90 days, provided that an additional 30-day administrative extension may be approved subject to a finding by the Zoning Division that the tent and use continue to meet all the applicable requirements of this Code and the Building Code.~~

~~**c. Setbacks**~~

~~All principal use setback requirements of the underlying district shall be met.~~

~~**d. Location**~~

~~The tent shall be located on the lot so as not to adversely interfere with on-site circulation and shall not be located in any required parking space.~~

~~**e. Access**~~

~~Access shall be from an arterial street.~~

~~**f. Lighting**~~

~~Lighting shall be extinguished no later than 12:00 midnight.~~

~~**g. Parking**~~

~~Parking shall be provided in accordance with Article 6, PARKING.~~

Reason for amendments: [Zoning/Building]

1. Clarify temporary structures under the new Section 5.B.1.C is created to address those temporary structures which are only subject to Building Permit review, and are generally being utilized to facilitate construction activities. Delete definitions since these structures remain on a site for a limited period time, and Building Division Staff will determine which types of permits are required based on whether the structure is used for daytime activities or for overnight (residential) type of use.

2. Some of the requirements such as frequency, setbacks, location, etc. are proposed to be consolidated in the new Section 5.B.1.C.

3. Temporary Structures and Uses During Development Activity

~~Temporary structures and uses may be allowed as follows: [Ord. 2008-003]~~

~~**a. Construction Trailer**~~

~~**1) Use**~~

~~A construction trailer shall be limited to an office used by the businesses of professions actively involved in the construction of a building or structure authorized by a valid building permit issued for the site on which the trailers are located. Use of the trailer shall be limited to on site activities only. A construction trailer shall not be used as a dwelling.~~

~~**2) Number**~~

~~A maximum of one trailer per construction business or profession shall be allowed.~~

~~**3) Duration**~~

~~The construction trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit. [Partially relocated to Art. 5.B.1.C.3.b, Duration]~~

~~**4) Location**~~

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES
SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 8/09/18) after RT

~~The construction trailer and related parking shall be located on site so as not to interfere with access to developed areas or areas under construction.~~ [Partially relocated to Art. 5.B.1.C.3.c, Location]

~~5) Removal~~

~~A construction trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.~~ [Partially relocated to Art. 5.B.1.C.3.g, Removal]

~~b. Watchman Trailer~~

~~1) Use~~

~~A watchman trailer may be allowed on the site of an active construction project which has been authorized by a building permit. Use of the trailer shall be limited to on-site security purposes only. A watchman trailer may be used as a dwelling.~~

~~2) Number~~

~~A maximum of one watchman trailer per construction project shall be allowed.~~

~~3) Location~~

~~A watchman trailer, and required parking, shall be located in areas under construction only.~~ [Partially relocated to Art. 5.B.1.C.3.c, Location]

~~4) Parking~~

~~A minimum of two parking spaces shall be provided.~~

~~5) Duration~~

~~A watchman trailer shall remain on site only for the length of time necessary to construct a building or structure which has been issued a building permit.~~

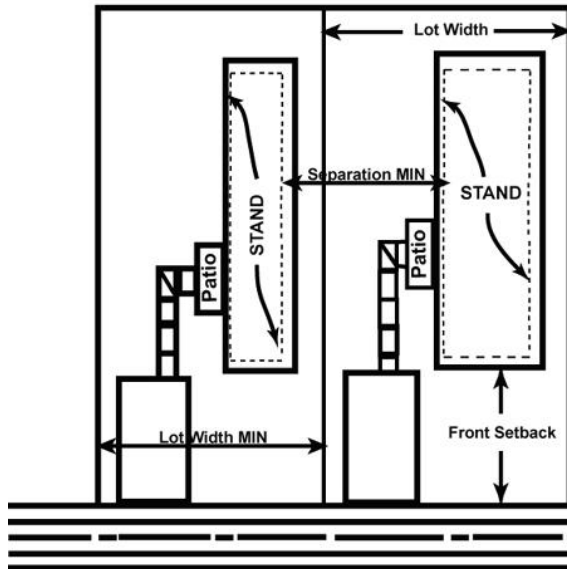
~~6) Removal~~

~~A watchman trailer shall be removed from the site no later than 30 days after the final CO has been issued. The trailer shall be removed if construction ceases for more than 180 consecutive days. An abandoned trailer shall be considered an unsafe structure and abated pursuant to the Building Code Enforcement Administrative Code of PBC.~~

~~7) Mobile Home~~

~~A Mobile home used as a watchman quarters shall be subject to the following additional requirements:~~

Figure 5.B.1.B – Typical Mobile Home Lot Layout



~~a) Special Permit~~

~~A special permit shall be required. The special permit shall be renewed annually, for a maximum of two years; and~~

~~b) Removal Agreement~~

~~A notarized removal agreement shall be executed and submitted with the application for a special permit.~~

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 8/09/18) after RT

Reason for amendments: [Zoning/Building]

1. Consolidate Mobile Home While Constructing a Single Family Dwelling unit under the new Section 5.B.1.C, Temporary Structures, and replace the term "Mobile Home" under temporary structure because the difference between a trailer/structure that allows daytime/overnight use is the type of permits required.

~~d. Mobile Home While Constructing Single Family Dwelling~~

~~1) Definition~~

~~A mobile home used as a temporary residence during the construction of a Single Family structure. [Ord. 2017-007]~~

~~2) Zoning District – AR (RSA)~~

~~A temporary Mobile home may be allowed only in the AR Zoning District of the Rural Service Area (RSA). [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]~~

~~3) Agency Approval~~

~~Sanitary sewage facilities and potable water well shall be approved by all governmental agencies having appropriate jurisdiction, permits, and inspections for the installation which must be obtained from the PZB Department and Health Department; [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.2.c, Agency Approval as it related to Approval Process]~~

~~4) Building Permit~~

~~a) A valid building permit for a Single Family dwelling unit on the land shall have been issued by the Building Division prior or concurrent to issuance of the tie down permit for the Mobile home; [Ord. 2017-007]~~

~~b) The approval for the Mobile home shall be valid for two years or up to 30 days after the issuance of the Certificate of Occupancy for the Single Family dwelling, whichever occurs first. 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. No time extensions shall be granted. No more than one MH approval shall be granted per Property Control Number. [Ord. 2007-001] [Ord. 2017-007]~~

~~5) Additions~~

~~No additions shall be allowed to the Mobile home, except awnings and demountable screen panels, stairs, decks and trellises. [Ord. 2017-007] [Partially relocated to Art. 5.B.1.C.1.a, Residential as it related to Types of Temporary Structures]~~

~~6) Proof of Ownership~~

~~A current recorded warranty deed for the subject property shall be submitted.~~

~~e. Modular and Manufactured Structures~~

~~1) Use~~

~~A modular or manufactured structure may be temporarily utilized for non-residential uses with an approved DRO site plan during the construction of the permanent facility. [Ord. 2008-003]~~

~~2) Approval Process~~

~~The approved site plan shall be administratively amended to indicate the location and square footage of the structure. The tie down permit shall be applied for in conjunction with the building permit for the permanent structure. The structure shall comply with all applicable sections of the ULDC and existing conditions of approval. [Ord. 2008-003]~~

~~3) Time Limitations~~

~~The temporary structure shall be removed prior to issuance of the CO for the permanent facility if it is located in required parking spaces or impacts the circulation or function of the site as originally approved. If the temporary structure is not located in required parking spaces and does not impact the circulation or function of the site the temporary structure shall be removed within fourteen working days of the issuance of the CO. [Ord. 2008-003]~~

~~4. Portable Storage Container~~

~~Portable storage containers are weather resistant receptacles used for the temporary storage of goods for residential uses which may be Permitted by Right as follows: [Ord. 2017-025]~~

~~a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be allowed, for no more than 2 times a year for a maximum of 15 days each time. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]~~

~~b) Shall be located on driveways not to overlap easements, sidewalks or R-O-W. [Ord. 2017-025] [Relocated to Art. 5.B.1.C.4, Portable Storage Containers]~~

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014

(Updated 8/09/18) after RT

- 1 ~~e) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other~~
2 ~~driveway areas are available, the setback may be reduced subject to the dimensions in~~
3 ~~Art. 6.C.1.A.1.a, Local or Residential Access Streets. [Ord. 2017-025]~~ [Relocated to Art.
4 **5.B.1.C.4, Portable Storage Containers]**
5 ~~d) Container location shall not result of required parking to be placed on areas not designed~~
6 ~~to park vehicles. [Ord. 2017-025]~~
7 **5. Shipping Containers**
8 ~~a) Shipping containers used as temporary storage on a construction site shall be permitted~~
9 ~~by right subject to the Building Division requirements. [Ord. 2017-025]~~
10 ~~b) A repurposed Shipping Container that complies with the Florida Building Code shall not be~~
11 ~~considered a Shipping Container. [Ord. 2017-025]~~
12

Reason for amendments: [Zoning/Building]
1. Clarify temporary structures are subject to Building Division review and different types of permits, where applicable. The proposed modifications are to clarify that these regulations are supplementing the Florida Building Code.
6. Clarify trailer, shipping container, tents, modular or manufactured structure may be considered as temporary structure if it is used to facilitate the development or construction of a project or a temporary use.
7. Clarify approval process of the Building Division. Some of these temporary structures may be exempt by State Law or the Building Code. At permit application time, the Building Division will determine which permits shall apply.
8. Identify requirements of each type of temporary structure namely: Construction Trailer; Watchman Trailer; Shipping Container, etc. and consolidate all the similar requirements such as location, duration, removal agreement, setback, etc. in one Section.

- 13
14
15 **C. Temporary Structures**
16 The purpose of this Section is to supplement regulations for temporary structures pursuant to the
17 latest edition of the Florida Building Code, Section 108, Temporary Structures and Use, and Section
18 3103, Temporary Structures. If there is a conflict between this Section and the provisions of the
19 Florida Building Code, as amended, the latter shall apply. Temporary structures may be temporarily
20 located on a property to facilitate the construction or development of an approved project, or for a
21 temporary use.
22 **1. Types of Temporary Structures**
23 Temporary structures may include, but are not limited to the following: trailer, shipping container
24 or construction fence. Temporary structures may be utilized for Residential and Non-
25 Residential related activities, except for tents. Tents may be utilized for non-residential activities
26 only. All temporary structures shall be subject to the following, except stated otherwise:
27 **a. Residential**
28 Temporary structures may be utilized for on-site security, or as a temporary dwelling while
29 a single family residence is under construction, and may be allowed only in the AR Zoning
30 District of the Rural Service Area (AR/RSA). [Partially relocated from Art. 5.B.1.B.3.d.1),
31 Definition as it related to Mobile Home While Constructing Single Family Dwelling]
32 No additions shall be allowed to except for awnings and demountable screen panels, stairs,
33 decks and trellises. [Ord. 2017-007] [Partially relocated from Art. 5.B.1.B.3.d.5),
34 Additions related to Mobile Home While Constructing Single Family Dwelling]
35 Construction fence shall be exempt from the above limitations.
36 **b. Non-Residential**
37 Temporary structures may be utilized as an office for professions who are actively involved
38 on the construction site; or for the storage of goods or equipment, or to accommodate
39 employees and business operation during the construction or renovation of a permanent
40 structure.
41 **2. Approval Process**
42 All temporary structures or construction fence that are listed in this Section maybe subject to
43 Building Permit approval process or applicable State Law. The Building Division shall
44 determine which permits would apply at the application submittal. The application may be
45 submitted concurrently with other permit applications for permanent or temporary structures.
46 The applications may be forwarded to the Zoning Division or other County Agencies for review.
47 **a. Concurrent Applications**
48 A permit for the temporary structure shall be submitted concurrent with the permit
49 application for the permanent structure.
b. Plans or Survey

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014

(Updated 8/09/18) after RT

The Applicant may utilize a plan or the most current Survey of the property to indicate the location of the proposed temporary structures to demonstrate compliance of the requirements in this Chapter or any other applicable codes or Conditions of Approval.

c. Agency Approval

Sanitary sewage facilities and potable water well may be required for certain temporary structures by the governmental agencies having appropriate jurisdiction, permits, and inspections for the installation, if applicable, the approval must be obtained from the PZB Department and Health Department. [Ord. 2017-007] [Partially relocated from Art. 5.B.1.B.3.d, Agency Approval as it related to Mobile Home While Constructing Single Family Dwelling]

3. Additional Requirements for Temporary Structures

Temporary structures shall be subject to the following additional requirements, where applicable:

a. Placement or Erection of Temporary Structure

Temporary structure may only be placed or erected on the site prior to the issuance of a demolition permit or a building permit for land development activities, subject to the approval of the Building Division.

b. Duration

The temporary structure shall remain on the property only for the length of time necessary to construct a permanent structure. [Partially relocated from Art. 5.B.1.B.3.a.3) Duration as it related to Construction Trailer]

c. Location

The structure and related parking shall be located on the site so as not to interfere with access to developed areas or areas under construction. [Partially relocated from Art. 5.B.1.B.3.a.4), Location – Construction Trailer] A Watchman Trailer and required parking shall be allowed to be located in areas under construction. [Partially relocated from Art. 5.B.1.B.3.b.3), Location – Watchman Trailer]

d. Setbacks

Setbacks shall be in accordance with Table 3.D.1.A, Property Development Regulations, and the applicable zoning district in which the property is located.

e. Construction Fence

All construction sites shall be enclosed and secured by a continuous fence at least six feet in height and shall be installed in accordance with the Florida Building Code. All fences installed pursuant to this Section shall be subject to the visibility at intersections requirements of Article 11.E.9.C, Minimum Safe Sight Distance and Corner Clips at Intersection of this Code.

f. Parking

Parking to serve the temporary structure shall be within the construction site.

g. Removal

The temporary structure shall be removed from the site after issuance of the Final Certificate of Occupancy (CO) or a Certificate of Completion (CC), unless a time extension is granted by the Building Official. Construction fences may be required to remain or be installed for safety purpose after the construction ceases. [Partially relocated from Art. 5.B.1.B.3.a.5) Removal – Construction Trailer]

Part 3. ULDC Art. 5.B.1.B.4, Portable Storage Container (page 44 of 110), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Clarify that the portable storage containers (PODs) are not subject to Building Permit review, the regulations are established to ensure the container is located within the driveway of the property, and adhere to the required setbacks to address impact issues. Clarify that the Portable Storage Containers are also not subject to the review of Zoning Division, but if there are violations of these requirements, Code Enforcement staff will utilize this Section to cite the property owner(s).

2. Delete Shipping Container, definition and the clarification that a repurposed shipping container is not considered a shipping container. The container is considered as a temporary structure used to facilitate some types of construction activities, and the requirements are already included under the proposed consolidated code as listed in this Section of Art. 5.

4. Portable Storage Container

Portable storage containers may be used for the temporary storage of goods for residential uses subject to the following requirements, and shall be exempt from the Zoning Division and Building Permit review: [Ord. 2017-025]

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EXHIBIT E

ARTICLE 5.B – ACCESSORY USES AND STRUCTURES SUMMARY OF AMENDMENTS

CR-2018-002 and CR-2018-014
(Updated 8/09/18) after RT

- 1 a) A maximum of one container 16 feet in length, 8 feet in width and 8 feet in height may be
2 allowed, for no more than 2 times a year for a maximum of 15 days each time ; [Ord. 2017-
3 025]
4 b) Shall be located on driveways not to overlap required parking spaces, easements,
5 sidewalks or R-O-W; and [Ord. 2017-025]
6 c) Shall be setback a minimum of 7.5 feet from the side property lines, except where no other
7 driveway areas are available, the setback may be reduced subject to the dimensions in
8 Art. 6.C.1.A.1.a, Local or Residential Access Streets. [Ord. 2017-025]
9 d) Code Enforcement Division shall utilize the above requirements for any citation of
10 violations.

11 **Part 4. ULDC Art. 5.B.1.C, Flex Space (page 44-45 of 110), is hereby amended as follows:**
12

Reason for amendments: [Zoning]
1. Reorder Flex Space from Art. 5.B.1.C to Art.5.B.1.D.

13 **C. D. Flex Space**

- 14
15 **3. Uses Allowed**
16 The uses indicated in the table below, may utilize flex space provisions pursuant to the
17 applicable approval process indicated in Review Process above. [Ord. 2017-007]
18

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

Commercial Use	Industrial Uses
Retail Sales (1)	Contractor Storage Yard (2) Manufacturing and Processing (2) Warehouse (2) Wholesaling (2)
[Ord. 2017-007]	
(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.	

19
20
21 **Part 5. ULDC Art. 2.G.4.A, Building Official (page 93 of 99), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Clarify interpretation of Art. 5.B.1.C, Temporary Structure is subject to the Building Official.

22
23 **Section 4 STAFF OFFICIALS**

24 **A. Building Official**

- 25 **1. Creation and Appointment**
26 The Building Director of PZB shall be the division head of the Building Division of PZB, and
27 shall be appointed and serve at the pleasure of the Executive Director of PZB, subject to the
28 provisions of Chapter 1 (Administration) of The Florida Building Code with PBC Amendments.
29 **2. Jurisdiction, Authority and Duties**
30 In addition to the jurisdiction, authority and duties which may be conferred upon the Building
31 Official of PZB by other provisions of PBC Code, the Building Official of PZB shall have the
32 following jurisdictions, authority and duties under this Code: [Ord. 2011-016]
33 a. to interpret Art. 18, Flood Damage Prevention when the Building Official is also the Flood
34 Damage Prevention Administrator; [Ord. 2011-016]
35 b. to interpret Art. 5.B.1.C, Temporary Structures;
36 ~~b.c.~~ to review and approve, approve with conditions, or deny applications for development
37 permits for building permits; and
38 ~~e.d.~~ to review and approve, approve with conditions, or deny applications for development
39 permits for certificates of occupancy or completion.
40

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EXHIBIT F

ARTICLE 5.B.20 – MECHANICAL EQUIPMENT SUMMARY OF AMENDMENTS

CR – 2018-044
(Updated 08/15/2018)

1
2 Part 1. ULDC Art. 5.B.20, Mechanical Equipment (page 37 of 110), is hereby amended as follows:
3

Reason for amendments: [Zoning]

1. To clarify that Type 1 Waiver approval is only required for Industrial Uses with an Industrial FLU that may be visible from an adjacent R-O-W. The applicant must demonstrate that the roof mounted mechanical equipment will not be seen from an adjacent R-O-W.

4 5 6 20. Mechanical Equipment

7 ...

8 9 10 2) Screening Requirements

11 a) New and replacement equipment, shall be screened on all sides by an opaque
12 barrier constructed of materials, and color compatible with the building or structure,
13 or equivalent landscaping for ground mounted equipment, to a minimum height
14 equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037]
15 [Ord. 2011-016]

16 b) ~~Type 1 Waiver~~– Roof Mounted Mechanical Equipment

17 (1) Screening shall not be required: [Ord. 2006-004] [Ord. 2011-016]

18 (a) if the equipment is less than one foot in height, measured from the roof
19 deck, and is painted to match the color of the structure it is attached to or
20 servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

21 (b) for any industrial use with industrial FLU designation if adjacent to a parcel
22 with an industrial use and industrial FLU designation; [Ord. 2011-016]

23 (c) if an existing roof cannot structurally support additional weight associated
24 with required screening materials. A certified letter, from a structural
25 engineer or architect registered in the State of Florida, shall be submitted
26 with the applicable permit substantiating that the roof cannot support the
27 additional weight; ~~or~~ [Ord. 2008-037] [Ord. 2011-016]

28 ~~(2) (d) Subject to approval of a Type 1 Waiver, the screening may not be required~~
29 ~~for any industrial use with an industrial FLU designation provided that a Type~~
30 ~~1 Waiver has been approved by the DRO and that if the equipment cannot be~~
31 ~~viewed from an adjacent R-O-W. In addition to the applicable standards~~
32 ~~applicable to Type 1 Waiver standards, a line of sight drawing may be required~~
33 ~~by the DRO to demonstrate that the equipment will not be seen from an~~
34 ~~adjacent R-O-W. ensure compliance with screening of equipment. [Ord.~~
35 ~~2011-016] [Ord. 2012-027]~~
36

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EXHIBIT G

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

(08/14/18)

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.
2. The proposed amendments address comments received from the FDOT Aviation and Spaceports Office on the amendments adopted in Round 17-01 [Ord. 2017-026]
3. The proposed amendments include updated references for locational criteria for educational facilities per amendments to Chapter 333. Airport Zoning adopted in 2016, and to clarify the location exemption for educational facilities and residential land uses.
4. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information is difficult to interpret and plot accurately and will be mapped and available on myGeoNav or available from the Department of Airports.
5. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.
6. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning.
7. The proposed amendment adds a reference to Art. 1.F Nonconforming Site Elements for site lighting.

1

2

3 **Part 1. ULDC Art. 1.F.5 Nonconformities, (page 25 of 118) is hereby amended as follows:**

4

Reason for amendments: [Airports]
1. The proposed amendment adds a reference to Art. 16 Airport Zoning for non-conforming site elements, specifically site lighting. Site lighting is one of the elements in the Regulated Areas in the Airport Land Use Compatibility Zoning Regulations.

5 **Section 5 Nonconforming Site Element**

6 **A. Applicability**

7 This Section establishes procedures for improvements and modifications to a prior approval with
8 nonconforming site elements and establishes thresholds for vesting nonconformities. This Section
9 shall apply to non-conforming site elements, including but not limited to: Art. 5.E.4.E, Outdoor
10 Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8, Signage that may be impacted by proposed
11 improvements or modifications to a prior approval. In addition, this Section shall also apply to
12 projects that meet the threshold pursuant to Art. 5.B, Accessory Uses and Structures and Art. 5.C,
13 Design Standards, and those that are subject to Art. 16 Airport Zoning. [Ord. 2010-005]

14

15

16 **Part 2. ULDC Art. 1.I. 2 Definitions, (pages 32, 33, and 83 of 118) are hereby amended as follows:**

17

Reason for amendments: [Airports]
1. The proposed amendments include new and amended definitions related to Art. 16 Airport Zoning and are being incorporated or amended into Art. 1 to be consistent with definitions in Chapter 333, Florida Statutes, Airport Zoning.

18 **CHAPTER I DEFINITIONS AND ACRONYMS**

19 **Section 2 Definitions**

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

21

22 **50. Airport protection zoning regulations – for the purposes of Art. 16 means airport zoning**
23 **regulations governing airport hazards.**

24 **[Renumber accordingly]**

25

26 **5453. Alteration -**

- 27 a. for the purposes of Art. 9, any change affecting the exterior appearance of an existing
28 structure or improvement by additions, reconstruction, remodeling, maintenance or
29 structural changes involving changes in form, texture, materials or color or any such
30 changes in appearance in specially designated historic sites, or historic interiors;
- 31 b. for the purposes of Art. 14.C, Human caused activity that modifies, transforms or otherwise
32 changes the vegetation, including, but not limited to:

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EXHIBIT G

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

(08/14/18)

- 1) Removal, displacement, mowing, or disturbance (severe pruning, hatracking or inter nodal cutting, or poisoning) of vegetation excluding prescribed burns for the management of native vegetation communities;
- 2) Removal, displacement, demucking or disturbance of soil, rock, minerals or water within the plant's root zone;
- 3) Introduction of livestock for grazing; **[Ord. 2005-003]**
- 4) Placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; and
- 5) Use of mechanical equipment within the plant's root zone.

c. for the purposes of Art. 16, modification to any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

[Renumber accordingly]

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

....

36. Person -

- a. For the purposes of Art. 14, any individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such jointly or severally.
- b. For the purposes of Art. 15 - any individual, corporation, company, association, partnership, state, subdivision of the State, municipality or federal agency.
- c. For the purposes of Art. 16, any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

....

Part 3. ULDC Art. 2.G.3.A.2. LDRAB (page 82 of 105) are hereby amended as follows:

Reason for amendments: [Airports]
--

1. The proposed amendment is to identify the Land Development Regulation Advisory Board (LDRAB) as the commission that reviews and recommends the regulations regarding airport zoning pursuant to Chapter 333.05(2), Florida Statutes, Airport Zoning. The Statute allows that if a preexisting commission already exists that this commission can also be appointed as the Airport Zoning Commission.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

A. Land Development Regulation Advisory Board

1. Land Development Regulation Advisory Board

There is hereby established a Land Development Regulation Advisory Board (LDRAB).

2. Powers and Duties

The LDRAB shall have the following powers and duties under the provisions of this Code:

- a. to periodically review the provisions to this Code that are not reviewed by another advisory board established by BCC for that purpose, and to make recommendations to the BCC for those provisions reviewed;
- b. to make its special knowledge and expertise available upon written request and authorization of the BCC to any official, department, board, commission or agency of PBC, the State of Florida or Federal governments; and
- c. to serve as Land Development Regulation Commission (LDRC) as provided by F.S.§ 163.3164(~~22-25~~) and F.S.§ 163.3194.
- d. To serve as the Airport Zoning Commission pursuant to Section 333.05(2), F.S.

Part 4. ULDC Art. 4.B, Use Classification, (pages 75 and 79 of 204) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To be consistent with the regulations in Chapter 333.03, Florida Statutes as amended in 2016 for locational criteria for restricted uses for educational facilities.

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EXHIBIT G

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

(08/14/18)

1 CHAPTER B USE CLASSIFICATION

2

3 Section 4 Institutional, Public and Civic Uses

4

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 5. College or University

8

9 **d. Airport Land Use Compatibility Zoning**

10 The establishment of a new college or university shall be prohibited in accordance with Art.
11 16.C.1.E.2, Prohibited Land Uses.

12

13 15. School - Elementary or Secondary

14

15 b. General

16

17 3) Airport Land Use Compatibility Zoning

18 ~~New schools shall not be located within five miles of either end of a runway, pursuant~~
19 ~~to Art. 16, Airport Regulations, and State Statutes. The establishment of a new school~~
20 ~~shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.~~

21

22
23
24 Part 5. ULDC Art. 16.B.1. Airspace Height Regulations (pages 4 – 8 of 15) are hereby amended
25 as follows:
26

Reason for Amendment: [Airports]

1. The proposed amendments updates reference to Airport Zones and regulated areas, and remove data tables for Runway Categories and establishing the boundaries of Runway Protection Zones, Specific Zones and Specific Approach Zones as this information will be mapped and available on myGeoNav or available from the Department of Airports.

2. Per the existing language, only those proposed structures/developments within 3,500 feet of the airport reference point (ARP) or those that penetrate the Part 77 surfaces would need to be reviewed by the FAA for impacts to the airspace surrounding the County's airports. In some cases, the 3,500-foot radius area from the ARP does not leave the airport property. The proposed language is consistent with the standards set forth within 14 CFR Part 77.9 -Safe, Efficient Use, and Preservation of Navigable Airspace (U.S. Code) related to the requirements for review by the FAA for impacts related to obstructions to air navigation. An airspace hazard can occur within any area of Palm Beach County; the new proposed Zone 1 is essentially the existing Zone 2, and the new proposed Zone 2 encompasses the remainder of the County. The basic premise of the changes is to alert proposers that they need to utilize the FAA Notice Criteria Tool to determine the need to file with the FAA.

27 CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS

28 Section 1 Airspace Height Regulations

29 A. General

30 In order to carry out the provisions of this Article, there are hereby created and established certain
31 zones which include all of the applicable land lying beneath the primary, horizontal, conical,
32 approach, and transitional surfaces as they apply to a particular airport. To regulate height, an
33 Airspace Notification Map, Appendix 1, and a procedure to review and permit obstructions has
34 been established. Airport height limitations and the notification procedures established in this
35 Section conform to the standards for determining obstructions to air navigation of Federal Aviation
36 Regulations Part 77, ss. 77.~~23~~ 17.

37

38
39 C. Regulated Areas

40

41 1. Publicly-Owned, Public Use Airports

42 a. Zone 1—

43 All construction within 3,500 feet from the airport reference point in all directions. That area
44 within the County limits extending outward 20,000 feet from the nearest point of the nearest
45 runway of each County owned and operated airport, excluding heliports, as depicted on

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EXHIBIT G

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (08/14/18)

the Airspace Notification Map as Zone 1. This zone depicts an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 ft.

b. Zone 2 –

~~Any construction of a height exceeding the limitations of any zone established in this Section within a four nautical mile radius of the airport reference point. That area within the County outside the limits of Zone 1 as depicted on the Airspace Notification Map. The height for Zone 2 is 200 feet above ground level (AGL).~~

....

D. Airport Zones Established

Primary, Horizontal, Conical, Approach and Transitional Airport Zones are shown on maps described below. These maps are ~~on file at the DOA and PZB and are incorporated herein~~ available online utilizing the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>. These maps are also included by reference and attached as Appendices 2-7, available at The Department of Airports.

....

E. Airport Runway Categories Defined

The size and dimensions of each zone created and established as part of this Section is based upon the category of each runway, according to the type of approach available or planned for that runway. ~~The category of each runway for airports included in this Article are listed in Table 16.B.1.E-1, Runway Category and Runway Protection Zone (RPZ) Defined, by Airport. The zones associated with each airport in this Article correspond to the civil airport imaginary surfaces defined in FAR Part 77, §77.19, and are contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.~~

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

Airport/Runway	Runway	Length	Inner Width	Outer Width	RPZ Acres	
Palm Beach International (PBI)	Runway 10L	Precision	2,500	1,000	1,750	78.914
	Runway 28R	Precision	1,700	1,000	1,510	48.978
	Runway 14/32	Non-Precision	1,700	500	1,010	29.465
PBC Park (Lantana)	Runway 10R/28L	Visual	1,000	500	700	13.770
	Runway 09/27	Non-Precision	1,700	500	1,010	29.465
	Runway 15/33	Non-Precision	1,700	500	1,010	29.465
PBC Glades (Pahokee)	Runway 03/21	Visual	1,000	500	1,010	13.770
	Runway 17/35	Non-Precision	1,700	500	1,010	29.465
Belle Glade Municipal Palm Beach North County	Runway 09/27	Visual	1,000	500	700	13.770
	Runway 08R	Precision	1,700	1,000	1,510	48.978
	Runway 26L	Non-Precision	1,700	500	1,010	29.465
Boca Raton	Runway 13/34	Non-Precision	1,700	500	1,010	29.465
	Runway 08L/26R	Visual	1,000	500	700	13.770
	Runway 05/23	Non-Precision	1,700	500	1,010	29.465

[Ord. 2017-025]

F. Airport Height Limitations

1. General

....

c. Any object within the approach segment, departure area, or any missed approach or circling approach area which is determined by the Airports Director, or his designee, to be a hazard to the safe and efficient use of airspace around an airport.

G. Airport Height Zone Definitions and Limitations

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

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EXHIBIT G

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (08/14/18)

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

Airport/ Runway	Primary Zone Width (in feet)	Horizontal Arc Radius (in feet)	Conical Zone (in feet)	Approach Zone (in feet)		
				Horizontal Dist.	Inner Width	Outer Width
PALM BEACH INTERNATIONAL AIRPORT (PBJA)						
Rwy 10L/28R	1,000'	10,000'	4,000'	50,000'	1,000'	16,000'
Rwy 14/32	500'			10,000'	500'	3,500'/1,500'
Rwy 10R/28L	250'	5,000'		5,000'	250'	1,250'
PBC PARK AIRPORT (LANTANA)						
Rwy 09/27	500'	5,000'	4,000'	5,000'	500'	2,000'/1,250'
Rwy 15/33						2,000'/1,250'
Rwy 03/21						1,250'
PBC GLADES AIRPORT (PAHOKEE)						
Rwy 17/35	500'	5,000'	4,000'	5,000'	500'	2,000'
BELLE GLADE MUNICIPAL						
Rwy 09/27	250'	5,000'	4,000'	5,000'	250'	1,250'
PALM BEACH NORTH COUNTY AIRPORT						
Rwy 08R/26L	1,000'	10,000'	4,000'	50,000'/10,000'	1,000'	16,000'/3,500'
Rwy 13/31	500'			10,000'/5,000'	500'	3,500'/1,500'
Rwy 08L/26R	250'	5,000'		5,000'	250'	1,250'
BOCA RATON AIRPORT						
Rwy 05/23	500'	10,000'	4,000'	10,000'	500'	3,500'
[Ord. 2017-025]						

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1. Primary Zone Definition

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b. Primary Zone Width for each Specific Airport

The specific width of each Primary Zone for each airport is ~~listed in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

2. Horizontal Zone Definition

a. Horizontal Zone Height Limitations

~~No Only structures or obstructions that has a height greater than 150 feet above the airport elevation, for which the FAA has issued a determination of no hazard~~ will be permitted in the Horizontal Zone.

b. Horizontal Arc Radius for each Specific Airport

The specific horizontal arc Radius of each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

3. Conical Zone Definition

The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. The specific Conical Zone distance for each airport is ~~listed above in Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

a. Conical Zone Height Limitation

~~No Only structures or obstructions for which the FAA has issued a determination of no hazard~~ will be permitted in the Conical Zone, ~~that has a height greater than 150 feet above the airport elevation at the inner boundary (connecting the Horizontal Zone) with permitted height increasing at a slope of one foot vertically for every 20 feet of horizontal distance,~~

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~~measured outward from the inner boundary to a height 350 feet above the airport elevation at the outer boundary.~~

4. Approach Zone Definition

An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An Approach Zone is designated for each runway based upon the type of approach available or planned for that runway end.

4a. Approach Zone Height Limitations

The permitted height limitation within an outer or inner Approach Zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge based upon the calculation method ~~listed in Table 16.B.1.G-3, Specific Zone Height Limitation Calculation, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

4b. Approach Zone Horizontal Distance for each Specific Airport

The specific Approach Zone dimensions for each airport is ~~listed above on Table 16.B.1.G-2, Specific Zone Definition, by Airport, by Runway~~ contained within the Airport Layout Plan for each airport, available at the Department of Airports, and provided graphically on the County's myGeoNav application <http://maps.co.palm-beach.fl.us/mygeonav/>.

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

AIRPORT/RUNWAY		APPROACH ZONE HEIGHT LIMIT CALCULATION
Palm Beach International (PBI/A)	Runway 10L/28R	One foot vertically for every 50 feet of horizontal distance for the first 10,000 feet, and then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet.
	Runway 14/32	One foot vertically for every 34 feet of horizontal distance.
	Runway 10R/28L	One foot vertically for every 20 feet of horizontal distance.
PBC Park (Lantana)	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
	Runway 15/33	
	Runway 03/24	
PBC Glades (Pahokee)	Runway 17/35	One foot vertically for every 20 feet of horizontal distance.
Belle Glade Municipal	Runway 09/27	One foot vertically for every 20 feet of horizontal distance.
Palm Beach North County	Runway 08R/26L	Runway 08R: one foot vertically for every 20 feet of horizontal distance for the first 10,000 feet, then one foot vertically for every 40 feet of horizontal distance for an additional 40,000 feet. Runway 26L: one foot vertically for every 34 feet of horizontal distance.
	Runway 13/31	One foot vertically for every 20 feet of horizontal distance.
	Runway 08L/26R	
Boca Raton	Runway 05/23	One foot vertically for every 34 feet of horizontal distance.
[Ord. 2017-025]		

5. Transitional Zone Definition

....

a. Transitional Zone Height Limitation

~~No Only structures or obstructions for which the FAA has issued a determination of no hazard will be permitted within the Transitional Zone, greater in height than the Primary Zone or Approach Zone at their adjoining boundary lines increasing at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height of the slope matches the height of the Horizontal Zone or the height of the Conical Zone and for a horizontal distance of 5,000 feet from each side of that part of the Approach Zone for a Precision Instrument Runway extending beyond the Conical Zone. [Ord. 2017-025]~~

6. Terminal Navigational Aid Obstruction Zone

Operation of a Navigational Aid Facility is electromagnetic in nature therefore, objects constructed off of airport property may have an adverse effect on the safe and efficient operation of navigational facilities. ~~An Airport Surveillance Radar (ASR) facility~~ A Navigational Aid Obstruction Zone has been established ~~extending outward 3,500 feet from the nearest point of the nearest runway of each County owned and operated airport, excluding heliports,~~

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1 as depicted on the Airspace Notification Map as Zone 1. ~~extending in all directions to a radius~~
2 ~~of 3,500 feet from the navigation aid.~~ This zone is shown on the Airspace Notification Map,
3 Appendix 1. [Ord. 2017-025]

4

5
6
7 **Part 6. ULDC Art. 16.B.1. Airspace Height Regulations (pages 8-10 of 15) are hereby amended**
8 **as follows:**

Reason for Amendment: [Airports]

1. The proposed amendments clearly identify the Airspace Height Review Procedures, including the FAA and FDOT review that is part of the review process for any proposed new construction or alteration with an Airport Zone so that a developer is advised prior to filing a development order or building permit application.

10 **CHAPTER B AIRPORT PROTECTION ZONING REGULATIONS GOVERNING AIRPORT HAZARDS**

11 **Section 1 Airspace Height Regulations**

12

13 **H. Airspace Height Review Procedures**

14 All new construction, reconstruction or alteration that adds height to any obstruction within areas
15 shown on the "Airspace Notification Map", Appendix 1, shall be reviewed for compliance with the
16 standards of this Section. [Ord. 2017-025]

17 **1. General**

18 No Permit for Obstruction will be issued if all FAA and DOA comments are not addressed to
19 the satisfaction of DOA, PZB and County Attorney. No development permit application shall be
20 issued if the proposed construction or alteration is found to violate the provisions of this Article,
21 or ~~exceed an obstruction standard of~~ is determined a hazard by the Federal Aviation
22 Regulations Part 77 or other applicable Federal or State rules or regulations. [Ord. 2017-025]

23 **a. Exemption**

24 A Permit is not required for existing structures that received construction permits from the
25 Federal Communications Commission for structures exceeding federal obstruction
26 standards before May 20, 1975; a permit is not required for any necessary replacement or
27 repairs to such existing structures if the height and location are unchanged.

28 **2. Permit for Obstruction Review Procedures**

29 An application for the construction, reconstruction or alteration of any obstruction must be
30 reviewed in accordance with the development review procedures in Article 2, Application
31 Processes and Procedures, prior to certification or approval of an application by DRO or
32 issuance of a building permit for a permanent or temporary obstruction located within areas
33 Regulated by this Article. [Ord. 2017-025]

34 **a. FAA Review**

35 1) ~~The DOA shall inform~~ The applicant must utilize the FAA's Notice Criteria Tool found
36 on the FAA's Obstruction Evaluation/Airport Airspace Analysis website at
37 https://oeaaa.faa.gov/ and submit the results to DOA. This tool will inform the applicant
38 that review by the FAA is required if: ~~DOA determines that~~ the proposed obstruction
39 represented in the application may exceed: [Ord. 2017-025]

40 1) ~~a) The standards of Federal Aviation Regulations Part 77~~ The structure will
41 exceed 200 feet above ground level;

42 2) ~~b) The provisions of Article 16.B.1.F, Airport Height Limitations, and Article~~
43 ~~16.B.1.G, Airport Height Zone Definitions and Limitations~~ The structure will be in
44 proximity to an airport and will exceed the slope ratio of 100:1;

45 3) ~~c) Any other Federal or State rules and regulations; or~~ The structure involves
46 construction of a traverseway (i.e. highway, railroad, waterway, etc.) and once
47 adjusted upward with the appropriate vertical distance would exceed a standard of
48 Part 77.9(a) or (b);

49 4) ~~d) Adversely affects the airspace surrounding any Airport defined herein. The~~
50 ~~structure will emit frequencies, and does not meet the conditions of the FAA Co-~~
51 ~~location Policy;~~
52 location Policy;

53 e) The structure will be in an instrument approach area and might exceed Part 77
54 Subpart C;

55 f) The proposed structure will be in proximity to a navigation facility and may impact
56 the assurance of navigation signal reception;

g) The structure will be on an airport or heliport; or

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1 h) A filing has been requested by the FAA.
2 2) If the results of the Notice Criteria Tool indicate that the applicant must file, the FAA
3 must review and issue a determination of the proposal's effect on navigable airspace
4 where such ~~prior~~ notification under Title 14, CFR, Part 77 is required. PZB shall
5 suspend any review of any development permit application process until FAA findings
6 of aeronautical affect are ~~approved~~ determined.

7 ~~5)a)~~ **Responsibility of the Applicant**

8 ~~a)(1)~~ The Applicant shall submit ~~FAA Form 7460-1 electronically via the~~
9 FAA's website at <https://oeaaa.faa.gov/>.

10 ~~b)(2)~~ When the results are received, the Applicant shall submit in person
11 or forward by Certified Mail (Return Receipt Requested) to the DOA, ~~the~~
12 FAA's determination of aeronautical affect, including a valid aeronautical
13 study number and a copy of the original electronic submittal of FAA Form
14 7460-1. **[Ord. 2017-025]**

15 **b. DOA Review**

16 **1) No application for development shall be approved solely on the basis that the FAA has**
17 **issued a determination of no hazard to air navigation under a valid aeronautical study.**
18 Following receipt of the FAA finding determination of aeronautical affect, if required,
19 the DOA shall consider the following criteria when determining whether to recommend
20 certification or approval of certify a development application with or without conditions
21 of approval; or recommend issuance or denial of a building permit with or without
22 conditions. **[Ord. 2017-025]**

23 a) The safety of persons on the ground and in the air. **[Ord. 2017-025]**

24 b) The safe and efficient use of navigable airspace. **[Ord. 2017-025]**

25 c) The nature of the terrain and height of existing structures. **[Ord. 2017-025]**

26 d) The effect of the construction or alteration on the state licensing standards for a
27 public-use airport contained in Chapter 333 FS and rules adopted thereunder.
28 **[Ord. 2017-025]**

29 e) The character of existing and planned flight operations and developments at
30 public-use airports. **[Ord. 2017-025]**

31 f) Federal airways, visual flight rules, flyways and corridors, and instrument
32 approaches as designated by the FAA. **[Ord. 2017-025]**

33 g) The effect of the construction or alteration of the proposed structure on the
34 minimum descent altitude or the decision height at the affected airport. **[Ord. 2017-**
35 **025]**

36 h) The cumulative effects on navigable airspace of all existing structures and all other
37 known proposed structures in the area. **[Ord. 2017-025]**

38 i) Any additional code requirements pertinent to evaluate and protect airspace and
39 airport operations.

40 **2) *FDOT Review***

41 Following receipt of a complete application indicating that the proposed construction
42 or alteration could be an obstruction, the DOA shall provide a copy of the application
43 to the FDOT aviation office for their review and evaluation pursuant to Chapter
44 333.025, Florida Statutes. **[Relocated from Art. 16.B.1.H.2.b.4]**

45 **23) Structure(s) Not Exceeding Obstruction Standards or Other Provisions**

46 DOA shall review the FAA's determination issued in response to the applicant's FAA
47 Form 7460-1, any comments received from FDOT and the permit application. If ~~DOA~~
48 ~~determines that~~ the proposed construction or alteration ~~does not exceed the height~~
49 ~~limitations in this Section is not a hazard~~, the DOA shall ~~issue the permit~~ recommend
50 certification or approval of an application by the DRO with or without conditions of
51 approval or ~~issue issuance of a building the~~ permit with or without conditions ~~of~~
52 ~~approval~~ so that the proposed structure may be erected in accordance with permitting
53 requirements of PZB. PZB may certify the development application or issue a building
54 permit, as applicable. The applicant shall present a copy of the permit to PZB with the
55 development application or building permit application. **[Ord. 2017-025]**

56 **34) Structure(s) Exceeding Obstruction Standards or Other Provisions**

57 DOA shall review the FAA's determination issued in response to the applicant's FAA
58 Form 7460-1, any comments received by FDOT and the permit application. If ~~DOA~~
59 ~~determines~~ the proposed obstruction ~~exceeds the height limitations outlined in this~~
60 ~~Section is a hazard~~, then the DOA shall deny the permit. The notice shall state the
61 reasons for denial and inform the applicant that they may appeal the decision pursuant
62 to Article 16.C.2. **[Ord. 2017-025]**

63 ~~4) *FDOT Review*~~

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~~Following receipt of a complete application, the DOA shall provide a copy of the application to the FDOT aviation office for their review and evaluation pursuant to Chapter 333.025, Florida Statutes. [Ord. 2017-025]~~ [Relocated to Art. 16.B.1.H.2.b.2]

c. Building Permit Requirement

The applicant shall present a copy of the Permit, along with all Development Order comments and conditions of approval, to the Building Director in order to ensure that any conditions are adequately addressed prior to the issuance of a building permit, including obstruction lighting and marking conditions, if applicable. [Ord. 2017-025]

d. Obstruction Marking and Lighting

The owner shall mark and light the structure in accordance with the provisions of Chapter 333, Florida Statute; Rules of Florida Department of Transportation, Chapter 14-60 and the FAA Advisory Circular 70/7460 ~~H-1L~~, *Obstruction Marking ~~or~~ and Lighting*, as may be amended from time to time. The permit may be conditioned to require the applicant to mark and light the structure, at applicant's own expense, or to allow DOA to install, operate and maintain at its own expense, such markers and lights as may be necessary to indicate to pilots the presence of an airspace obstruction if warranted.

Part 7. ULDC Art. 16.C.1, Airport Land Use Regulations (page 10-11 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

- | |
|---|
| 1. The proposed amendments updates reference to Airport Zones as this information is now mapped and available on myGeoNav or from the Department of Airports. |
| 2. To add Zone 3 to the Regulated Areas for land use compatibility for purposes of applying the Additional Use Regulations to a geographic area larger than the RFP and ALUNZ for protection of airspace. |
| 3. To clarify that the definition of construction does not include those improvements that are underground and not regulated by this Article. |

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

A. General

In order to carry out the provisions of this Article, there are hereby created and established certain zones, which include all the land lying beneath the Runway Protection Zone (RPZ) and within Airport Land Use Noise Zone(s) (ALUNZ), as they apply to a particular airport, and within Zone 3. All areas defined as the RPZ and areas displayed as ALUNZ in Appendices 2 through 7 and 9 through 14 are subject to review and technical analysis by DOA, and other applicable governmental agencies, in consultation with PZB, in accordance with this Article. [Ord. 2017-025]

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

B. Regulated Land Use

....

1. Construction, defined

For purposes of this Section, construction includes but is not limited to creating new structures, making alterations or repairs and additions to any existing building or structure, or moving or relocating a building(s) or structure(s) within a Regulated Area. Construction does not include paving, drainage underground utility infrastructure or similar types of improvements. [Ord. 2017-025]

....

C. Regulated Areas

To regulate land uses within the RPZ and ALUNZ, and Off-Airport Land Use Compatibility Schedule, maps and review procedures have been established. Only the portion of the lot falling within the RPZ or ALUNZ shall be subject to the provisions of this Article. The Off-Airport Land Use Compatibility Schedule, Appendix 8, shall be used to determine compatibility of land use with airport operations within these zones. [Ord. 2017-025]

1. Runway Protection Zone (RPZ)

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The RPZ includes all land lying beneath the defined RPZ, as shown on the applicable Airport Zoning Maps, in Appendices 2 through 7 on the County's myGeoNav application, or on the Airport Layout Plan for all County-owned airports in PBC available at the Department of Airports.

2. Airport Land Use Noise Zones (ALUNZ)

The ALUNZ include all land area lying within the defined ALUNZ as shown on the applicable Airport Land Use Zone Maps, in Appendices 9 through 14, on the County's myGeoNav application http://maps.co.palm-beach.fl.us/mygeonav/ for all airports in PBC.

3. Zone 3

That area within the County limits extending outward 10,000 feet from the nearest point of the nearest runway for each County owned and operated airport, excluding heliports, as depicted on the Airspace Notification Map as Zone 3.

Part 8. ULDC Art. 16.C.1.E.2, Prohibited Land Uses, (page 12 of 15) are hereby amended as follows:

Table with 1 column: Reason for Amendment: [Airports]. Row 1: To be consistent with the regulations in Chapter 333.03, Florida Statutes for locational criteria for restricted uses for educational facilities. Row 2: To clarify the exemption provision for locational criteria residential uses.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

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

2. Prohibited Land Uses

a. In no case shall a new Limited or General Day Care, or School- Elementary or Secondary, or College or University, with the exception of aviation school facilities, be permitted within an area contiguous to the airport measuring 1/2 the length of the longest runway on either side of and at the end of each runway centerline at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of 1/2 the runway.

1) Exemption

For Palm Beach International Airport (PBI) and Boca Raton Airport that have completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use Compatibility Studies, educational land uses within regulated areas defined in Article 16.C.1.D.1.a Palm Beach International Airport (PBI) and Article 16.C.1.D.1.b Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 C.F.R. Part 150 Appendix A.

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

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

b. In no case shall new residential construction be permitted within an area contiguous to the airport measuring 1/2 the length of the longest runway on either side of and at the end of each runway centerline unless it meets the conditional notes in the Off-Airport Land Use Compatibility Schedule - Appendix 8. This area is shown as the "New Residential Construction Limit" on Appendices 10-14.

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1) Exemption

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

For Palm Beach International Airport (PBI A) and Boca Raton Airport that have completed Federal Aviation Regulation 14 C.F.R. Part 150 Noise and Land Use Compatibility Studies, residential land uses within regulated areas defined in Article 16.C.1.D.1.a Palm Beach International Airport (PBI A) and Article 16.C.1.D.1.b Boca Raton Airport "Airport Land Use Noise Zones" shall meet the standards set forth in the study or be compliant with 14 C.F.R. Part 150 Appendix A.

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

Part 9. ULDC Art. 16.C.1.E.3, Additional Use Regulations, (page 12-13 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

- | |
|---|
| 1. To clarify that the additional use regulations are apply to the three Regulated Areas. |
|---|

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

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

....

3. Additional Use Regulations

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

....

c. Obscuration

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

....

e. **Noise Level Reduction (NLR) Requirements**

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

1) Exemptions

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

2) Use and Occupancy

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

3) Relocated Buildings

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

4) Proposed or Newly Constructed Buildings

~~Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]~~

5) Design Requirements

~~The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building~~

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~~materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]~~
[Relocated to Art. 16.C.1.F.1 below]

fe. Disclosure

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

Part 10. ULDC Art. 16.C.1.F, Review Procedure for Airport Land Use Noise Zones (ALUNZ), (page 13 of 15) are hereby amended as follows:

Reason for Amendment: [Airports]

1. To better clarify that these regulations are applicable to lands within the ALUNZ.

CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

Section 1 Airport Land Use Regulations

....

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

All new construction or reconstruction for temporary or permanent structures within ALUNZ shall be reviewed for compliance with the standards of this Section. Prior to acceptance of a development order or issuance of a building permit, the DOA in consultation with PZB shall review the application for compliance with this Article. [Ord. 2017-025]

1. Noise Level Reduction (NLR) Requirements

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

a. Exemptions

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

b. Use and Occupancy

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

c. Relocated Buildings

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

d. Proposed or Newly Constructed Buildings

Valid permits to construct a building, submitted to the Building Division of PZB prior to June 16, 1992, shall not be required to comply with the provisions of Article 16, AIRPORT REGULATIONS, as long as the building permit has not been amended or expired. [Ord. 2017-025]

e. Design Requirements

The NLR requirements of the Off-Airport Land Use Compatibility Schedule, Appendix 8, may be achieved by any suitable combination of building design, choice of building materials and construction techniques in accordance with established architectural and acoustical principles as contained in DOT document DOT/FAA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. This document is on file at the offices of the DOA and PZB. The noise level reduction requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room. [Ord. 2017-025]

[Relocated from Art. 16.C.1.3.e above]

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EXHIBIT G

DEPARTMENT OF AIRPORTS CHAPTER 333, FLORIDA STATUTES UPDATES SUMMARY OF AMENDMENTS (08/14/18)

1
2 Part 11. ULDC Art. 16.C.3, Administration (page 13) and Art. 16.C.4 Enforcement (page 14) are
3 hereby amended as follows:
4

Reason for Amendment: [Airports]
1. To be consistent with the nomenclature used in the code.
2. As Interlocal Agreements with municipalities with lands within regulated area are authored, this allows the cities to retain ultimate approval authority, and give the County to right to review and comment.

5 CHAPTER C AIRPORT LAND USE COMPATIBILITY ZONING REGULATIONS

6 Section 3 Administration

- 7 A. This ~~section Article~~ of the ULDC shall be interpreted by the Director of Airports. DOA, in
8 consultation with the PZB, shall administer the review of development applications for compliance
9 with this Article within the territorial limits over which PBC has jurisdiction. DOA by Interlocal
10 Agreement with any jurisdiction which has permitting authority ~~shall may~~ administer the review of
11 development applications for compliance with this Article within the territorial limits of the
12 municipality. If a Permit for Obstruction is required, then the DOA ~~shall may~~ administer review with
13 the FAA. Fees shall be established by the DOA and PZB to administer this Article. [Ord. 2008-
14 003] [Ord. 2017-025]
- 15 B. In the event that any violation of the requirements of this Article are found, the Director of Code
16 Enforcement shall give written notice to the property owner. Such notice shall indicate the nature
17 of the violation and the necessary action to correct or abate the violation. A copy of said notice shall
18 be sent to the Code Enforcement Board and DOA. PZB shall require work to stop and may take
19 any or all other action necessary to correct violations and obtain compliance with all the provisions
20 of this ~~Section Article~~. [Ord. 2017-025]

21

22 Section 4 Enforcement

- 23 A. **Non-compliance**
24 Failure to comply with the requirements of this ~~Section Article~~ or any permit or Approval granted
25 or authorized hereunder shall constitute a violation of this code. PZB or DOA may issue a Cease
26 and Desist Order or withhold a Certificate of Occupancy until the provisions of this ~~Section Article~~
27 have been met. PBC may subject the owner of the premises to the violation and enforcement
28 provisions in F.S. Chapter 333.07, and F.S. Chapter 333.13, as may be amended from time to time,
29 or may pursue any other remedy available at law, in order to fully effectuate the purposes of this
30 Ordinance. Each violation of this Ordinance or of any regulation, order or ruling promulgated herein
31 shall be considered a separate offense and enforced in accordance with the provisions of Article
32 10, ENFORCEMENT. [Ord. 2017-025]

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EXHIBIT H
PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 08/15/2018)

1 **Part 1. ULDC Art. 2.A.2.C, Application Processes and Procedures, General, Zoning**
2 **Applications, Application Types and Authorities, Table 2.A.2.C Board of County**
3 **Commissioners (page 11-12 of 105), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. The current Code has references in different Articles that allows development supporting government facilities within the PO Zoning District to request a Deviation approval from the BCC or the County Engineer from Code requirements. The reference for these Deviations are located within Article 2, Applicant Processes and Procedures; Article 4 Use Regulations; Article 5 Supplementary Standards; Article 6 Parking; Article 7 Landscaping; and Article 11 Subdivision, Platting and Required Improvements. This Amendment is to consolidate the references and clarify the process and procedures for the Deviations approved by the BCC. Deviations approved under Article 11, by the County Engineer remain the same.

4 **CHAPTER A GENERAL**

5

6 **Section 2 Zoning Applications**

7

8 **C. Application Types and Authorities**

9 For the purposes of this Article, the authority of the Board of County Commissioners, Zoning
10 Commission and Development Review Officer shall be limited to the powers and duties pursuant
11 to Art. 2.G, Decision Making Bodies on those applications specified below. **[Ord. 2006-036] [Ord.**
12 **2018-002]**

13 **1. Board of County Commissioners (BCC)**

14 The BCC shall make a final decision on the following types of applications: **[Ord. 2018-002]**
15

**Table 2.A.2.C - Board of County Commissioners
Legislative and Quasi-Judicial Processes**

Legislative
Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA)
County Initiated Official Zoning Map Amendment (Rezoning)
Quasi-Judicial
Official Zoning Map Amendment (Rezoning) (1)
Class A Conditional Use (2)
Development Order Amendment (DOA) of a prior DO approved by the BCC
DOA – Expedited Application Consideration (EAC) of a prior DO approved by the BCC
Development Order Abandonment (ABN) of a prior DO approved by the BCC
Status Report of a prior DO approved by the BCC (3)
Deviations from separation requirements for Homeless Resource Centers in the PO Zoning District, pursuant to Art. 4.B.4.C.10, Homeless Resource Center and Articles 5, 6, and 7 for development supporting Government Facilities within the Public Ownership (PO) Zoning District.
Public Ownership (PO) Deviations(4)
Type 2 Waiver
Unique Structure
Release of Agreement (3)
Administrative Inquiry (AI) (3)
Corrective Resolution for prior DO approved by the BCC
[Ord. 2007-013] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]
Notes:
1. Only rezoning to a PDD or TDD will issue a DO. A rezoning to a Standard District with a COZ may result in the issuance of a DO.
2. Includes where it specifies the process is subject to the BCC in Table 4.A.9.B. – Thresholds for Projects Requiring Board of County Commissioners Approval, Art. 4.B, Use Classifications, Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.
3. This is not considered as quasi-judicial process, however, it is subject to the Public Hearing process.
4. PO Deviations reviewed by the BCC do not include those PO Deviations described in Article 11 that are reviewed and approved or denied by the County Engineer.

16

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EXHIBIT H
PO DEVIATIONS
SUMMARY OF AMENDMENTS
 CR-2018-026
 (Updated 08/15/2018)

1 **Part 2. ULDC Art. 2.A.5, Application Processes and Procedures, General, Pre-application**
 2 **Conference (PAC) and Pre-Application Appointment (PAA) (pages 14-15 of 105), is**
 3 **hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

4 **CHAPTER A GENERAL**

5

6 **Section 5 Pre-application Conference (PAC) and Pre-application Appointment (PAA)**

7 It is mandatory for the Applicants to meet with staff prior to the official submittal of applications that are
 8 listed in Table 2.A.5, PAC and PAA to identify issues related to the proposed request(s), and ensure the
 9 requests are in compliance with the applicable Comprehensive Plan or Codes. [Ord. 2018-002]

Table 2.A.5 - PAC and PAA

PAC	PAA
Applications requesting an IRO (1)	PIA
Applications within the PRA (1)	Type 2 Variance
Concurrent Review (2)	Type 2 Waiver
-	Type 1 Waiver for Landscaping
-	Type 1 Variance
-	Zoning Confirmation Letter - Formal
-	WHP, AHP and TDR
	<u>PO Deviations (3)</u>
[Ord. 2018-002]	
Notes:	
1. A Conceptual Plan shall be submitted to be reviewed as part of a PAC application.	
2. Applicants shall indicate whether they have questions related to the request(s) for staff to address before submitting for the Concurrent Review.	
3. <u>The Zoning Director in consultation with the Applicant may determine a formal PAA is not required based on general discussions on this request.</u>	

12 **A. Pre-Application Conference (PAC)**

13

14 **B. Pre-Application Appointment (PAA)**

15 The purpose of a PAA is to provide the Applicant an opportunity to discuss the proposed request(s)
 16 with Zoning Division staff prior to the official submittal of an application. [Ord. 2018-002]

17 **1. Applicant's Request and Responsibility**

18 The Applicant shall request the PAA and specify whether the attendance of the other County
 19 Agencies is required. Prior to the PAA, the Applicant shall specify the requests, prepare a list of
 20 questions related to the subject property, and provide a copy of relevant information regarding the
 21 proposed development to the DRO.

22 **a.** For a DOA application, it shall be the responsibility of the Applicant to research and review prior
 23 approved files, which includes but not limited to, plans, resolutions and other relevant
 24 documents prior to the PAA. [Ord. 2018-002]

25 **b.** For a PO Deviation application, it is the responsibility of the Applicant to complete the
 26 Application including the Justification Statement, and provide a draft copy of these documents
 27 for review at the time of the PAA.

28
 29
 30

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EXHIBIT H
PO DEVIATIONS
SUMMARY OF AMENDMENTS
 CR-2018-026
 (Updated 08/15/2018)

1 **Part 3. ULDC Art. 2.B.3, Application Processes and Procedures, Public Hearing Processes,**
 2 **General (pages 24-25 of 105) is hereby amended as follows:**
 3

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that the Government Agency is responsible for obtaining comments from other Government Departments on the review of proposed Deviation request.

4 **CHAPTER B PUBLIC HEARING PROCESSES**

5

6 **Section 3 General**

7 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
 8 request(s), and in accordance with Table 2.A.2.C, Board of County Commissioners, Legislative and Quasi-
 9 Judicial Processes, and Table 2.A.2.C, Zoning Commission, Quasi-Judicial Processes. For PO Deviation
 10 application, the Applicant shall be responsible to coordinate the review of the application with the applicable
 11 Agencies. The application(s) shall be assigned by the DRO to be reviewed through the Full DRO, which
 12 consists of all applicable County Agencies. An Applicant may also request a Concurrent Review by the
 13 DRO. [Ord. 2018-002]
 14
 15

16 **Part 4. ULDC Art. 2.B.4, Application Processes and Procedures, Public Hearing Processes,**
 17 **Review, Resubmittal and Certification Title (page 25 of 105) is hereby amended as**
 18 **follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that the process for PO Deviations in that it is the Applicants responsibility to obtain comments from other Government Agencies and address their issues before proceeding to a Public Hearing.

19 **Section 4 Review, Resubmittal and Certification**

20 Review of an application shall be initiated by the DRO on the date it is deemed sufficient, subject to the
 21 timeline specified in the Table below. The processing time may vary based upon the types of requests.
 22 [Ord. 2018-002]
 23

Table 2.B.4 - Review, Resubmittal and Certification

Processes	DRO
Application Submittal by Applicant	Refer to Annual Zoning Calendar (1)
Sufficiency Review by Staff	10 days from the date of Application Submittal. (1)
Insufficiency to be addressed by Applicant	The Applicant may resubmit on the Submittal date of the following month. Refer to Annual Zoning Calendar.
Initiate Review and Staff Comments	10 days from the date of Sufficiency.
Resubmittal by Applicant	The Applicant shall address all issues and comments by the next Submittal date. Refer to the Annual Zoning Calendar.
Staff Review and Comments on Resubmittal	Refer to Annual Zoning Calendar.
Certification for Public Hearings	Refer to Annual Zoning Calendar.

[Ord. 2018-002]

1. PO Deviations shall be submitted to the Zoning Division on the Application Submittal Date. Sufficiency review is completed by the DRO to ensure the requests complies with Article 2.B.7.G., Types of Applications. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Article 11, shall be submitted directly to the County Engineer for review.

24 **A. Review**

25 The DRO shall prepare a list of issues and comments and make it available to the Applicant. The
 26 Applicant shall provide a written response addressing all outstanding issues and comments by the
 27 next Submittal date. [Ord. 2018-002]

28 **B. Certification**

29 If the resubmitted documents satisfy Code requirements and address the DRO's list of outstanding
 30 issues and comments, the DRO shall issue a Result Letter indicating the certification of the
 31 application. [Ord. 2018-002]

32 **C. Non-certification**

33 If the resubmitted documents fail to address all listed outstanding issues and comments, the DRO
 34 shall issue a Result List indicating that the application is not certified. [Ord. 2018-002]
 35

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EXHIBIT H
PO DEVIATIONS
SUMMARY OF AMENDMENTS
 CR-2018-026
 (Updated 08/15/2018)

1. Resubmittal Requirements

The Applicant shall provide a written response, addressing all outstanding issues and comments for those applications that are not certified, in a manner and form acceptable to the DRO. The revised documents shall be resubmitted on the Submittal date as established on the Annual Zoning Calendar. [Ord. 2005-041] [Ord. 2008-003] [Ord. 2018-002]

D. Application Modification After Certification

Applications shall not be significantly modified after certification, unless requested or agreed to by the DRO. Significant modifications to the certified plan(s) and application(s) within ten days of a scheduled public hearing date shall result in a postponement. For the purposes of this Article, a modification shall be considered significant if it exceeds 30 percent or more change from the certified plan or application request. The DRO may consider, but not limited to: intensity, density, land area, or vehicular use areas, to determine whether the certified plans or documents exceed the 30 percent threshold. [Ord. 2005 – 002] [Ord. 2018-002]

E. Continuance or Postponement

Applications for a DO that are continued or postponed for more than six months by the DRO must obtain approval from the Zoning Director. All applications, that have been continued or postponed for more than six months without approval from the Zoning Director, shall be administratively withdrawn. [Ord. 2005 – 002] [Ord. 2018-002]

Part 5. ULDC Art. 2.B.5, Application Processes and Procedures, Public Hearing Processes, Notification (pages 26-28 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.

Section 5 Notification

A. Applicability

Applications subject to Public Hearing or Type 1 Variance processes, corrective resolutions, or Administrative Inquiries, or any application that will result in the redevelopment of an existing occupied mobile home park, shall require notification to the public, in accordance with the following Table: [Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002]

Table 2.B.5.A – Notification Applicability

Requests	Newspaper Publication	Courtesy Notice	Signs
ABN (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1 Variance	N/A (2)	Yes	Yes
Type 2 Variance	Yes	Yes	Yes
PO Deviations	Yes	Yes	N/A
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)	Yes	Yes	Yes
Administrative Inquiry (3)	N/A	Yes	N/A
Redevelopment of Mobile Home Parks	N/A	N/A	Yes (4)
[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007][Ord. 2017-025] [Ord. 2018-002]			
Notes:			
1. Applies to Public Hearing and Administrative Abandonments, excluding: DOs advertised and abandoned simultaneously as part of a subsequent; and, DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Notification shall be required in compliance with F.S. 286.011.			
3. Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]			
4. In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied mobile home parks shall be subject to additional posting requirements.			

B. Newspaper Publication

Notice shall be published in a newspaper of general circulation in PBC in accordance with F.S. 125.66. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

C. Courtesy Notice

1. Applicability and Mailing Boundary

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EXHIBIT H

**PO DEVIATIONS
SUMMARY OF AMENDMENTS**

CR-2018-026
(Updated 08/15/2018)

1 Courtesy notices shall be mailed to all property owners, interested parties or other entities
2 identified in the following table: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-
3 031] [Ord. 2018-002]
4

Table 2.B.5.C – Courtesy Notice Requirements

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)(7)	Regular Mail 0 to 500 feet	Regular Mail within One Mile (1)
Type 1 Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	N/A	Counties and Municipalities (4)
Type 2 Variance		NA	N/A	
Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver, and PO Deviation)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
Administrative Inquiry (Site Specific) (6)	N/A	N/A	All owners of real property (2)	N/A

[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002]

Notes:

- Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban and Rural Tiers, or 1,000 feet for properties in other Tiers. [Ord. 2012-003]
- Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.
- Includes condominium associations and all real property owners when real property consists of a condominium.
- Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map
- The Applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016]
- Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry.
- A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban or Rural Tiers.

2. Notice Content

Courtesy notices shall include the following information: [Ord. 2011-016] [Ord. 2018-002]

- A general summary of the application; [Ord. 2011-016] [Ord. 2018-002]
- A date, time and place for the Public Hearing(s) or the Public Meeting(s) for Type 1 Variance; [Ord. 2011-016] [Ord. 2018-002]
- A general location map of the subject property; and, [Ord. 2011-016] [Ord. 2018-002]
- A statement indicating that interested parties may appear at the Public Hearing or the Public Meeting for the Type 1 Variance to be heard regarding the request. [Ord. 2011-016] [Ord. 2018-002]
- For PO Deviations, the notice will state the name, phone number, address and email address of the Applicant. Responses to any letters will be mailed directly to the Applicant, and they will be responsible for notifying the BCC of the responses to the notification at the Public Hearing when the item it discussed.

3. Failure to Receive Courtesy Notice

Failure to receive a notice shall not be deemed a failure to comply with Art. 2.B.5, Notification, or be grounds to challenge the validity of any decision made by the approving authority. [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]

D. Signs

- The Applicant shall post signs regarding the public hearing or the public meeting on the property subject to the application. The signs shall be prepared by the Applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up to a maximum of ten signs. All signs shall be: [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016] [Ord. 2018-002]

2. Exceptions

Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. [Ord. 2018-002]

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EXHIBIT H

PO DEVIATIONS
SUMMARY OF AMENDMENTS

CR-2018-026
(Updated 08/15/2018)

1 Part 6. ULDC Art. 2.B.6, Application Processes and Procedures, Public Hearing Process, Public
2 Hearing Procedures (page 29 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Clarify that for PO Deviations the PM for the Government Agencies is responsible for gathering comments from other Agencies for the proposed request. The Government Agencies is responsible to contact the DRO for scheduling the item for the public hearing.
3. Clarify that for PO Deviations the PM for the Government Agencies is responsible for writing and presenting the staff report, findings, and recommendations.

3 Section 6 Public Hearing Procedures

4 All decision making persons and bodies shall act in accordance with the time limits established in this Code,
5 unless stated otherwise. [Ord. 2018-002]

6 A. Scheduling

7 Once an application has been certified by the DRO, the DRO shall schedule a public hearing in
8 accordance with the dates established in the Annual Zoning Calendar, or such time as is mutually
9 agreed upon between the Applicant and the DRO. The scheduling of the application for public
10 hearing shall ensure the public notice requirements are satisfied. [Ord. 2018-002]

11 1. Number of Hearings

12 Both the ZC and the BCC shall hold at least one public hearing on applications that are subject
13 to the Public Hearing processes, unless otherwise stated herein. [Ord. 2018-002]

14 2. Exception for Official Zoning Map Amendment

15 The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a
16 proposed amendment to the boundaries of the Official Zoning Map for PBC initiated
17 applications consisting of ten or more contiguous acres of land. [Ord. 2018-002]

18 3. Exception for PO Deviations

19 The scheduling of the application for public hearing shall be the next available BCC Zoning
20 Hearing for which the public notice requirements are satisfied.

21 B. Staff Report and Recommendation

22 The DRO or the PBC official responsible for reviewing the application shall prepare a report for
23 each application. The DRO shall incorporate the analysis and Conditions of Approval of the
24 Agencies who are responsible for reviewing the application, and a recommendation of approval,
25 approval with conditions, or denial based on the applicable Standards. The report shall be made
26 available to the public at least five days prior to the hearing date. [Ord. 2018-002]

27 1. PO Deviations

28 The Applicant is responsible for preparing a staff report and recommendation. The report shall
29 include an analysis of the request and Standards, as described in Article 2.B.7.G Types of
30 Applications, including any proposed Conditions of Approval. The report shall be available to
31 the public at least five days prior to the hearing date.

32 C. Board Action

33 1. Action by ZC

34 The ZC shall conduct a public hearing on the application, subject to the following procedures:
35 [Ord. 2018-002]

36 a. Recommendations by the ZC

37 The ZC shall consider the application where the BCC makes a final decision, including staff
38 report, relevant support materials, public testimony and public testimony given at the
39 hearing. After close of the public hearing, the ZC shall recommend to the BCC that the
40 application be approved, approved with Conditions, modified, continued, postponed or
41 denied based upon the applicable Standards in Art. 2.B.7, Types of Applications. [Ord.
42 2008-003] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]

43 b. Final Decision by the ZC

44 The ZC shall consider the application where the ZC makes a final decision, including, staff
45 report, relevant support materials, DRO certification, public testimony, and public testimony
46 given at the hearing. After close of the public hearing, the ZC shall by not less than a
47 majority of a quorum present approve, approve with conditions, modify, postpone, or deny
48 the application. The actions shall be based upon the applicable and any Standards specific
49 to the use as required in Art. 4.B, Use Classification, thereby adopting a resolution
50 approving, approving with Conditions, or denying the proposed request. The resolution
51 shall be filed with the Zoning Division. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

52 c. Remand by the ZC

53 If at any time during the public hearing, the ZC determines that the application is based
54 upon incomplete, inaccurate information or misstatements of fact, it may remand the
55 application back to the DRO for further review and a revised staff report. [Ord. 2018-002]

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EXHIBIT H
PO DEVIATIONS
SUMMARY OF AMENDMENTS
CR-2018-026
(Updated 08/15/2018)

1 **2. Action by BCC**

2 **a. Recommendations by the ZC**

3 The BCC shall consider the application, staff report, relevant support materials, the
4 recommendation of the ZC, and the public testimony submitted before and given at the
5 hearing. **[Ord. 2018-002]**

6 **b. Final Decision by the BCC**

7 The BCC shall consider the application, staff report, relevant support materials, DRO
8 certification, the ZC recommendation, public testimony submitted before and given at the
9 hearing. After close of the public hearing, the BCC shall by not less than a majority of a
10 quorum present approve, approve with conditions, modify, postpone, or deny the
11 application. The actions shall be based upon the applicable and any Standards specific to
12 the use as required in Art. 4.B, Use Classification, thereby adopting a resolution approving,
13 approving with Conditions, or denying the proposed request. The resolution shall be filed
14 with the Clerk of the Circuit Court. For PO Deviations a Result Letter, in lieu of a resolution,
15 is prepared by the DRO, provided to the Applicant, and filed with the Zoning Division. **[Ord.**
16 **2008-003] [Ord. 2012-027] [Ord. 2017-007] [Ord. 2018-002]**

17 **c. Remand by the BCC**

18 If at any time during the public hearing, the BCC determines that the application is based
19 upon incomplete, inaccurate information or misstatements of fact, the BCC may remand
20 the application back to the ZC or DRO for further review and a revised staff report. **[Ord.**
21 **2018-002]**

22 **3. Action by the Hearing Officer**

23 At the public hearing(s), the Hearing Officer shall consider the application, all relevant support
24 materials, staff report, testimony given, and evidence introduced into the record at the public
25 hearing(s) and decide to approve, approve with conditions, deny, continue, postpone, modify
26 or withdraw the request. **[Ord. 2006-036] [Ord. 2018-002]**

27 **D. Conduct of Hearings**

28 **1. Oath or Affirmation**

29 All testimony and evidence shall be given under oath or by affirmation to the body conducting
30 the hearing. **[Ord. 2018-002]**

31 **2. Rights of All Persons**

32 Any person may appear at a public hearing and submit evidence, either individually or as a
33 representative of an organization. Anyone representing an organization shall present evidence
34 of his/her authority to speak on behalf of the organization in regard to the matter under
35 consideration. Each person who appears at a public hearing shall be identified, state an
36 address, and if appearing on behalf of an organization, state the name and mailing address of
37 the organization. **[Ord. 2018-002]**

38 **3. Procedures for Public Hearings**

39 The procedures of the hearings shall be in accordance with Art. 2.G.2, General Provisions.
40 The decision making body may adopt bylaws stipulating the manner in which the proceedings
41 will be conducted. The body conducting the hearing may exclude testimony or evidence that
42 it finds to be irrelevant, immaterial or unduly repetitious formal rules of evidence. Formal Rules
43 of evidence shall not apply but fundamental due process shall be observed. The order of the
44 proceedings shall be as follows: **[Ord. 2018-002]**

45 a. The Applicant shall present any information the Applicant deems appropriate. **[Ord. 2018-**
46 **002]**

47 b. The PBC Official responsible for reviewing the applications shall present a written or oral
48 recommendation, including any report prepared. This recommendation shall address each
49 standard required to be considered by this Code prior to rendering a decision on the
50 application. For PO Deviations, the Applicant shall present a written or oral
51 recommendation, including any report prepared, with no presentation from the PBC
52 Official. This recommendation shall address each standard required to be considered by
53 this Code prior to rendering a decision on the application. **[Ord. 2018-002]**

54 c. Public testimony shall be heard. **[Ord. 2018-002]**

55 d. The PBC official responsible for reviewing the application may respond to any statement
56 made by the Applicant or any public comment. **[Ord. 2018-002]**

57 e. The Applicant may respond to any testimony or evidence presented by the PBC staff or
58 public at the discretion of the Chair. **[Ord. 2018-002]**

59 f. The decision making body may direct questions to staff and the Applicant specific to the
60 request. **[Ord. 2018-002]**

61 g. The decision making body shall discuss the facts of the application and make a
62 recommendation. **[Ord. 2018-002]**

63 **E. Continuance or Postponement of Hearings**

64 The BCC or ZC conducting the public hearing may, on its own motion or at the request of an
65 Applicant, continue the public hearing to a fixed date, time and place. The BCC or ZC shall

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determine if an application shall be postponed when an Applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body. **[Ord. 2005-041]** **[Ord. 2006-036]** **[Ord. 2018-002]**

1. Postponement by Right

An Applicant shall be granted a postponement by right to the next regularly scheduled hearing if requested in writing five days prior to the hearing. If the postponement is requested less than five days prior to the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC. **[Ord. 2018-002]**

F. Finalization of Approved DOs

The Applicant shall submit an application to the DRO for finalization of the BCC or ZC approved DOs in accordance with the procedures in Art. 2.C.3, Finalization of BCC or ZC DOs, as applicable. **[Ord. 2018-002]**

G. Other Procedures

Other procedures, which include: Remand, Suspension of Development Review, Withdrawal and Denial of Application; are referenced in Art. 2.A.10; Violation of Condition of DO in Art. 2.A.11; Outstanding Liens or Fines in Art. 2.A.12; Misrepresentation in Art. 2.A.13; and Appeal in Art. 2.A.14. **[Ord. 2018-002]**

Part 7. ULDC Art. 2.B.7, Application Processes and Procedures, Public Hearing Processes, Types of Applications (page 40 of 105), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Create a Type of Application for PO Deviations and relocate the standards found in Articles 5 and 6 to Article 2 consistent with other applications.

Section 7 Types of Application

....

G Public Ownership (PO) Deviations

1. Purpose

A PO Deviation is to allow adjustment from certain Code requirements as it applies to land development that supports government facilities within the PO Zoning District.

2. Applicability

Requests for PO Deviation shall only be permitted as indicated in the following Table.

Table 2.B.7.G – PO Deviations

<u>Article 4.B.4.C.10.d Homeless Resource Center, Location and Separation Requirements</u>
<u>Article 5 Supplementary Standards</u>
<u>Article 6 Parking</u>
<u>Article 7 Landscaping</u>

3. Standards

*Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: **[Ord. 2007-013]** **[Ord. 2010-022]***

- a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]***
- b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; **[Ord. 2007-013]***
- c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; **[Ord. 2007-013]***
- d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]***
- e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord.2007-013]***

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f. *approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare.* [Ord. 2007-013] [Relocated from Article 5.A.3.A and Article 6.A.1.B.4]

4. Effect of Issuance of a DO

Issuance of a PO Deviations DO shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific condition of approval limits the specific use for which it was issued.

Part 8. ULDC Art. 2.G.1, Application Processes and Procedures, Decision Making Bodies, Board of County Commissioners (page 79 of 105) is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Minor update to be consistent with modifications in Article 2.A

CHAPTER G DECISION MAKING BODIES

Section 1 Board of County Commissioners

A. Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

1. to initiate, hear, consider and approve, approve with conditions, or deny applications to amend the text of the Plan;
2. to initiate, hear, consider and approve, approve with conditions, or deny applications for Site Specific amendments to the FLUA of the Plan;
3. to initiate, hear, consider and approve, or deny requests to amend the text of this Code; **[Ord. 2009-040]**
4. to initiate, hear, consider and approve, approve with conditions, or deny applications for DO to amend the Official Zoning Map of this Code; **[Ord. 2018-002]**
5. to hear, consider and approve, approve with conditions, or deny applications for DO for Class A Conditional uses; **[Ord. 2018-002]**
6. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and Workforce Housing Program (WHP) Programs; **[Ord. 2018-002]**
7. to hear, consider and approve, approve with conditions, or deny applications for DOA and EAC; **[Ord. 2018-002]**
8. to hear, consider and approve, approve with conditions, or deny applications for DO for Preliminary Plans for those specific PDDs, TDDs, or Class A Conditional Uses pursuant to Art. 2.A.6.B, Plan Requirements; **[Ord. 2018-002]**
9. to hear, consider and approve, approve with conditions, or deny applications for ABN; **[Ord. 2018-002]**
10. to hear, consider and approve, approve with conditions, or deny applications for Status Report of a prior approved DO; **[Ord. 2018-002]**
11. to review, hear, consider, and approve, approve with conditions, or deny requests for PO Deviations from: Art. 4.B.4.C.10.d, Homeless Resource Center, Location and Separation Requirements, and Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning District; **[Ord. 2018-002]**
12. to hear, consider and approve, approve with conditions or deny applications for Type 2 Waivers; **[Ord. 2018-002]**
13. to hear, consider and approve, approve with conditions, or deny application for Unique Structures; **[Ord. 2018-002]**
14. to hear and consider release of agreement; **[Ord. 2018-002]**
15. to hear and consider AI; **[Ord. 2018-002]**
16. to review, hear, consider, and approve, or deny applications for Corrective Resolutions; **[Ord. 2018-002]**
17. to establish fees for the review of applications for development orders or permits, and appropriate funds to defray the costs of administering this Code; **[Ord. 2018-002]**
18. to act to ensure compliance with Ddevelopment Oorders or permits as approved and issued; **[Ord. 2018-002]**
19. to hear and consider appeals from, and affirm or reverse decisions of the Zoning Commission on applications for development permits for Class B conditional uses; **[Ord. 2018-002]**

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- 1 20. to hear, consider and decide appeals from decisions of the DRO on applications for URAO
2 Type 1 Waivers; **[Ord. 2018-002]**
3 21. to designate and appoint hearing officers to make decisions as the BCC may deem appropriate;
4 **[Ord. 2018-002]**
5 22. to appoint other advisory boards that are determined necessary to assist in the implementation
6 of this Code or the Plan; and, **[Ord. 2018-002]**
7 23. to take such other action not delegated to the decision-making bodies set forth in this Article or
8 other officials of PBC Departments, as the BCC may deem desirable and necessary to
9 implement the provisions of the Plan and this Code; **[Ord. 2009-040] [Ord. 2018-002]**

10
11
12 **Part 9. ULDC Art. 2.G.3.L, Application Processes and Procedures, Decision Making Bodies,**
13 **Appointed Bodies, Zoning Commission (page 92-93 of 105) is hereby amended as**
14 **follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Amend to show that Zoning PO Deviations do not need a ZC recommendation.
3. Amend previous Powers and Duties, to clarify which applications the ZC makes recommendations.
4. Delete duplicative language.

15
16 **L. Zoning Commission**

17 **1. Establishment**

18 There is hereby established a Zoning Commission (ZC)

19 **2. Powers and Duties**

20 The ZC shall have the following powers and duties under the provisions of this Code.

- 21 a. to initiate, review, hear, consider, and make recommendations to the BCC to approve,
22 approve with conditions, or deny applications to amend the Official Zoning Map, Class A
23 Conditional Use, Development Order Amendment (DOA) of a prior DO approved by the
24 BCC, Type 2 Waiver, and Unique Structure; **[Ord. 2009-040]**
25 ~~b. to review, hear, consider, and make recommendations to the BCC to approve, approve~~
26 ~~with conditions, or deny applications for development orders pursuant to Art. 2.A.1.C.2,~~
27 ~~Zoning Commission Quasi-Judicial Processes;~~ **[Ord. 2009-040] [Ord. 2018-002]**
28 ~~be.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
29 development permits for Class B Conditional uses and Type Variance applications; **[Ord.**
30 **2006-036] [Ord. 2018-002]**
31 ~~cd.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
32 development orders for DOA for a prior approved DO approved by the ZC; **[Ord. 2018-**
33 **002]**
34 ~~e. to hear, consider and approve, approve with conditions, or deny applications for DO for~~
35 ~~Preliminary Plans for Class B Conditional Uses pursuant to Art. 2.A.6.B, Plan~~
36 ~~Requirements;~~ **[Ord. 2018-002]**
37 ~~df.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
38 ABN; **[Ord. 2018-002]**
39 ~~eg.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
40 Status Reports; **[Ord. 2018-002]**
41 ~~fh.~~ to review, hear, consider, and approve, approve with conditions, or deny applications for
42 Unique Structures; **[Ord. 2018-002]**
43 ~~gi.~~ to review, hear, consider, and approve, or deny applications for Corrective Resolutions;
44 **[Ord. 2018-002]**
45 ~~hj.~~ to make its special knowledge and expertise available upon request of the BCC to any
46 official, department, board, commission or agency of PBC, the State of Florida or Federal
47 government;
48 ~~ik.~~ to make studies of the resources, possibilities and needs of PBC and to report its findings
49 and recommendations, with reference thereto, from time to time, to the BCC;
50 ~~jl.~~ to recommend to the BCC additional or amended rules of procedure not inconsistent with
51 this Section to govern the ZC's proceedings; **[Ord. 2006-036]**
52 ~~km.~~ to consider and render a final decision on appeals of Green Architecture application; and
53 **[Ord. 2009-040] [Ord. 2011-016] [Ord. 2018-002]**
54 ~~ln.~~ to hear, consider and decide appeals from decisions of the DRO on applications for Type
55 1 Waivers, except URAO. **[Ord. 2011-016] [Ord. 2012-027]**

56
57

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1 **Part 10. ULDC Art. 4.B.4.10, Use Classification, Institutional, Public, and Civic Uses (page 77-78**
2 **of 204 is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Correct reference due to relocation of standards to Article 2

4 **CHAPTER B USE CLASSIFICATION**

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

6
7 **10. Homeless Resource Center**

8 **a. Definition**

9 A public or private establishment that provides multiple services for the homeless
10 population.

11 **b. Typical Services**

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

16 **c. Approval Process**

17 A Homeless Resource Center owned or operated by a governmental entity may be allowed
18 where Government Services uses are allowed by Table 4.B.4.A., Institutional, Public and
19 Civic Use Matrix, subject to Class A Conditional Use Approval; or, may be Permitted by
20 Right where Government Services uses are allowed in non-residential districts, provided
21 that prior to development, or any modification to a previously approved development,
22 program or operation, an eligible government entity complies with the following:

- 23 1) Schedule and make a presentation to the BCC at a duly noticed Public Meeting(s);
- 24 2) Prepare a report documenting compliance with Palm Beach County Facilities,
25 Development and Operations, FDO PPM-071, Public Outreach and Community
26 Involvement for Homeless Resource Centers;
- 27 3) Provide notice of intent to the Zoning Director a minimum of 30 days prior to requesting
28 placement on a BCC Public Meeting agenda, to include the aforementioned report;
- 29 4) The BCC shall make a finding that the governmental entity has complied with FDO
30 PPM-071, which may include Conditions of Approval; and,
- 31 5) A BCC finding of compliance, or compliance subject to conditions, may remain valid
32 for three years, or as otherwise provided by Condition of Approval.

33 **d. Location and Separation Requirements**

34 For the purpose of required separations, measurements shall be made from facade to
35 facade, except where the separation required is between a structure and a zoning district
36 boundary.

- 37 1) A minimum 250-foot separation shall be required from the property line of residentially
38 zoned parcels. Type 2 Variance relief, in accordance with Art. 2.B, Public Hearing
39 Processes, may be requested if this standard cannot be met.
- 40 2) A Homeless Resource Center shall not be located within a 1,200-foot radius of another
41 Homeless Resource Center.
- 42 3) Facilities owned or operated by a governmental entity and located in the PO Zoning
43 District may request a PO Deviation from Location and Separation Requirements,
44 subject to BCC approval, utilizing the standards in Art 2.B.7.GArt. 5.A.3.A, PO
45 Deviations ~~for the PO Zoning District.~~

46 **e. Facility Use**

47 A minimum of twenty-five percent of the GFA shall be reserved for accessory service
48 delivery other than temporary housing.

49 **f. Nonconformities**

50 The subsequent approval of a development order for a residential zoning district shall not
51 change the status of the HRC to a nonconforming use.

52 **g. Existing Approvals**

53 A prior approval for a government owned or operated Homeless Resource Center shall be
54 considered a legal conforming use for sites approved between October 28, 2009,
55 (Ordinance 2009-040), and March 2, 2017.

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1 **Part 10. ULDC Art. 5.A.3, Supplementary Standards, General, and Deviations (page 9 of 110 is**
 2 **hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Relocate Standards for PO Deviations from 5 to Article 2, and make reference to the new location.

4 **CHAPTER A GENERAL**

5 **Section 1 Purpose and Intent**

6 The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses,
 7 design standards, parks and recreation, performance standards, legal documents, and density bonus
 8 programs.

9 **Section 2 Definitions**

10 See Art. 1.I, DEFINITIONS & ACRONYMS

11 **Section 3 Deviations**

12 Deviation(s) from the provisions of this Article may be permitted for development supporting government
 13 facilities within the PO Zoning District, subject to Article 2 Application Process and Procedures and PPM
 14 ZO-O-063, as applicable and as amended for the following: **[Ord. 2007-013] [Ord. 2010-022]**

15 **A. PO Zoning District**

16 ~~Development supporting government facilities within the PO Zoning District, subject to an~~
 17 ~~application established by the Executive Director of PZB and approval by the BCC utilizing the~~
 18 ~~following standards:~~ **[Ord. 2007-013] [Ord. 2010-022]**

- 19 ~~1. the proposed deviation(s) maintains compatibility with the uses and character of land~~
 20 ~~surrounding and in the vicinity of the land proposed for development;~~ **[Ord. 2007-013]**
- 21 ~~2. adverse effects on adjacent uses and lands, including but not limited to visual impact, are~~
 22 ~~determined to be minimal or otherwise negligible upon review and consideration of surrounding~~
 23 ~~lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions;~~ **[Ord.**
 24 **2007-013]**
- 25 ~~3. special or unique circumstances or factors exist that are applicable to the proposed use,~~
 26 ~~structure, feature, or land proposed for development;~~ **[Ord. 2007-013]**
- 27 ~~4. the proposed deviation(s) allows for reasonable or practical use of the land proposed for~~
 28 ~~development;~~ **[Ord. 2007-013]**
- 29 ~~5. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of~~
 30 ~~the Plan and this Code; and,~~ **[Ord. 2007-013]**
- 31 ~~6. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental~~
 32 ~~to public health, safety, and general welfare.~~ **[Ord. 2007-013]**

35 **Part 11. ULDC Art. 6.A.1, Parking, Parking, General (page 3 of 40), is hereby amended as follows:**

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 6 to Article 2, and therefore can be struck out here. Cross reference to the new location added.

37 **CHAPTER A PARKING**

38 **Section 1 General**

39 **A. Purpose and Intent**

40 The purpose of this Article is to ensure the provision of off-street parking, loading, queuing, on-site
 41 circulation, driveways, and access are in proportion to the demand created by each use. By
 42 requiring such facilities, it is the intent of this Article to ensure the provision of functionally adequate,
 43 aesthetically pleasing and safe off-street parking, loading, queuing, on-site circulation, driveways
 44 and access.

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B. Applicability

The standards of this Article shall apply to all development in unincorporated PBC, or existing development that is modified to the extent that it includes uses or site design features that were not specifically shown on previously approved plans. All off-street parking areas established by this Section shall be continuously maintained in accordance with this Article.

1. New Buildings and Uses

Off-street parking and loading shall be provided for any new building constructed and for any new use established.

2. Additions, Enlargements and Changes of Occupancy

Off-street parking and loading shall be provided for any addition to or enlargement of an existing building or use, or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement, or change, not for the entire building or use.

3. Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be provided in accordance with Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements.

4. Deviations for the PO Zoning District

Deviation(s) from the provisions of this Article may be permitted for development supporting government facilities within the PO Zoning District, subject to Art. 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as amended. ~~subject to approval by the BGC utilizing the following standards:~~ **[Ord. 2007-013]**

- ~~a. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; **[Ord. 2007-013]**~~
- ~~b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; **[Ord. 2007-013]**~~
- ~~c. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; **[Ord. 2007-013]**~~
- ~~d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; **[Ord. 2007-013]**~~
- ~~e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, **[Ord. 2007-013]**~~
- ~~f. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. **[Ord. 2007-013]**~~

Part 12. ULDC Art. 7.B.1.C Landscaping, Applicability and Approval Process, Applicability (page 10 of 53), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications.
2. Standards for PO Deviations were relocated from Article 5 and 6 to Article 2. There was no previous reference to the standards, and cross reference to Article 2 has been added.

CHAPTER B APPLICABILITY AND APPROVAL PROCESS

Section 1 Applicability

The provisions of this Article shall be considered minimum standards and shall apply to all new development unless stated otherwise herein. **[Ord. 2018-002]**

A. Relation to Art. 14.C, Vegetation Preservation and Protection

Landscape requirements shall also be consistent with the standards of Art. 14.C, Vegetation Preservation and Protection, nothing in this Article shall be applied to contradict these requirements. **[Ord. 2018-002]**

B. Exemptions

The following developments are exempt from the standards and requirements of this Article:

- 1. Enlargement or repair of a single-family dwelling unit, two-unit townhouse, or two-unit multi-family structure on a single lot.
- 2. Parking areas located within an enclosed parking structure.
- 3. Bona fide agriculture uses, unless stated otherwise in Art. 4.B.6, Agricultural Uses. Where the property has a use that is classified as Agriculture, bona fide, with agricultural activities

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CR-2018-026
(Updated 08/15/2018)

- 1 or accessory agricultural uses, the property owner shall provide a six-foot high hedge along
2 the frontage of the property where it is abuts a public street R-O-W. **[Ord. 2018-002]**
- 3 4. Uses such as airports, major utilities, and stockades which have planting requirements
4 regulated by Federal or State law. Off-site planting of required landscaping may be
5 approved in areas where there is a direct public benefit, such as in schools, parks, libraries,
6 streets, and medians.
- 7 5. Projects in the Glades Area Economic Development Overlay (GAO) that have provided in-
8 lieu funds to the Glades Thoroughfare Beautification Fund.
- 9 **C. PBC Park Exception or PO Deviations**
- 10 Deviations or Exceptions from the minimum standards of this Article may be permitted as
11 follows:
- 12 1. PBC parks, as specified in Art. 5.D.2.G, Public Park Landscape Standards; and, **[Ord.**
13 **2006-004] [Ord. 2007-013] [Ord. 2018-002]**
- 14 2. Development supporting government facilities within the PO Zoning District, subject to Art.
15 2 Application Processes and Procedures and PPM ZO-O-063, as applicable and as
16 amended. ~~subject to approval by the BCC.~~ **[Ord. 2006-004] [Ord. 2007-013]**
- 17

Notes:

Underlined indicates **new** text.

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

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

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



MEMORANDUM

TO: Mr. Wesley Blackman, AICP, Chairman, and Members of the Land Development Regulation Advisory Board (LDRAB)
FROM: Maryann Kwok, Deputy Zoning Director
THRU: Jon MacGillis, ASLA, Zoning Director
DATE: August 15, 2018
RE: Bioswale Update

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

Palm Beach County Board of County Commissioners

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

County Administrator

Verdenia C. Baker

An Equal Opportunity Affirmative Action Employer

This is a follow up memo to the LDRAB with regards of an inquiry on Bioswale from one of the members, Mr. Drew Martin, at our last meeting.

Bioswale is not a new issue, but has been brought up before in 2016-2017 by the Landscape Subcommittee. Zoning Division Staff explained to the Landscape Subcommittee that bioswale is not a prohibition in the Unified Land Development Code (ULDC); however, does not recommend to impose the bioswale as a requirement in the Code based on the variety of soil condition in the County. Staff further indicated that any applicant may voluntary request to install a bioswale, to function as a drainage filtration system of the site.

The applicant's request will be subject to the approval of Land Development Division to ensure it will be effectively work as part of the site's drainage system, and if the proposed planting in the bioswale conflicts with the ULDC Landscape requirements, the applicant may apply for a Variance to demonstrate the alternative planting scheme. The review of the bioswale must be a coordinated effort between the applicant, Engineering/Zoning and Building staff.

Under the next round of amendment (Round 2019-01), Staff will review and prepare modifications to Article 7, Landscaping to address the following:

- 1) allow 100 percent overlap of bioswale in perimeter buffers; and,
2) allow reduction or elimination of landscape requirements through an administrative process.

If you should have any questions or require additional information, please contact Maryann Kwok at (561) 233-5036.

JM/mmK

C: Digital Copy:

Email Copy:
Verdenia C. Baker, County Administrator
Patrick W. Rutter, Assistant County Administrator
Ramsay Bulkeley, PZ&B Deputy Director
Wes Blackman, Chair and Members of the LDRAB
Robert Banks, Chief Land Use Assistant County Attorney
Leonard W. Berger, Chief Assistant County Attorney
Lorenzo Aghemo, Planning Director
Maryann Kwok, ASLA, AICP, LEEDS AP, Deputy Director, Zoning
Wendy Hernandez, Zoning Manager
William Cross, AICP, Principal Site Planner
Jan Rodriguez, Senior Site Planner, Zoning
Zoning Division Staff

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August 15, 2018

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

RE: Workforce Housing Update

Dear Mr. Blackman & Board Members:

This is a follow-up memo to the LDRAB, regarding the status of the County's Workforce Housing Program (WHP). As you may know, an effort is underway to evaluate and enhance the County's WHP. Based on prior direction of the Board of County Commissioners, the following have been scheduled:

1) August 23, 2018 – BCC Zoning

Presentation of Housing Summit Regional Subcommittees' reports and Steering Committee recommendations on proposed changes to the County's Workforce Housing Program.

Following the Housing Summit held in May of 2017, the Summit Steering Committee established four Regional Subcommittees to work collaboratively with municipalities to develop tailored Regional Housing Plans responsive to local conditions. In addition, the Board requested that the Subcommittees also review proposed changes to the County's WHP. The subcommittees have completed these tasks and will present their recommendations to the Board. In addition, the Steering Committee will present their recommendations on County staff's proposed changes to the WHP.

2) September 25, 2018 – BCC Workshop

Workforce Housing Program Policy Discussion and Direction

Proposed changes to the County's WHP have undergone economic analysis, and review by stakeholders including residential builders, housing non-profit organizations and other interested parties. Staff has made further modifications to the original recommendations in an effort to find more common ground, but there are still several threshold issues where agreement has not been reached. These were presented to the Board in March 2018 for discussion and direction, at which time the Board requested additional input be provided (*see August 23 item above*). At this September workshop, staff will present the identified threshold policy issues to the Board for discussion and direction in order to proceed with code revisions to the WHP. The agenda item for the Board's March 27, 2018 workshop on these threshold policy issues can be viewed here: <http://www.pbcgov.com/countycommissioners/Agenda Master/20180327.pdf>



Should you have any questions or need additional information, please contact Maria Bello, Principal Planner at 561-233-5314, or email at mbello@pbcgov.org.

Sincerely,

A handwritten signature in blue ink, which appears to read "Lorenzo Aghemo".

Lorenzo Aghemo
Planning Director

- c: Patrick Rutter, Assistant County Administrator
Ramsay Bulkeley Deputy Executive Director, PZB
Leonard W. Berger, Chief Assistant County Attorney
Robert P. Banks, Chief Land Use County Attorney
Lorenzo Aghemo, Planning Director
Maryann Kwok, Deputy Zoning Director
Wendy Hernández, Zoning Manager
Jan Rodriguez, Senior Site Planner, Zoning
Bryan Davis, Principal Planner, Planning
Scott Rodriguez, Senior Planner, Planning